for them and for the multitude of other distressed of the world, we are not solving the problem nor exercising our Judaic-Christian principles.

I join with you in the struggle to improve the lot of all distressed behind the Iron Curtain. In addition, I support the Jackson amendment currently before the Congress which would deny a "most favorite nation" status and preferred trade agreements to countries which do not allow free emigration and I urge all our fellow organizations and constituencies to do the same.

For this purpose I write this brief note. Toward this goal, I will channel my efforts. Together we can do a great deal in leading the way. Together I am confident, we will do a great deal in leading the way.

JOHN E. McCARTHY,
Director, Migration and Refugee Services, United States Catholic Conference.

MORE BAD NEWS FOR THE UNHEALTHY

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, this is getting to be something of an annual event—unfortunately. Deductibles for medicare seem to have nowhere to go but up any more. On the 10th of October, I was informed by HEW that the Secretary had determined that a patient's deductible, currently the first $68 of his hospital bills, is going to go up $4 to $72 starting January 1 under part A of the medicare hospital insurance program. As a matter of fact, were it not for a ruling of the Price Commission the increase would have been $8.

I find this to be a most disturbing situation indeed. For 2 years in a row now, senior citizens depending upon medicare programs for hospitalization have been faced with increases. Last year's increase was $8. Apparently, this year's was going to be the same. Sixteen dollars. Talk about inflation, this is the best evidence I know that present policies to control costs are totally failing in one key sector and that is health care delivery. We, in effect, are witnessing a 20 percent increase in the deductible in the space of a year over where it stood in December of 1971.

As I said last year—

The Federal Government should be giving a lead, setting an example for the rest of the economy. I think this is a poor example, indeed.

Again, to anyone living on social security benefits, watching their pennies and fearing hospitalization above all else, this percentage increase is a real burden—more than a matter of a few dollars and cents—the way it might be viewed by a younger person enjoying a full earning capacity. A real concern to me is that this higher deductible—as well as increases in amounts a beneficiary will have to pay for his 61st to 90th days of a hospital stay, plus any "lifetime reserve" days used and days covered in an extended care facility—are certain to touch off another round of increases sometime next year in Blue Cross-Blue Shield Medex plans, supplementing medicare insurance.

The Medex plans issued by Blue Cross-Blue Shield pick up the deductible the medicare patient has to pay; also the coinsurance, now $17 per day, for each day used between the 61st and 90th days.

The new coinsurance payment will be $18 per day starting in January.

If a medicare beneficiary exhausts all his hospital days in a single benefit period and draws upon his 60 lifetime reserve days, he will have to pay $36 per day for each day used, instead of the present $34 per day.

If the point I am making has not already been appreciated, consider this additional statistical information. Back in July of 1966 when medicare began just 6 years ago, the patient had to pay the first $40 of his hospital bill. Subsequent increases to $42, then $50, then $60 and as of last January to $68 means that we have witnessed inflation in excess of 75 percent in just a 6-year period. Is it any wonder that our elderly find it impossible to keep up with rising costs when every increase in their benefits seems to be matched by increases in the costs of medical attention and the rest of the basic needs of life. Reforming social security benefits is not enough. I hope that Congress will make reform of health insurance programs its major consideration for this next Congress.

HON. ALTON LENNON

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. CLARK. Mr. Speaker, those of us who had had the privilege of working closely with ALTON LENNON in the House will feel a loss that cannot easily be filled. I have long esteemed him for his loyal service and his clear judgment. We have worked together in the Merchant Marine Committee over the years and I have come to regard him not only as a respected colleague, but as a close and dear friend. May his retirement from the House be only another step toward fulfilling his goals in life and may his backward glances to his work here bring him deep and lasting satisfaction.

HON. CHARLES JONAS

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. MINSHALL. Mr. Speaker, we always regret having to say good-by to colleagues we hold in high esteem and admiration, and particularly so in the case of our good friend, the very distinguished gentleman from North Carolina, the Honorable CHARLES RAPER JONAS.

CHARLIE JONAS has done a magnificent job not only in representing the citizens of the Ninth Congressional District, but in turning in an always excellent record of service to the great Appropriations Committee on which we both serve and to our Nation. Congress will be the poorer for his departure, but all of us who have been privileged to know him as a friend and to serve closely with him wish him an abundance of happiness, health and prosperity in his retirement from Capitol Hill.

Our good friend's retirement means a dual loss to Mrs. Minshall and to me, for we will also miss Charlie's lovely and gracious wife, Annie Elliott, whose friendship is a treasure to us both.

SENATE—*Friday, October 13, 1972*

The Senate met at 8 a.m. and was called to order by Hon. CHARLES McC. MATHIAS, JR., a Senator from the State of Maryland.

PRAYER

The Reverend Donald Craig Kerr, Th. D., pastor, Roland Park Presbyterian Church, Baltimore, Md., offered the following prayer:

Lord God, keeper of our life's destiny and guardian of our Nation's fortune, we lift our voices in praise of that unfolding truth which may put us in touch with those principles and values that will unite mankind in a brotherhood of peace, justice, and reverence.

Under obedience to that divine spirit which guides our thoughts and inspires our decisions, we pray for the Senate of this land that it may awaken the consciences of our people to a vision of promise and new adventure for our country. Lord God, whose watchful vigilance over our Nation's progress has rewarded us with benefits and blessings, deliver us from the sins of fear and suspicion; so that in thankful loyalty we may put our trust in the future and have the courage to be led by the wisdom of the prophets and the example of Jesus Christ. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 13, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. CHARLES McC. MATHIAS, JR., a Senator from the State

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of Maryland, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 12, 1972, be dispensed with.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 1198) to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 16987) to amend the act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 710. Concurrent resolution extending the greeting and felicitations of Congress to the American Public Health Association on the occasion of the one hundredth anniversary of its founding; and

H. Con. Res. 721. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 3507.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Wyoming (Mr. HANSEN) is now recognized for not to exceed 15 minutes.

SENATOR LEN B. JORDAN

Mr. HANSEN. Mr. President, a great Member of this distinguished body announced his decision this year to retire from the Senate. LEN JORDAN—his warm friendship, his keen intelligence, his sound judgment, his dependability—will be missed sorely.

This distinguished statesman, a former Governor of his State, is beloved by Idahoans. He has a working knowledge of government second to very few, if any; having served in the Idaho Legislature prior to being elected Governor, as a member of the International Joint Commission, and as a member of the International Development Advisory Board.

LEN JORDAN was a warrior, enlisting in the Army of the United States during World War I. He subsequently earned honors as a Phi Beta Kappa at the University of Oregon. And LEN JORDAN is a religious man, as we know from hearing his thoughts presented on many occasions to the Senate Prayer Breakfast. He is a trustee of the Boise Methodist Church and he is a Mason.

It has been my great privilege and honor to serve with LEN on both the Interior, and Finance Committees. His wise counsel has been sought often by many Senators. It has always been modestly presented, but freely given. And I have placed a high value upon it.

In addition to our Senate association, our District of Columbia association and the natural affiliation we have had because Wyoming and Idaho share a border, LEN JORDAN and I share another common ground. Both of us are men of agriculture—farmers and ranchers.

I was fortunate enough this morning to be reading a newspaper over breakfast: the Hood River, Oreg., News, of August 25, 1939.

At that time of publication, LEN JORDAN was a farmer on the Snake River in the area of Enterprise, Oreg. His great ingenuity, that we have come to know so well here, was quite in evidence in 1939, according to this newspaper article. It was headlined: "Probably Is Not Interested in P–U–D," and read as follows:

> Without doubt the sweepstakes award for unique, ingenious homemade electrical plant in Pacific Northwest should go to Leonard Jordan, farmer living on the Snake River some distance from Enterprise. Jordan's plant consists of an old automobile generator turned by a water driven wheel. This is an old Ford car wheel rimmed with "sheep bells" into which a small stream of piped water is directed. The water is diverted from an irrigation ditch. Storage batteries store up reserve energy. The current is said to be sufficient to provide lights, also run a washing machine, grindstone and similar small devices.

In more recent years, many more newspapers have published articles about our distinguished colleague from Idaho. The Idaho Statesman, a newspaper appropriately named to print articles about Mr. JORDAN, editorialized December 18, 1970, in a speculatory piece about the Senator's political plans for the 1972 elections. The editorial reflected the intelligence that is a solid trait among Idahoans by stating:

> Our own favorite for Senator Jordan's Senate seat is Senator Jordan. He has been doing a fine job, and there is no evidence that he is slowing down.

All of us here share the newspaper's choice of favorite for the LEN JORDAN Senate seat. The newspaper continued with some further pertinent and sensible remarks with which I fully agree.

> Whether he runs again or not is up to the Senator. After these many years of service to Idaho he is entitled to retire from political life, if that is his desire. But if he should wish to run again, he will have plenty of support.

The Idaho Statesman continued to point out that LEN JORDAN "works for his State and his constituents. He does his own thinking and reaches his own decisions."

The editorial concluded with this:

> If he chooses to run he can expect to be re-elected easily. It would be understandable if he decides not to. But we know of no one who could serve the State better in the Senate.

We know of none who could serve the Nation better or more faithfully than has our comrade from Idaho. He has had a varied career, profiting from wide experience that seasoned him well for his assignments in the Senate. The Senator has worked as a laborer, a cowbody, an accountant, a woolgrower, a cattleman, a farmer, and a businessman, in addition to his public service.

His charming wife, Grace, has been and is the perfect complement to a man who has devoted more than 20 years to public service. She has her own newspaper column and is an author as well.

They have two sons and one daughter, and a number of grandchildren. I know they look forward to many happy years enjoying these grandchildren.

All of us, and perhaps all of America, recall the incident in 1969, when LEN JORDAN made national headlines—the hard way. He was attacked by a holdup man in the elevator of his apartment building. The assailant struck him with a blackjack after the Senator from Idaho knocked him down with a stiff right to the jaw. The Senator grabbed the robber, apparently with the intent of making a citizen's arrest, but the unidentified man made his getaway.

From that incident, and the accompanying publicity, those who did not know it before, learned quickly that our reliable, self-sufficient colleague is a good man to be with when the going gets rough.

We are saddened by his impending retirement from the Senate.

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

Mr. HANSEN. I am happy to yield to the distinguished majority leader.

The PRESIDING OFFICER (Mr. BURDICK). The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I want to join in the commendation of our voluntarily departing colleague, Senator LEN JORDAN of Idaho. Just as the Senator from Wyoming is a neighbor, so am I. And just as he had a chance to size up LEN JORDAN down through the years, so have I. To me, LEN JORDAN has been a true representative from our part of the country. At the same time, he has been a true national representative of the people of the Nation in this body.

LEN JORDAN had an outstanding record as Governor of the State of Idaho. He was Chairman of the Boundary Commission which looks after the border between this country and Canada. He was most helpful to me personally in seeing to it that Libby Dam on the Kootenai River in northwestern Montana became a reality. And he was broadminded enough to recognize that this was not just a local proposition but that it had implications from the broader viewpoint of being helpful to northern Idaho, as well, and that it would be beneficial to all of the northwestern States in the Bonneville region.

LEN JORDAN has performed outstandingly well as a Senator. The thing that I have admired about LEN JORDAN is that he is a man of independent judgment. He

makes up his own mind, and he calls them as he sees them.

It will be with deep personal regret that I will mark the passing from this body of LEN JORDAN, because his shoes will be hard to fill. His contributions have been many. And his monument will be what he has done for the people of his State and of the Nation.

So at this time I wish to extend my affection, my admiration, and my respect to LEN and Grace Jordan for the many fine contributons they have made to our part of the country and the Nation during the many years of public service that it has been his privilege to undertake to serve his people and our Nation.

A good man will be gone from us, and we will all miss him.

Mr. HANSEN. Mr. President, I thank the distinguished majority leader. We all appreciate that the Senator from Montana is a man of few words. I took particular note of what he was saying, and I agree thoroughly with his expressions, which I know came directly from the heart.

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

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

The PRESIDING OFFICER (Mr. BURDICK). The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, one of the great privileges of service in the U.S. Senate is the association with some of the remarkable men and women who serve here.

I cannot think of anyone whom I ever felt more privileged to know and to work with than Senator JORDAN. It has been an educational experience to watch his performance in the Senate and his performance as a man. He brings to Washington a little of that spirit of the West, as we all think of it.

As the distinguished majority leader has said, he is independent in his judgment and is not confined to any dogma or doctrine. He assesses a situation and makes up his own mind. I cannot think of a more typical experience that illustrates the fact that the American initiative is still alive than the way he handled his own personal law and order problem when he was attacked in an elevator and asked for his wallet. He was not going to give it up. He undertook to provide a little order on his own.

I think he is one of those calm influences in our body. It has been a tremendous privilege to know him. I appreciate the fact that the Senator from Wyoming has taken time to see that tributes are paid to Senator JORDAN. I thank him for it.

Mr. HANSEN. Mr. President, I thank the distinguished Senator from Maryland. I appreciate what he has said.

The PRESIDING OFFICER. Under the previous order, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is recognized for not to exceed 15 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I join this morning with the distinguished majority leader, the distinguished Senator from Wyoming, and the distinguished Senator from Maryland in paying tribute to the Senator from Idaho (Mr. JORDAN), who is voluntarily retiring from the Senate.

Senator JORDAN came to the Senate after a distinguished career as Governor of his great State. He had an outstanding administration as Governor of Idaho, after serving in the Idaho Legislature. In the Senate he has been a tower of strength. I am particularly appreciative of having had the opportunity to serve with him during the past 4 years as a member of the Committee on Finance.

I found his judgment and his reasoning to be sound. I have followed his recommendations and leadership on many occasions.

I believe that LEN JORDAN is a Member who has made many contributions to the Senate and to his Nation as a Senator from Idaho.

I regret that he decided voluntarily to retire from the Senate. He will be greatly missed. He is the type of man that the Senate needs. He is a man of independence, as the majority leader has indicated. He is a man of solid judgment.

I salute Senator LEN JORDAN on this, one of his final days in the U.S. Senate.

POLITICAL CAMPAIGN CONTRIBUTIONS

Mr. HARRY F. BYRD, JR. Mr. President, it seems to me that Congress should take steps to place some sort of ceiling on political campaign contributions, and perhaps a tighter ceiling on campaign spending. Whether it can be done at this session, I am not sure, but most certainly something needs to be done, as I see it, to control the huge amounts of political contributions which are being made at the present time, not only for presidential elections, but also in elections to the Senate and House of Representatives.

As it is now, there is a ceiling of $3,000 which an individual may contribute, but that applies to any one particular political committee.

As we all know, there is a multiplicity of committees. Some committees are established one week, receive contributions, and then are disbanded a week or so later. I think the time has come to plug this loophole and place a definite ceiling on the total amount of funds that any one individual can contribute to any one political candidate.

I am not sure what that figure should be. The Senator from Kentucky (Mr. COOPER), and the senior Senator from Virginia, have been working in an effort to bring to the Senate an amendment to the pending piece of legislation. We want any proposal we might make to be reasonable, but the main thing, as I see it, is to set some sort of firm ceiling, because we know from official reports made as a result of the recent campaign financing law that many contributors are providing vast sums of money to a multiplicity of political campaigns.

I hope the Senate will tackle this problem. It is possible that the bill dealing with campaign expenditures, now on the Calendar, could be the vehicle. If that bill is called up, it would be an ideal piece of legislation on which to place an amendment putting a firm ceiling on the amount of contributions an individual would be allowed to contribute to a political campaign.

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

Mr. HARRY F. BYRD, JR. I yield.

Mr. MANSFIELD. At present it is not the intention of the leadership to call up that bill because it is open to a lot of questions; and if by any chance it is brought up, there would be an amendment, in addition to the proposal of the Senator, calling for full disclosure on the part of all Members of the Senate, the executive branch, and the judicial branch, where earnings are $18,000 a year or more.

Mr. HARRY F. BYRD, JR. I thank the Senator from Montana for the information he has given the Senate.

In the sense that I am opposed to the pending legislation, I am glad it will not be called up; but in the sense that I favor a ceiling on campaign expenditures, I would just as soon see it called up, because then we would be able to see certain amendments on campaign expenditures called up.

This is not a partisan issue. Huge contributions are being made to both political parties, both in the presidential campaign and in Senate and House races. So it is not a question of partisanship in any way. I think the time has come when a total, firm ceiling should be placed on campaign contributions.

Mr. President, I suggest the absence of a quorum, with the time taken from my time.

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.

SENATOR LEN B. JORDAN

Mr. STENNIS. Mr. President, along with every other Senator, I am sure we are filled with regret that our colleague from Idaho, Senator LEN JORDAN, is not going to be with us as a Member of this body next year. At the same time, we respect his decision not to offer himself for reelection, and this does give us a chance to evaluate briefly and to comment on some of the fine qualities of this outstanding Member of our body for the last 12 years.

Mr. President, I think that I have not found any Senator who has approached his duties and responsibilities with any more serious intent and more consciousness of obligation to one's constituents and also to the security and welfare of our Nation. I have approached him many times for advice and counsel; I have heard him speak here in other consultations, and that seems always to have been the thing most in his mind.

I am not here just to praise; he needs no praise. But I do express appreciation for the character he has shown, his unvarying honor, and his high integrity, which seems to me is the foundation of anyone that undertakes to carry the re-

sponsibility that goes with membership in this Chamber. At the same time he had a very practical approach to the problems of our Nation, to his area, and to his State. He did not operate under illusions of any kind of fancy as to what should be done in order to always carry out the idealistic, knowing that it cannot always be done in the degree one might wish in the evolution and change of principles in government. I think that is another essential of a sound and practical legislator. He had that quality in great abundance. We will miss that quality.

I first knew Senator JORDAN when he was Governor of his home State, and I was impressed then. I was more or less a new Senator. I was on a visit there with the Public Works Committee concerning his State, and I was impressed with the same dedication and devotion that he has shown here and his practical approach to problems and an unusually fine understanding of the problems of his people, their economy, and all the related problems that go with life in this time. I emphasize that that practical approach is necessary, and he showed it in a remarkable way.

If I may mention another way that I know him, it is in knowing his wonderful wife, whom I call "Miss Grace," who wrote a book—I believe she wrote more than one book, but I read one—which was the story of their life during the depression years out in the rugged, rugged part of the West. Living there under the pressures of the economy, the breaking up of the economy, to a degree, under the pressures of living in almost total isolation, and rearing their children and schooling their children, the hardships they all underwent and faced there voluntarily, and survived, is a fine monument to them. Moreover, it is a story of the great America that we must keep. We must find a way to keep those qualities—keep them in public life, keep them in the minds and hearts of the people.

The personal courage shown by them, their willingness to undergo sacrifice, living on principles, even though the economy was failing, and giving unfaltering inspiration to the few people who came their way to an isolated ranch, was another thing that impressed me. This fine couple, who have gone down life half way, hand in hand, furnish such a wonderful example of America at its best, with personal sacrifice and dedication at its best, at the same time entering into the spirit of public service in what I call just about the ideal way.

We have been strengthened by their presence here. Even as they move on now, a great part of that influence will remain. The light that they lighted here will continue to shine, always lighting the way for the truly great things that America is founded on and without which we cannot survive.

So I join with all in wishing them good voyage and many more years of usefulness. I think one of the personal rewards we get from service here is the fellowship and friendship and the knowing of numbers and numbers of truly fine characters. Certainly, they have been a reward to me, and I wish them Godspeed, without saying "Goodby," but saying "So long." We want them around, even though they will no longer be Members of this body.

Mr. President, I yield back such time as I have remaining.

Mr. TALMADGE. Mr. President, who controls the time?

The PRESIDING OFFICER. The Senator from Mississippi has 7 minutes remaining.

The Senator from Georgia is recognized.

Mr. TALMADGE. Mr. President, will the Senator yield me 3 or 4 minutes?

Mr. STENNIS. Mr. President, I am glad to yield whatever remaining time I have to the Senator from Georgia.

Mr. TALMADGE. Mr. President, it is a distinct pleasure and privilege to join my colleagues in paying tribute to our warm friend, Senator LEN JORDAN of Idaho.

I will miss Senator JORDAN, and I regret his decision to retire, and I am sure that every Member of the U.S. Senate will miss his departure.

I am very proud of our friendship and association over the 10 years that he has served the State of Idaho in the Senate.

Our friendship really began when he was Governor of the State of Idaho and I was Governor of the State of Georgia. We met at our national governors' conferences at that time, and I was impressed then with his character, his ability, his devotion to duty, and his integrity.

LEN JORDAN is an extremely thoughtful and considerate Senator, hard working and diligent in carrying out his responsibilities. He is one of this body's most independent thinkers. A man of unwavering principle, LEN JORDAN acts with courage, always in accordance with what he believes to be in the best interests of his State and Nation.

I serve with Senator JORDAN on the Committee on Finance, and I know of no other member who attends more regularly, or who is more attentive to the testimony and complex issues that come before the committee.

Since coming to the Senate, Senator JORDAN has faithfully attended to his duties. He has never forsaken the trust given him by the people of Idaho, and he is to be commended for a job extremely well done.

I wish Senator JORDAN happiness in his retirement and every success in all that he undertakes in the future.

Mr. President, acting in behalf of the distinguished Senator from Mississippi, I yield the remainder of my time to the distinguished senior Senator from North Dakota (Mr. YOUNG), and then I shall take the floor in my own right.

Mr. YOUNG. Mr. President, with the sine die adjournment of this session of Congress, another truly fine person and able legislator will be leaving us—Senator LEN B. JORDAN.

The U.S. Senate and this Nation will be losing an able, down-to-earth legislator with good, sound judgment. Our friend LEN JORDAN not only has a distinguished record, but in many respects it is unique.

In his college days, Senator JORDAN was not only a top student, but a great athlete. He was only a young man when the great depression of the 1930's hit this country. Determined to make a living on his own, he went deeply in debt to take over a sheep ranching operation in the Snake River country of Idaho. This was a lonely and difficult life for both LEN and his good wife Grace. It was the kind of life that tempers a man's character and it left a deep imprint on his life and thinking in the years of public service that followed. His governorship of his beloved State of Idaho and his 10 years in the Senate were characterized by these experiences. The people of Idaho always recognized him as being an honest, decent person with an unusual sense of good judgment. Every Member of the Senate shares their thoughts.

LEN JORDAN is very independent in his thinking. His votes and actions in the Senate were always in accord with what he thought was right—whether it was popular or unpopular.

While I feel badly that LEN JORDAN and his wonderful wife, Grace, will be leaving us, I can understand and appreciate their reasons for doing so. We all wish them many years of good health and happiness, and express the hope that they may find further fulfillment in their retirement from public life, enjoying some of the things that were denied them in a long and busy political life.

Mr. HANSEN. Mr. President, will the Senator yield, if he has time?

Mr. YOUNG. I yield.

Mr. HANSEN. Mr. President, I must say that the distinguished senior Senator from North Dakota has touched upon an area of our lives that I think is extremely important. Anyone who knows the rugged Hell's Canyon country of Idaho would agree with me that a man and his wife who would go down into that area of the country, remote and far away from neighbors, from institutions, and from all of the things that so many of us increasingly depend upon in this day and age, must have something special about them, and that certainly is eminently true of LEN JORDAN. It reflects a kind of independence of spirit, a willingness to assume full responsibility for one's welfare and for the welfare of his family, that a person would undertake that very challenging assignment that LEN and Grace so willingly undertook a number of years ago.

I, too, share the sentiments of those who have said that we hope that these qualities, these virtues, these great strengths of character in Americans may not be lost, but that, by his example, others of us and generations to come may take heart and find inspiration in the life of these great people to go out and epitomize the great American spirit.

I thank my distinguished colleague from North Dakota for having called attention to this character trait, which is certainly a hallmark of Senator JORDAN.

Mr. MOSS. Mr. President, my neighbor and dear friend, LEN JORDAN will be leaving the Senate at the end of this session, and we will feel the loss of his presence, his wisdom, his friendliness, and his effective work in this body. But surely all of us wish to LEN and his wife,

Grace, long continued years of happiness. We know they will be rendering help and service to their fellow men, as they have done all of their lives, wherever they live.

LEN JORDAN was Governor of the State of Idaho, a neighboring State to mine, and from that time forward I have known him and know of him. I am always proud to relate, of course, that LEN JORDAN was born in the State of Utah, and so is a native son of the State that I represent in this body, but it was our loss that, as a young person, his parents took him to Oregon, where he grew to manhood, and then he moved to Idaho where he has had his residence since that time.

It has been 10 years since LEN JORDAN came to the Senate. I have come to know him much better and have worked more closely with him here. We have served together on the Committee on Interior and Insular Affairs. He is the ranking Republican member of the subcommittee of which I am chairman, the Minerals, Materials, and Fuels Subcommittee, and in that respect I have had the most close and intimate association with him, as well as through our serving on many other subcommittees of that parent committee.

From that association, I have learned to admire and depend upon LEN JORDAN as much as any other Senator in this body. He is quiet, thoughtful, effective, wise, and always deeply warm and understanding of problems. I consider him a close personal friend.

Phyllis and I treasure the friendship of LEN and Grace, a couple who have been together for a lifetime and have indeed formed a partnership that is indissoluble. Like LEN, Grace is a great person. She, too, is wise and thoughtful, with a keen, brilliant mind, but a warm, friendly character, and the two make as ideal a couple as I can think of, as we have associated with them. We treasure that friendship and look forward to its continuation for a long time.

If I were asked to point out the people who I think represent the ideal qualities that I would look for in a mature and important couple in this land, I would point to the Jordans. They epitomize goodness, wisdom, and patriotism in its highest sense.

It is traditional, of course, in this body to say a word or two about those of our Members who are leaving service here; but I know of no time when I have been moved to do it with greater emotion and greater feeling than I have for my dear friend, LEN JORDAN, and I wish him many long and happy days.

Mr. HANSEN. Mr. President, let me say a word not to the distinguished Senator from Idaho but, rather, to the Senate.

I think I speak for all of us when I say that the kind of example he has set, his dedication to the duties that are before us constantly, his commitment to this country, his faithfulness to the American idea of life, all together epitomize what each of us would like to believe the Senate means. I quite agree with the distinguished Senator from Idaho that this spirit, this ideal of service, is something that, indeed, makes this a very special place; and it is men like LEN JORDAN who make us have real reason to regard it as we do.

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

Mr. HANSEN. I yield.

Mr. MANSFIELD. Mr. President, we all know about the old saying that a man is sometimes without honor or recognition in his own country. But I think that the ultimate that can be said about LEN JORDAN—I have had my say already—is that in the Chamber at the present time he is surrounded by Rocky Mountain neighbors who live close to him, who have great respect and admiration for him, and who are well aware of the sterling qualities which have made him the outstanding man, the outstanding Governor, the outstanding Senator he has been and is.

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

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

Mr. FANNIN. I yield.

Mr. BENNETT. Mr. President, I am glad the majority leader said what he did; because, as I look around the Chamber, all of us here are from the intermountain, west of the area that lies between the Pacific mountains and the Rockies.

Four of us have very interesting and, to me, a very treasured relationship. We serve together on the Committee on Finance. We represent many common interests and common points of view. We do not always agree, as I think may be demonstrated this afternoon in debate. But that is of insignificance in the face of the common heritage we share.

I am proud of the fact that LEN JORDAN was born in the State of Utah. I am sure that many of the sterling qualities he has exemplified in his work, as Governor of the State of Idaho and as a Senator representing that State in this body, have their roots in the heritage that I share with him in that respect.

His has been a very interesting and a very challenging kind of life. When I think of the Jordans I think of the title of his wife's book, "Life Below Hell's Canyon," and the realization that during the 10 depression years that he and his wife with their three children struggled to make a living out of the kind of life and the kind of environment that he has described a minute ago—think how well they have succeeded and what a great impression and a great strength that experience has given him in his service here in the Senate.

Of the four of us in the Chamber at this moment, three have been Governors. I am the only one who has not. I think that the experience as Governor has made their service particularly significant, because they can give us the benefit of the shared experience of the legislative as well as the administrative side.

Senator JORDAN has a great personal strength which has deep spiritual roots. Those of us who have worked with him realize that his decisions are not lightly taken. They are not politically taken. As I have observed him over the years, they represent the expression of great faith in the basic principles on which our country was founded and which, I think, must continue to be strong if we are to carry it through.

Those of us who remain behind will miss his association, his sound advice, and his strong support. We are all better off because we have had the privilege of working with him. We hope that, with his help, the man who replaces him in the Senate will have this same strong flavor of the pioneer experiences that are still felt in the intermountain country which has been settled within the past 15 years. We still face some of the same problems that our grandparents faced in that area.

It has been a great privilege to have known LEN and to have worked with him. It has been a privilege for Mrs. Bennett and for me to have had the privilege of being close to the Jordans as a married couple.

I want to tell him and the rest of the Senate how much we appreciate it and how much we feel indebted for the heritage he leaves with us who will go on and serve a little while longer in this body.

If, at the end of my service, I can feel the friendship and appreciation that I know LEN feels today, which comes to him from all his colleagues, particularly from the four of us who share the common intermountain heritage, then I, too, will be very happy.

Mr. President, it is always a sad thing to say goodby to Members of this body. We come and we go. But I think no one retires from this body leaving a greater void than is the case when Senator JORDAN moves on to what we all hope will be many years of happy accomplishment.

Mr. FANNIN. Mr. President, I am very proud to join today in paying tribute to my dear friend and colleague from Idaho, Senator LEN JORDAN. He is a humble man, a man of great accomplishment and of great ability.

It has been my good fortune to serve with him on the Finance Committee, on the Interior and Insular Affairs Committee, and also on the Public Land Law Review Commission. So that I have been privileged to work closely with him over the years, and I am deeply grateful for his help and his wise counsel. His contributions have been outstanding.

Before coming to Washington, Senator JORDAN was a rancher and a businessman, a member of the Idaho State Legislature and Governor of his beautiful State. He also was a member of the International Joint Commission and the International Development Advisory Board. He made an excellent record in this service.

From his youthful days at the University of Oregon where he was Phi Beta Kappa and on through his many, many years of public life, Senator JORDAN has always performed his duty of good citizenship with vigor, full devotion, and integrity.

His vast experience as a rancher and as a member of these many commissions certainly prepared him to carry on those most responsible and honored positions.

Senator JORDAN with his knowledge of ranching and mining, and his deep re-

spect for the natural beauty of the Rocky Mountain States, has made great contributions to conservation and protection of the environment while at the same time limiting unnecessary detrimental effects on the economy.

This has been his goal, to do what is right. He has performed well.

The people of Idaho and this Nation owe Grace and LEN JORDAN their thanks for their work over the years.

LEN has lived the life of a rancher. He knew hard times and what hard work was all about, having lived in isolated Hells Canyon. Grace and LEN enjoyed the tough assignment of overcoming obstacles to which those of lesser hearts would have surrendered.

His spiritual ideals were of great value to him during those years, but LEN always carried his load, and more. His hard-hitting tactics demonstrated in his university football career continued for he is still an agile athlete, always able to meet and carry on the tasks of the day.

LEN JORDAN'S steady hand and fiscal good sense have been invaluable on the Finance Committee. He has worked diligently to promote equity in taxation and fiscal responsibility in Government.

LEN knows what it is to pay taxes. He knows what it is to have a payroll. He knows what it is to make decisions and he makes them well. He comes to his meetings prepared. He does his homework. I am very proud of the contributions he has made on committees. I am very much pleased that I have had the opportunity to observe his work.

It is fitting that I note the Senator and his wife, Grace, make an extraordinary team. She also was a college Phi Beta Kappa and is a fine journalist. She continues her career writing for newspapers. It was mentioned that she is writing a book about Congress but not even LEN has been allowed to see the manuscript, as I understand it.

Some may equal but few will excel the services of LEN and Grace Jordan.

In working with LEN, one gets to know him and what he stands for; the real LEN JORDAN, a man who is proud of his heritage. We have talked about that today and I have enjoyed listening.

I have had the privilege at the prayer breakfasts and have had him describe some of his home life, his parents, the responsibility he had as a youngster, and how his parents gave him guidance and counseling throughout the years. This early developed this great man to what he is today and made it possible for his many accomplishments.

So we are very proud of what LEN has done. But I think that when we describe him, we must describe him as a man of great integrity, loyalty, honor and dignity. For more than a decade he has served in the Senate. Those of us who have enjoyed his company and valued his advice will miss him very much.

All of us have enjoyed his company, but some of us have had an opportunity to perhaps enjoy it more. I have served on the same committees he has served on. This, as I said, is a double privilege.

We will miss LEN, but we know we will still have him, as far as giving us counsel on the work that needs to be done.

LEN is not retiring; LEN is not the retiring type; LEN has worked all his lifetime and worked hard. I know he will continue to do that, because of his love for his State and for his Nation.

So in saying goodbye, it is really not that at all, or even farewell. We are just saying, "LEN, we have enjoyed you greatly. We are going to continue that relationship and friendship."

We just hope that LEN and Grace Jordan have an opportunity to get a little relaxation. LEN is leaving the Senate shortly, and yet no one in this Senate has devoted more time and more energy in these last few weeks than LEN. This is typical of LEN JORDAN.

So I certainly say that Elma and I wish Grace and LEN the very greatest of success in their retirement.

Mr. President, when we talk about someone that is leaving the Senate, we do so with regret, naturally, because we know it is a loss.

Some may equal, but none will excel more than he. LEN JORDAN contributes of his time and energy every hour of the day. We will have a great void to fill, and we look forward to his counsel in the future.

It is a pleasure to have the opportunity to pay tribute to LEN and to Grace. I hope that we do have an opportunity to visit with them regularly.

Mr. ROBERT C. BYRD. Mr. President, I ask that I may be recognized at this time without prejudice to the distinguished Republican leader, who was to be recognized, I believe, at this time.

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

Mr. ROBERT C. BYRD. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. Mr. President, I did not know until I came into the Senate Chamber this morning that there was going to be an opportunity at this time to comment upon the departure from the Senate of our dear and beloved friend, LEN JORDAN of Idaho.

For almost 4 years I have had the pleasure of serving with Senator JORDAN.

Mr. President, I believe that I am a better man from having known Senator JORDAN, from having been associated with him, from having attended with him breakfast meetings of the Senate prayer group over this period of 4 years.

Mr. President, the Prophet Micah wrote that the Lord requires that a man do justly, that he love mercy, and that he walk humbly with his God.

Our distinguished friend, Senator LEN JORDAN of Idaho meets these requirements as well as any man I know.

Senator JORDAN is a man of character, of integrity, of high principle, independent, with the independence that seems to go with those who come from the wide open spaces of the West. He is leaving the Senate of his own choice at the very height of his career, at a time when he could have come back to the Senate almost by acclamation of the people of Idaho.

Mr. President, the U.S. Senate, in my judgment, has the role, in a sense, of setting the moral tone for the people of the country. What a great moral tone the U.S. Senate would set if every Senator had the dedication, the honor, the integrity, the character, the sincerity of purpose, the patriotism of Senator JORDAN. What a great influence there would be on the conduct of all the people of this country if every public servant were a man of the type of Senator LEN JORDAN.

So we are going to miss Senator JORDAN. We are going to miss his wise counsel. We are going to miss his advice. We are going to miss his stand for principle.

The Senate is going to lose some of its brilliance, some of its luster, when Senator JORDAN leaves the Senate.

I have admired him, his record of service, his patriotism and his independence.

Even though I am a southern Democrat and he is a western Republican, I have found that our views on public issues coincide much more often than not.

Frankly, I have agreed with the distinguished Senator from Idaho more often than I have with some members of my own party.

But I continue to admire the example he sets and to say that the country is the loser, the U.S. Senate is the loser, the people of Idaho are the losers, and all of us in the Senate are the losers as a result of Senator JORDAN retiring from the Senate. Mrs. Allen and I wish him and his lovely wife, "Miss Grace," Godspeed and happiness in the long and useful period we wish for them.

Mr. BENTSEN. Mr. President, I would like to add my agreement and concurrence with the words of the distinguished Senator from Alabama and what he has had to say about my friend and colleague, the very honorable and distinguished Senator from the State of Idaho (Mr. JORDAN). I wish to express my deep admiration for the integrity and character of this man who has contributed so much to the Senate.

Mr. SCOTT. Mr. President, words alone cannot pay tribute to our outstanding colleague from Idaho who retires this year after 10 years in the U.S. Senate.

Senator LEN JORDAN, quiet, strong and compassionate, has dedicated his life to one of the wildest areas nature has created—Hells Canyon, Idaho. It is remarkable that these two seemingly diverse entities can coexist and play such a mammoth role in the course of each other's existence.

Senator JORDAN seems to derive his great strength and sensitivity from the wilderness of Hells Canyon. Where Senator JORDAN is capable and straightforward, Hells Canyon is unpredictable and wild. Yet Hells Canyon has an inner peace which only those who love it as Senator JORDAN does can recognize and appreciate. This same inner peace is reflected in our esteemed colleague from Idaho.

Senator JORDAN'S constancy and unassuming approach is well known. In the Senate, where artistry flowers and allusion is everything, Senator JORDAN is what he appears—a soft-spoken, down-to-earth, conscientious gentleman.

When LEN JORDAN ran for the Senate, his slogan was "Will Stand Tall in Washington." LEN JORDAN has stood tall. He has stood for moral courage. His for-

mula for winning his election was simple—he wanted to personally meet and shake the hand of every voter in Idaho. This task alone is characteristic of his perseverance and dedication.

He has said:

I believe there is no greater legislative challenge in the world than service in the U.S. Senate. . . . All I have ever wanted in politics is to be a good public servant.

Senator JORDAN has been the complete public servant. His stature and our respect for him have grown together.

As a man who believes deeply in the system and gravely feels and attends to the responsibilities of elected office, Senator JORDAN's unimpeachable integrity has been well known. He has a capacity for bringing out the best in his associates. We have always known that he carefully considers each issue. He is independent in thought, voting his convictions, not necessarily the will of any transient majority.

A most versatile man, LEN JORDAN is a former member of the Idaho House of Representatives and Governor of Idaho from 1951 to 1955. Moreover, he has an almost legendary sports reputation. A former varsity halfback, a recipient of a football scholarship in college, his reputation continues today.

As we all remember, when he was accosted by a young thug in his apartment building several years ago, he was able to surprise and throw his assailant to the ground. This is unusual for anyone, but, with a disparity of years, it becomes a major feat. His physical condition belies his years and truly underscores his mental capacity.

Senator JORDAN's constituency has benefited greatly from his tenure. He has become known as the one man who has understood and cherished the Snake River in Idaho. He is the best informed leader the State has on this river, its tributaries and the vital importance Idaho's constitution attaches to its free flowing river. He has led the onslaught against the appropriation of Idaho water to the Southwest.

His love of the spectacular view of the Middle Snake is widely known. In fact, the Snake River has been entwined with his entire life. And it has been heard that he will write about this majestic river when he retires. His lovely wife, Grace, is herself an author of the highly acclaimed "Home Below Hell's Canyon," a book describing frontier life in modern time. She is surely one of the most remarkable and talented of the Senate wives, a fact to which I have heard witness within my own home.

Senator JORDAN has said:

The Snake River is the life blood of Idaho . . . it is Idaho's greatest resource—irreplaceable, but constantly renewable.

The same can be said of Senator LEN B. JORDAN. He, too, is Idaho's greatest resource; he, too, is irreplaceable.

Idaho is the Gem State; JORDAN, the Gem Senator.

So, LEN, we will miss you. We apologize for embarrassing you with our encomiums, but they are genuine. They come from our long association. We wish for you, in the words of a popular greeting in one of the European countries, "May you live a thousand years."

Mr. President, I ask unanimous consent that a statement by my colleague from Colorado (Mr. ALLOTT) paying tribute to Senator JORDAN of Idaho be printed at this point in the RECORD.

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

STATEMENT BY SENATOR ALLOTT

Mr. President, I wish to express my deepest regrets over the retirement of my good friend and colleague for many years, Senator Len Jordan of Idaho. I honor and respect his decision, but I shall be sorry to see him leave the Senate.

Len Jordan is one of the most devoted, independent, morally courageous and honest men I have ever known. Len Jordan does not give his word lightly; once he does, he keeps it. He is stepping down from the Senate amid the widespread, bipartisan, belief that he is one of the finest men Idaho has ever sent to the United States Senate.

Len Jordan, and his charming wife Grace, are friends whom both Mrs. Allott and I treasure. Since he first came to the Senate in August of 1962, his interest and dedication to natural resources matters has found splendid expression through his work on the Senate Interior and Insular Affairs Committee. We have worked closely on that committee, and I have never ceased to be amazed by Len's perception and diligence in behalf of our Nation's great land, water, mineral and wildlife resources.

Len Jordan's membership in the Senate Finance Committee, the Joint Economic Committee, and the Select Committee on Standards and Conduct, and the careful work he has done in these posts, testify to the prominent role he has played in the affairs of the Senate.

He has never attempted flamboyant gestures to attract publicity. His name does not appear frequently in the Washington press. His has been the quiet, forceful voice of reason and integrity. Len Jordan has a gift for logic and clarity not often displayed in this city. He demonstrates it daily, yet he remains a man of reticence who is loath to talk about himself. As he once asked a newspaper reporter, "Why write about me?" Then he went on, "My wife has the brains and beauty in this family. She's the story."

There is some substance to this contention, I must admit. Grace Jordan, to whom the Senator refers without embarrassment as "my fair lady," took their three children, age 6, 3, and 7 months, and followed Len into the wilderness in 1933. She gave them all their schooling for 10 years, ran a household, and still found time to write a bestselling book about her experiences titled, "Home Below Hell's Canyon." To this day it is recognized as one of the finest stores of frontier living in a modern day ever written.

Mr. President, I wish Len Jordan and his wife, Grace, the utmost happiness and success in the splendid ventures that lie ahead of them.

Mr. ROBERT C. BYRD. Mr. President, does the Senator from Pennsylvania have some time remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. ROBERT C. BYRD. Will the Senator yield some of it to the Senator from Idaho (Mr. CHURCH)?

Mr. SCOTT. Yes; I yield to the Senator from Idaho such time as he may desire.

LEN B. JORDAN: A MAN OF THE OLD WEST

Mr. CHURCH. Mr. President, there was a time in the West when a man's handshake sealed an agreement and a man's word was his bond.

In my colleague, LEN B. JORDAN, rancher, businessman, legislator, Governor of Idaho, and U.S. Senator, those virtues of the Old West live on.

A man of utmost integrity, it has been my pleasure to know LEN JORDAN as a friend, and a privilege to work with him for Idaho's good. Though an aisle separates us on many matters, crossing it for Idaho has been made easy by this gentleman.

Particularly in the field of natural resources, the prudent management of which is so vital to the people of our State, we have acted as partners.

The latest example is the passage this year of legislation creating the Sawtooth National Recreation Area in central Idaho. LEN JORDAN was unwavering in his support of the strongest bill possible, and it was that determination which led to the enactment of a bill which, for the first time, gives protection to the magnificent Sawtooth, White Cloud, and Boulder Mountains of Idaho, along with the beautiful valley which lies between.

The Senator and his lovely lady, Grace, will always enjoy a special place in the hearts of their many friends, both in Idaho and in Washington. Bethine and I wish for them joyous years of retirement—a time for family, books, reflection, and the full enjoyment of each other's company.

Mr. ROTH. Mr. President, it is quite vogue these days to criticize representative democracy—yet in none of the expose's currently on the stands do I find the one most obvious criticism, that by the very nature of the system, we are forced to lose exceptional men every 2 years, for various reasons. This is the unfortunate case of our good friend, Senator LEN JORDAN, of Idaho. In his years in the U.S. Senate, LEN has managed to initiate ingenious legislation, serve outstandingly on his appointed committees, do a little more than his share of workday chores in the Senate, and still have time to offer a guiding hand or reassuring word to new members of our body. In just my very short time in Washington I have learned to admire and respect LEN for his sound judgment and fair, judicial mind. He has set a commendable standard which we would do quite well to emulate. And he will be sorely missed on both his committees and on the Senate floor.

I think I speak for us all when I wish Senator LEN JORDAN well and hope that his future endeavors will be as rewarding and possibly a little less trying than his very productive years in the Senate.

Mr. ROBERT C. BYRD. Mr. President:

There is a destiny that makes us brothers.
None goes his way alone.
All that we send into the lives of others
Comes back into our own.

Perhaps Edwin Markham was thinking of a man like LEN JORDAN when he penned those words.

LEN JORDAN is a man who typifies the fidelity, the strength, and the integrity and character of a great Senator; and, like the great West from which he has come, he exemplifies the independence,

the quiet openness of that great part of our country. He is a man who is strong in his convictions. He is a man who is honest and fair in his dealings with his fellow men.

We shall miss LEN JORDAN. The Senate will be the poorer for his leaving. I hope that he will continue in some way in the service of his country, and I know he will.

He has led a very active life in his community and in his State, and he has given much in the way of service to the people of his community, to the people of his State, and, here in the Senate, to the people of the Nation.

I hope, Mr. President, that LEN JORDAN will visit with us often. We will want to continue to talk with him and to have his counsel, and we shall, of course, always be his friends.

My wife Erma and I, LEN, as you leave this body, wish for you and Grace, your wonderful wife, all that is good in all the years to come.

The hours are like a string of pearls,
The days like diamonds rare.
The moments are the threads of gold,
That binds them for our wear,
So may the years that come to you
Such wealth and good contain
That every moment, hour, and day
Be like a golden chain.

Mr. AIKEN. Mr. President, a couple of days ago, several Senators rightfully paid tribute to Senator COOPER. I want to add that, besides Senator COOPER, we are losing this year three of the finest Members the Senate has ever had.

Senator ANDERSON has devoted much of his life to public service, as Secretary of Agriculture and as a Member of the Senate he has made monumental contributions to American agriculture, space research, useful and practical uses of the atom, and to good government. Senator JORDAN of Idaho brought a lot of conscience to this body, which we need from time to time and Senator JORDAN of North Carolina has been an able leader of the Rules Committee, which keeps this place in order—as well as anybody can keep it in order.

In particular, I would like to say that Senator JORDAN of Idaho has been one of our outstanding Members over the years. He has a wonderful understanding of people, people who have to work and struggle to make a success of their lives. He himself is an outstanding example of how one can reach the higher levels through his own efforts. I just want to add these remarks to the tribute which the Senator from West Virginia just made.

Mr. PASTORE. Mr. President, I want to join my colleagues and associate myself with all the fine things they have said about my good friend LEN JORDAN.

To me, the best description I can give of this fine gentleman is that he sits in the back row, like the Rock of Gibraltar. He is unswerving in his convictions. He is rather silent. He does not do too much talking on the floor of the Senate, but when he speaks everyone listens. He is going to be a loss to the Senate.

I think something is happening to us through the evolution of time. We seem to be losing the elegance and the decorum, and sometimes the effectiveness, of what we like to call our traditions in America. All of us are beneficiaries of a fine heritage, and I think that LEN JORDAN exemplifies that heritage in its finest form.

So while we are sorry that he leaves us, we are happy to have known him for the time he has been in the Senate.

Much of this accolade should go to his gracious lady. To me, she exemplifies what my mother was—gracious, always at the side of her husband, and I think she has been a bulwark not only in his private life but also in his political life. I extend to him and to her our best wishes for a long and happy life.

Mr. COTTON. Mr. President, I first met LEN JORDAN before he came to the Senate when I filled a speaking engagement in Boise, Idaho, shortly after he had finished his service as Governor. I was immediately impressed by the quiet dignity and force of the man. He had little to say but he radiated a sense of strength that had its impact on those around him. It certainly had its impact upon me for I never forgot that first impression, and when he came to us here, I knew that the Senate had acquired a strong man. Every day of his decade of service here has proven that to be a fact.

It has been my privilege for a number of years to live in the same apartment house with Senator and Mrs. JORDAN. I came to know her as a brilliant and talented lady, the author of several books, one of which concerned the heyday of the lumber industry in northern New Hampshire. She is, I believe, a descendant of one of the timber kings of that bygone era whose name has become legendary in my own State. Ruth and I became very fond of them both, although my wife's ill health prevented our seeing as much of them as we would have desired.

I am saddened at the thought that LEN JORDAN is retiring. It will be a personal loss to me, but it will be an infinitely greater loss to the Senate. He is the kind of Senator that we most need in these critical times—able, independent, utterly fearless. He has never needed to rely on others for guidance but, fully informed, he has always known exactly where he stood and has never once allowed political expediency or passing public sentiment to cause him to deviate one whit from the path of duty as he saw it.

Often, as I have observed him in times of stress, I have instinctively thought of those words of J. G. Holland:

God give us men! A time like this demands
Strong minds, great hearts, true faith, and ready hands
Men whom the lust of office does not kill
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor—men who will not lie.
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking.

Such a man is LEN JORDAN. May he and Mrs. Jordan have the years of happiness and satisfaction that their magnificent service to their country entitles them.

Mr. BOGGS. Mr. President, the Idaho Statesman, published in Boise, Idaho, gave high compliment to our distinguished colleague, the junior Senator from Idaho, LEN JORDAN. On Friday, December 18, 1970, that newspaper said in an editorial:

Our own favorite for Senator Jordan's Senate seat is Senator Jordan.

Mr. President, that paper was aware that there would probably be numerous prospects for that Senate seat, assuming Senator JORDAN's retirement. It was also aware that LEN JORDAN has been an excellent Senator, has served his people and the people of this Nation well, and could continue to do both if he wished.

I have no doubt that the people of Idaho would have returned LEN JORDAN to the Senate with an overwhelming vote. And, quite frankly, I wish that he had permitted that to happen.

Mr. President, on a very personal note, I think the closest association that I have experienced with Senator JORDAN has been at the Senate prayer breakfast meetings which we both have attended during our terms in the Senate. There, I have come to know that his devotion to his people and to his country is derived directly from his devotion to his God.

I am proud, indeed, to have been able to work with Senator JORDAN over the years. His fine mind and his sense of what is right have been of great personal help to me, and I am grateful to him.

Senator JORDAN has chosen to retire. He does so with the certain knowledge that his constituents would have it otherwise, and that his colleagues would welcome the opportunity to continue to work with him and to have the advantage of his sure and stable hand to assist in the work of our Federal Congress.

Each of us has had the opportunity in one way or another to work closely with Senator JORDAN. I have had that good fortune for almost 20 years.

We both served as Governors of our respective States at the same time.

We have both served in the Senate together, and here, we have been able to accomplish something in the field of environment and the preservation of our American heritage. He has served on the Interior Committee and I on the Interior Subcommittee of the Committee on Appropriations.

This combination of committee assignments has permitted us together to make more secure, and to preserve more surely the American environment from Delaware's Atlantic beaches to the marvelous mountains and valleys of Senator JORDAN's State of Idaho.

Mr. President, LEN JORDAN and his lovely wife, Grace, will, I am sure, enjoy their retirement to the full. My wife, Bess, and I have fond feelings for them both, and we extend to them our very sincere good wishes.

Mr. DOLE. Mr. President, as Senator LEN JORDAN of Idaho retires from service in this body I wish to add a few remarks to the many warm tributes of those from both parties who have had the pleasure of serving with him in the Senate.

Senator JORDAN has been an outstanding spokesman for the people of Idaho in his 10 years of service in the Senate. Having served as a member of the legislature and been Governor of Idaho for

4 years, he is deeply familiar with the people and the needs of his State; and, through his service on the Committee on Interior and Insular Affairs, he has been able to transform his understanding of the particular problems and potentials of Idaho and other States in that part of the Nation into progressive and effective legislation.

In addition to his great service to his State, Senator JORDAN has also dedicated a great deal of his time and efforts to serving the interests of the entire American people by being one of the outstanding members of the Committee on Finance where our Nation's policies on taxation, social security benefits, and welfare reform are shaped and formulated. LEN JORDAN has made a sound reputation as one of the foremost spokesmen for sound tax policy and has been one of the Senate's most effective leaders in the effort to see to it that governmental expenditures are kept in balance with the revenue taken in by the tax process.

Speaking personally, I would add a note of appreciation to Senator JORDAN for his courtesy to me as a junior Senator, for his gracious and generous efforts to achieve compromise and progress in the Senate and for the great spirit of cooperation he has demonstrated even at the most difficult and trying times.

So I would join with my colleagues in expressing thanks to Senator JORDAN for his years of devoted service to our Nation and wishing him many pleasant and active years of retirement.

Mr. HATFIELD. Mr. President, I should like to make a few comments regarding a distinguished Senator who, at the end of this session, will be leaving these Chambers to return to his home to stay. In the Senate, high achievement, ingenuity, brilliance, sharp wit and a sense of equity and justice are by no means rare. Today, I should like to make a few comments regarding a colleague, who during the last decade has represented those qualities not only in the Senate but wherever his interests, his energies or the demands of Government have called him.

He is a man of vision and of action. Born in the great heartland of the West near the spectacular Hells Canyon, on land that has inspired all men during every age, LEN JORDAN is no exception.

LEN JORDAN'S life is an almost unbelievable chronicle of achievement as a laborer, rancher, businessman, legislator, Governor, and Senator. He was a distinguished scholar as an undergraduate—winning a Phi Beta Kappa Key—and, as one would expect, knowing the incredible industry and stamina of LEN JORDAN, he was also a superb halfback at the University of Oregon.

Decades after Frederick Jackson Turner had written his stirring paper on the role of the American frontier, that equated the development and discovery of the West with the growth of the American experience, LEN JORDAN and his courageous wife, Grace, undertook a formidable task: they moved to a remote reach on the Snake River below Hells Canyon where for 8 years they lived in the pristine wilderness isolated from the comforts of the city.

It was during these years that LEN JORDAN'S reverence for the land, the streams, the wildlife, the forests, and rivers of our land grew—and gave him a sense of stewardship for the integrity of the environment.

I have always been stirred by Robert Frost's magnificent lines describing two paths in the forest, one well-traveled, the other untrod. LEN JORDAN is a unique individual who has walked both paths, enhancing both worlds.

He has a profound sense of equity, and a belief that progress implies change with order, and order with change.

Brilliance, industry, a willingness to be innovative without distorting the character of the environment or our socioeconomic values, independent judgment, and a profound sense of fairness and justice are qualities that have distinguished LEN JORDAN'S years in the Senate.

I feel close to LEN JORDAN. His participation in the Senate prayer group has given me a much greater appreciation of the spirit which guides his action.

I can think of no higher tribute to Senator JORDAN than to say that my colleagues and I have learned much from him and will always treasure our experiences with him in this body as one of the highest privileges we enjoyed while serving in the Senate.

Mr. SCHWEIKER. Mr. President, today it is a privilege to pay tribute to an outstanding Senator, LEN JORDAN of Idaho. He has served his party, his State and his Nation with distinction.

LEN JORDAN'S record of public service is one of which he can be proud. Before serving as Governor from 1951 to 1955, he was a member of the Idaho State Legislature. He devoted the years preceding his election to the Senate to his duties as a member of the International Joint Commission and the International Development Advisory Board. He was appointed to this body in 1962 and has served the people of Idaho with distinction and dedication since that time.

Among Senator JORDAN'S many civic activities are memberships in the Masons and Rotary International. He is a trustee of the Boise, Idaho, Methodist Church.

Senator JORDAN'S memberships on the Senate Interior and Insular Affairs Committee and the Senate Finance Committee have afforded him a forum for championing the causes of environmental and fiscal responsibility. His reasoned and thoughtful approach to his duties on these important committees will be sorely missed.

Senator JORDAN will be remembered by his colleagues for his friendliness and straightforward manner; his courage and kindness. Fiercely dedicated to the principles in which he believes, he has performed his duties as a U.S. Senator in a conscientious, businesslike manner.

The Senate will miss LEN JORDAN, and I am pleased to join my colleagues in paying tribute to him.

Mr. GRIFFIN. Mr. President, the book of Isaiah includes these words:

In quietness and confidence shall be your strength.

Those words seem very appropriate when I think of LEN JORDAN, a great Senator whom all in this body have come to admire and respect and love.

Quiet and unassuming, LEN JORDAN will be remembered by all who have been privileged to serve with him as one who exemplifies integrity, courage, and wisdom.

Willard Edwards wrote in the Chicago Trbiune that LEN JORDAN possesses:

A gift for simple logic and clarity not often displayed on the Senate floor.

Very soon after I came to the Senate a little more than 6 years ago, it was my good fortune to become acquainted with LEN JORDAN. We have been close friends ever since.

As I had come to the Senate by appointment, I learned that 4 years earlier, he had been appointed to fill a vacancy and that he, too, had been required to run for election in the year of his appointment.

As I went through that hectic campaign of 1966, I was fortified with encouragement and wise counsel from LEN JORDAN.

Serving on the Senate Committee on Finance with LEN JORDAN, has given me an opportunity to observe firsthand just how hard he works at his legislative responsibilities and how steadfast he is to the principles in which he believes.

When this term is completed, LEN will have devoted nearly 25 years to public service—as a member of the Idaho Legislature, as Governor of his State, and for 10 years as a U.S. Senator. At one point he said:

I believe there is no greater legislative challenge in the world than service in the U.S. Senate. All I have ever wanted in politics is to be a good public servant.

LEN has met the challenge—and he has given much more than that to his State and the Nation.

Our great esteem for LEN JORDAN in this body is matched by the deep affections which the people of Idaho hold for him.

Shortly after he announced he would retire, one Idaho paper wrote:

It is the mark of his honesty that this newspaper and others can disagree with more than half of his voting record and yet completely respect his motives and his intentions . . . Perhaps part of the reason it is true with Jordan is that men of character and fairness also bring out the best in their critics.

Another newspaper carried this statement:

Len Jordan has had a long and distinguished career in government. If there is one man in Idaho wh ois close to being respected by everyone it just has to be Senator Jordan.

It is a comfort to know that Grace and LEN JORDAN plan to keep an apartment in the Washington area. Even though we miss his name when the Senate's roll is called, we need not say goodby to him. He can, and I hope he will, be among us often here on the Senate floor and at our regular policy luncheons.

Mr. PEARSON. Mr. President, the retirement of my colleague and friend, LEN JORDAN, the distinguished Senator

from Idaho, takes from the Senate a strong and independent man of judgment whose contribution to this legislative body over the past 10 years has been outstanding.

Like LEN JORDAN, I happened to come to the Senate by appointment in the year 1962. We shared the experience of gaining a first elected term in November of that year. The example of LEN JORDAN, who brought to the issues raised over these past 10 years a quality of self-reliance and independent judgment, has been a source of personal inspiration to me. As one who has shared the difficult assignment of serving on the Senate Select Committee on Standards and Conduct, I know the depth of LEN JORDAN'S concern for the integrity and dignity of this body.

As a westerner, he has shown a unique knowledge of our Nation's natural resources. But his contribution to the Senate Interior Committee to the orderly development and conservation of our vast natural resources has never been limited to a parochial interest in the western region. He is a man of enormous abilities in the field of economic development, as his service on the International Development Advisory Board and other international bodies demonstrates. The vision of balanced growth in America is one which he shares with a majority of the Senate, and I want to express my gratitude to him for his cooperation and constant support in the legislative effort to create a national policy aimed at balanced growth between urban and rural America.

It has also been my privilege to serve with LEN JORDAN on the Joint Economic Committee, where his personal knowledge of economic development had served to provide that committee with an approach directed to restoring the vitality and strength of our Nation's economy.

As a Republican, LEN JORDAN stood quiet and thoughtful in periods of sometimes emotional political controversy on this floor. His figure, standing straight behind his desk, head high, contributing always a sensible, constructive comment, remains strongly impressed on the minds of those of us who have served with him. He was not a man who bent to political pressures, and he was known in his time as his own man—a quality which brought dignity and honor to the Senate and a quality which will leave a wealth of respect for him as he retires to personal life.

Having been fortunate enough to share with LEN JORDAN these past 10 years in the Senate, I have come to value his independence as an example for any Member to follow, of whatever political persuasion. I am persuaded the continued strength of the legislative branch and the contribution it can make to the solution of problems facing our Nation, will in significant part be measured by its ability to preserve the qualities of dignity and self-reliance which LEN JORDAN brought to his decade of service here. I wish him well on his retirement.

Mr. BELLMON. Mr. President, the great American West is known for producing men of strong character, rugged determination, and a basic love of people and the land.

One of our colleagues who is retiring from the Senate is such a man. LEN B. JORDAN has represented the State of Idaho with honor and distinction since 1962. Before coming to the Senate he had served as a member of the Idaho Legislature and as an able and distinguished Governor of his State.

Having served with LEN JORDAN as a member of the Interior and Insular Affairs Committee, I know of his deep and abiding dedication to the principles which have made this country great.

LEN JORDAN represents to me and to others who know him the embodiment of the great American dream. Coming as he did from a modest agricultural background, he has successfully scaled the heights of government and has distinguished himself through his able service. Throughout his career he has maintained the qualities of humility, clarity of thought, and fundamental honesty that have endeared him to his friends and to the people of Idaho.

Mr. President, I am pleased to add my congratulations to LEN JORDAN for his record of service to his State and his country. As he returns to private life, I know he takes with him the best wishes of all of his many friends in the Senate.

Mr. JORDAN of Idaho. Mr. President, I am deeply moved by the remarks of my beloved colleagues, because it is not easy to pack up and leave after 10½ years of service in the Senate.

As I listened, I was reminded of my childhood. I came from humble origin. My parents were God-fearing people who raised their five children to learn to work and to comport fairly in the game of life. Money was not overly plentiful but we did not think we were poor, because we were rich in the things that mattered. I remember the important lessons of life I learned at my mother's knee.

I have been very fortunate, too, with respect to the lovely lady I married almost 48 years ago. She is loyal, patient, with a mind of her own and a career of her own—whose record of accomplishment is far more impressive than my own; mother of three, grandmother of eight; author of four books, with a fifth book at the printer awaiting publication. For 48 years she has been my copilot and counselor, and she has always been a great source of pride and inspiration to me.

Also, I have been very fortunate in having friends. I think my friends are the best people in the world, and they are legion. Throughout this land, in my beloved Western States of Oregon, where I grew up, and Idaho, where I now serve, are friends of ours. Will Rogers said he never saw a man he did not like, and that goes for me, too. In the world of politics a man is no better than his friends give him a chance to be. True friends are the greatest treasure one can have. I cherish the friendships I have made during a busy lifetime but certainly none more than my colleagues in the Senate.

Back in the depression years that some of you have mentioned, I remember working 60 hours a week for $60 a month, with bed and board, and you did not need the bed very long. Those were hard times.

I recall that when I took my young wife into the Hell's Canyon reaches of the Snake River country—town raised, university educated, Phi Beta Kappa, daughter of a doctor—my beloved grandmother said to a neighbor one day, "The other two girls married very well, but sometimes I wonder about Grace." I wondered, too.

Perhaps the greatest association that can come to any man in this country, it seems to me, is to serve in the august body of the U.S. Senate. I think the finest service a man can render in this country is to be privileged to serve in this body. The friendships one makes here are lasting. Partisanship has a way of disappearing when the need arises to close ranks and work for the common good.

I am proud to have served in the Senate under the able leadership of both the distinguished majority leader and the distinguished minority leader. Their wise leadership and counsel always have been fair, always just, always patient, and always understanding.

I am proud of the many friends I have made here, and I look forward to coming back from time to time. I shall always be glad to see my friends—and the new ones who replace those of us who move on to do other things.

We live in a changing world. My thoughts go back to my ranching days in Hell's Canyon country. One time my wife and I flew from here to Honolulu in 1 day, with one stop on the west coast; and she remarked to me at that time:

> You know, we've come from Washington to Honolulu in less time than it took you to ride from the home ranch to the end of the range and back on the best horse you had.

That was true. That is not bragging about the size of my operation. It is only an affirmation of the rugged, hilly, mountainous terrain in which we lived and the steepness and narrowness of the trails that served us moving over that rugged and beautiful sand.

So I leave this place with mixed emotions. I want to get out and do some of the things we have not been able to do through the years—to travel more, to enjoy my grandchildren, to do more reading, perhaps even talk with young people in seminar arrangements at colleges. I want to do the kind of thing that, under the pressure of time and circumstances, we are denied in our service here.

Thanks to all of you who have been so generous in your remarks this morning. I shall treasure your friendship always.

TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

FEDERAL DEFICIT IN THE FIRST HALF OF THE 1970'S

Mr. BENTSEN. Mr. President, today the Senate will consider legislation to raise the ceiling on the Federal debt. There will be numerous amendments

offered and this Chamber will be filled with lengthy debate and rhetoric. But, when the final vote comes, we all know that the debt ceiling will be raised. We have no choice—the debt ceiling must be lifted to cover funds we have already spent.

The debt ceiling must be raised to cover deficits expected to reach at least $75 billion during the 4 fiscal years from 1970 through 1973. This 4-year accumulation is unprecedented except for the 4-year period during World War II.

In recent weeks, we have witnessed a massive campaign by the administration to convince the American people that the Congress has been irresponsibly spending taxpayers' dollars. Administration officials from the lowest bureaucrat to the President himself have told the American people that if our deficits have been too high during the past 4 years or if a tax increase becomes necessary during the next 4, it is the fault of a spendthrift Congress.

Mr. President, I understand the administration's sensitivity to the issue of deficits. President Nixon campaigned 4 years ago against a deficit of $62 billion accumulated by two Democratic Presidents over 8 years. I do not blame him for looking for ways to explain a $75 billion deficit in only 4 years. But, before allowing the President to blame the Congress for the fiscal disaster of the last 4 years, let us look at the numbers.

Members of the Appropriations Committee have pointed out repeatedly that the respective House and Senate committees have actually appropriated less than the President has asked for over the last 4 years.

They have actually appropriated $14.5 billion less than the President asked for. In all fairness, I recognize that action on appropriation bills is not a total measure of the congressional role in Federal spending, so let us use the figures supplied to the Joint Economic Committee by the Director of the Office of Management and Budget.

These are tables prepared by the administration attempting to show the net effect of both congressional action and inaction on both appropriations and transfer payments from trust funds. These figures will be published shortly as part of the Joint Economic Committee's mid-year hearings. They indicate that congressional action added only $300 million to the President's budget in fiscal 1970—a year of a $2.8 billion deficit. According to these figures, congressional action added $2.8 billion in fiscal 1971—a year of a $23 billion deficit. Again, according to the administration's own figures, congressional action added only $600 million to the President's budget in fiscal 1972—a year of another $23 billion deficit. Thus, when 1970, 1971, and 1972 are taken together, the total deficits for those 3 years amount to $50 billion dollars. Even using the administration's calculations, Congress can only be credited with $3.7 billion of that $50 billion.

Mr. President, where did the other $46.3 billion in deficits come from? They came from the 2 years of recession that this administration created with excessively tight fiscal and monetary policies in 1969 and 1970. In talking about deficits during this election year, the administration has ignored what happened to Federal revenues during its 4 years in office. Mr. President, people without jobs do not pay income taxes. When unemployment increases by 1 percent the Federal Government loses approximately $10 billion in tax revenues for that year. Unemployment was below 4 percent when this administration came into office. In less than 2 years administration policies pushed unemployment up to 6 percent. That is $20 billion in lost Federal revenues during 1971 alone. The current unemployment of 5½ percent is still costing the United States $15 billion a year in lost revenue.

Mr. President, they had an August report that showed they cut unemployment from 6 percent to 5.6 percent. They talked about it as though they had created a miracle. It is a little like someone sticking a knife into your stomach, Mr. President, and pulling it out about half way and saying, "Gee, doesn't it feel better?"

Now, they have it at 5.5 percent, which means we have a loss of $15 billion in tax revenue coming into the Treasury. That is part of this deficit that has been created. We cannot get them to even talk about a 4-percent target on unemployment. They say maybe we have to live with 5 percent.

I just do not believe that. I do not accept that in this, the greatest system of government in the world. Do we have to accept an unemployment rate that is far above that of our competitors in the world society? Today in Japan the unemployment rate is less than 2 percent; in Germany the unemployment rate is less than 1 percent; in Italy and France unemployment rates are less than 4 percent. Why is that not a reasonable target for this country? Why should we not ultimately strive for 3 percent unemployment? That is what we should be working for.

But, Mr. President, high unemployment is not the only cause of reduced Federal revenues. In an effort to get our economy moving again, the President asked the Congress to enact a significant tax reduction in 1971. Because of the sad state of the economy. It was a necessary action and I supported most of the President's 1971 proposal. However, the result has been a loss in Federal revenues of $8 billion annually—again necessary because of a recession which this administration created.

Mr. President, this brings us to the fiscal 1973 budget. When the President presented the 1973 budget to Congress in January, he asked us to approve spending for several totally new programs such as general revenue sharing, welfare reform, the space shuttle, in addition to the continuing programs which have built-in growth. The President's revenue sharing measure alone added $8.3 billion of new spending in fiscal 1973 and committed us to $30 billion over the next 5 years, regardless of what our fiscal situation may be.

The President talks about reducing expenditures on what he terms out-of-date Great Society programs of the Johnson administration; at the same time he wants to substitute special revenue sharing for the model cities program at a higher level of funding. The President vetoes education grants as being excessive but still pledges to somehow reduce local property taxes which pay for education. The President calls upon the Congress to halt waste but when a number of my colleagues on the Armed Services Committee and I attempted to prevent the wasteful acceleration of the Trident submarine program, the administration threw its entire weight against our effort to save a half billion dollars.

The administration now tells the press that unless the Congress enacts an expenditure limitation the Congress will be forcing a tax increase next year. Mr. President, I will support an expenditure ceiling for this fiscal year, not because it will prevent a tax increase in the future because it will not. Everyone who has made a serious study of this Nation's budget knows we will need more revenues to pay for the growth in existing programs and the new programs which President Nixon has already initiated. In that connection I was pleased to see the President last week finally backed away from his phony talk of having "no tax increase in a second term."

I will support an expenditure ceiling because $250 billion is sufficient to run this Government in 1973 if properly spent and $250 billion in Federal expenditures is sufficiently expansionary to continue the economic recovery if our monetary growth is not restricted. I will, however, seek an opportunity to vote for a ceiling which will not abrogate the role of the Congress in determining spending priorities.

Regardless of what happens this year on the President's proposed expenditure ceiling, I would hope that the 93d Congress will vigorously assert its constitutional responsibility for fiscal policy both in raising revenues and in making expenditures, regardless of who may be in the White House. Congressional control over fiscal policy does not rest in the Appropriations Committee or the Ways and Means and Finance Committee alone. The proper execution of fiscal policy rests with all the legislative committees of Congress and most of the joint committees as well. The proper exercise of this role will require our own sources of information as to how much fiscal stimulus is needed for the economy as a whole. It will require our own sources of information as to spending priorities and waste.

The Subcommittee on Research and Development of the Armed Services Committee handles almost $8.3 billion of Defense authorizations for appropriations in that field. This is an exceedingly complex field. For the study of that $8.3 billion to be considered and authorized, do you know, Mr. Senator, how many staff members we have? We have one. He is a competent man. He is an able man. Can you imagine, Mr. President, how many men are in the Defense Department working on this matter? How many hundreds, how many thousands, of employees there are to justify those very appropriations? So where do we go for that information? We go to the very people who are asking us for the money.

Mr. President, one thing I learned in business and in 16 years of running a company: If I wanted to make decisions for my company, then I wanted the information on which I based those decisions coming from people who worked for me, not from people who worked for my competitor.

And yet that is the problem we face in the Congress. We face the problem of receiving fiscal information from that part of the Government that is asking for the money, and yet we are supposed to discharge our responsibility in a capable, authoritative, and a knowledgeable way. It just cannot be done that way. Congress has to do something about getting the kind of information it needs.

We have a computer in the Congress, and it is used for bookkeeping purposes, for housekeeping purposes. How many computers do you think, Mr. President, they have in the executive branch for information retrieval, on which to base their decisions and make recommendations to Congress? Innumerable ones. And we sit over here with one. We have to modernize our information retrieval system in the Congress in order that we can discharge our responsibilties.

The Subcommittee for Research and Development of the Armed Services Committee has one staff man to help our committee examine $8.5 billion in authorization for some of the most important and complicated spending items in the defense budget. These are the expenditures that determine what the weapons systems of the next generation will cost and how effective they will be. To a very large degree our committee must depend on the Department of Defense for its information.

Mr. President, I do not speak as a committee chairman who wants to create an empire, but I did learn in 16 years of heading a business that the most important asset in any decisionmaking process is good, solid information from people who work for you, not for someone else. Let us get the information we need to make the fiscal decisions for this Nation, let us use that information, and then let us make that information available to the American people.

This is one Senator who is very tired of seeing propagandists for the executive branch take credit for spending which is politically popular while blaming the Congress for deficits. I am tired of watching the White House take credit for tax reductions last year while blaming the Congress for tax increases next year. In short, Mr. President, I am tired of the President of the United States using the Congress of the United States as an errand boy when the news is good and a scapegoat when the news is bad. Let us endeavor to see that the American people know where to place both the credit and the blame.

STRIP MINING DEVELOPMENT IN EASTERN MONTANA

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD editorials published in the Missoulian of October 3 and 9, 1972, on the subject of strip mining, which has become a statewide problem in Montana.

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

[From the Missoulian, Oct. 3, 1972]

STRIP MINING: A STATEWIDE PROBLEM

This campaign season finds Montana politicians everywhere faced by the same question: What do you propose to do about control of strip mining development in eastern Montana?

Some western Montanans might wonder what business is it of ours. All the strip mining for coal will occur in the eastern part of the state. None will occur here. Why, then, bother our heads about it?

The answer is easy: If the environment in the eastern part of the state is allowed to be ravaged, there will be no protection here either.

Virginia Mann last week called Montana's air pollution control program a "miracle." Indeed it is. So is the state's water pollution control program.

As a member and president of the State Board of Health, Mrs. Mann was one of those instrumental in getting good pollution control programs underway in Montana.

But the programs hang from a fragile thread. Under executive reorganization the governor has the power to hire and fire the State Health Department personnel who administer pollution control programs. He has the power to weaken the health board through his appointments. Pollution control efforts hang together now, and are achieving successes, but the whole thing could be destroyed overnight.

All Montana's major industries, with the possible exception of the forest products industry, have a stake in promoting strip coal mining. The power companies want the power generated by coal-fired plants. The Burlington Northern wants to carry the coal to Midwestern markets. The Anaconda Co. eyes open pit mining regulation askance, and has pollution problems which drive it into natural alliance with others who don't want stiff controls over electrical generating plants.

Also, new coal mining firms are moving in and will take their place in the power structure. Full development of the coal could see 350,000 or more people moving into the state who have a personal economic interest in seeing to it that the coal is mined and their income maintained.

All told that's a lot of selfish economic power linked with enormous potential voting power. Together they will oppose strict air and water pollution controls. They might have the muscle to badly weaken the controls, and thus directly affect the environmental protection of western Montana.

All this is aside from reclamation of strip mined lands, from the enormous and costly problems of accommodating all those new state residents, from preserving wildlife and other outdoor values, from the vast water consumption which strip mining and power generation will require and from all the other problems which follow in the wake of strip mining like garbage after a moving barge.

Strip mining is a Montana problem. It must be faced by the voters and their elected representatives everywhere in the state because all Montana will be affected by it.

[From the Missoulian, Oct. 9, 1972]

MORATORIUM NEEDED ON STRIP COAL MINING

A press release or a political statement (the two often are combined) usually is like a pretty wrapper around a plain package.

What relief was felt last week when Secretary of the Interior Rogers C. B. Morton announced that there would be a three-year study by a federal-state task force to develop policy guidelines concerning strip coal mining in Montana and four other states.

Morton said the study will "assess the potential social, economic and environmental impacts which would result from future development" of the natural resources in the five states. His announcement was celebrated promptly by Gov. Forrest Anderson.

That was the pretty wrapping For months now persons concerned about the development of strip coal mining in eastern Montana have been asking for a careful study of all that strip mining might mean before the land is ripped about. Morton's announcement seemed to herald the beginning of the necessary study.

The next day the pretty wrapper was cast aside and the drab content exposed. An Interior Department official allowed that the study might take five years rather than three. Meanwhile, strip coal mining would continue.

Which means, in the end, that the very problems the study aims to lick will be burgeoning in Montana while the study is under way. That's exactly like taking birth control pills after pregnancy has occurred.

The study IS needed. It must be tightly tied to state needs and desires. Gary Wicks, director of the Montana Department of Natural Resources and Conservation, is coordinating a six-agency task force which will study strip coal mining at the state level.

Wicks' reaction to Morton's pretty announcement was cautious. The federal study is welcome only if the states have more than a perfunctory role in the program developed by the federal task force, he said.

The timing of all this is important. Clearly, coordinated studies by both state and federal governments are needed. Also clearly, strip coal mining must NOT be allowed to ravage the land until the studies are completed. Which in turn points directly to two conclusions:

1. Firm reclamation requirements must be imposed on all strip coal mining that is going on now to limit the ravaging of the land already being mined.

2. There should be no expansion of strip coal mining until the studies are completed.

That second item means there must be a moratorium imposed on expanded strip coal mining by the 1973 Legislature.

VALEDICTORY TO THE ANTIBUSING BILL

Mr. TALMADGE. Mr. President, the Senate has let die antibusing legislation that was passed by the House of Representatives that the President wanted and, more important, that an overwhelming majority of the American people desired.

This legislation is dead, at least for this session of Congress, because a band of Senators talked it to death. They refused to let the bill come to a vote by conducting a filibuster in defiance of the will of the Senate and the will of the people.

That filibuster was carried on against the best interests of schoolchildren, black and white, that are being uprooted by judicial tyranny from their own neighborhoods and transported tremendous distances to schools far from their homes and natural environments.

Aside from costing local school districts and American taxpayers untold millions of dollars, there is no way to measure the chaos and confusion that have been inflicted upon the education process by the idiocy of busing.

Except for the war in Vietnam, I know of no issue that has been debated more than forced schoolbusing. Poll after poll

shows that it ranks right at the top among the greatest concern of the people of this country. And, approximately 75 percent of Americans are opposed to it.

The question of forced busing ought to be clear enough by now in the minds of everyone. If there are Senators, who do not know yet how they stand on busing, then they have been out of touch with reality. If they do not know how their constituents feel about busing, then they have not been listening to the people they are supposed to be representing.

One of the most crucial issues facing American education today, if not the most important, has been cast aside and ignored by Senators who think they know better than anyone else what the schoolchildren of this country need.

They know that the majority of the Senate wants this legislation. They know the President will sign it. They know that a majority of the American people want the bill.

But, they set themselves up as judges of what is in the best interests of American schoolchildren, just as the Supreme Court and Federal district and appeals courts have been doing with a heavy hand all over the country.

As self-appointed judges, they know better than the House of Representatives, which passed this bill by an overwhelming margin. And, they know better than parents—the people who pay the taxes that build the schoolhouses—what is best for their children.

Mr. President, opponents of this bill hope that if they talk long enough about the issue, opposition to forced schoolbusing will fade away. But I can assure them that it will not go away.

Antibusing legislation is dead for this Congress. But the issue is very much alive in the minds of all Americans.

A new Congress will convene in January; and when it does, efforts to stop forced schoolbusing must be a No. 1 item of legislative priority.

I can promise my colleagues that it will be No. 1 with me.

VIETNAM—THE BOMBS WILL NOT WORK

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a most interesting editorial published in the Christian Science Monitor on October 10, 1972, concerning the bombing of North Vietnam.

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

THE BOMBS WON'T WORK

(Christian Science Monitor)

To the general bulk of our knowledge, or ignorance, of what is going on in Vietnam there have now been added two new sources of information which need, we think, to be examined and weighed seriously and carefully.

Richard Dudman of the St. Louis Post-Dispatch and Peter Arnett of the Associated Press have both been touring North Vietnam. They are both conscientious, careful reporters known and respected in their profession. Both saw much the same things—the Hanoi-Haiphong area and a trip down the line from Hanoi to Nam Dinh, which is the main textile producing center of the country.

Their observations confirm each other. They prove one thing. In the area they visited, only a small slice of the whole of North Vietnam, people were busily engaged in keeping the military supply line working and, seemingly, doing it successfully and in high morale in spite of the bombing.

Nam Dinh itself was a shambles, its big buildings mostly bombed out and useless. But the machinery had been taken away and scattered among homes and villages before the bombs fell, or pulled from the wreckage afterwards. The train runs regularly between Hanoi and Nam Dinh. The daily bomb craters are all filled in time for the regular run.

Wherever the two reporters went they saw large quantities of ammunition and other war supplies along the open highways, under trees. Long lines of trucks park by day under the trees—roll along at night. There is no evidence of food or fuel shortages. Consumer goods come out of village or backyard or roadside improvised plants.

In other words the bombing has scattered the people and their daily activities, but not interfered seriously with the productiveness of the community. It continues to be able to push the daily quota of war supplies down the supply route to the war front in the South.

This evidence is incomplete. The two reporters did not see the whole country. They do not know how much of the materials pushed into the country from China reach their destinations. But it does confirm evidence from other sources that the bombing has not been able to shut down North Vietnam as an exporter of military power.

There is said to be a reduction in the quantity of supplies reaching North Vietnam from the outside world. Both Pentagon and the CIA estimate that the total is down by about half. But is this reduction (if true) due to the bombing or to Henry Kissinger's diplomacy?

American military intelligence has consistently failed to note any large buildup of supplies in China, north of the Vietnam border, or anywhere inside North Vietnam, as could be expected if the bombing were holding up supply lines. If we can infer from this that it is Henry Kissinger's Peking-Moscow diplomacy which is cutting off supplies, then the bombing can only be regarded as the most wasteful operation in the annals of warfare, in both human and material terms.

Under these circumstances, the only possible justification for continuing the bombing is one of diplomatic tactics, not of military strategy. That reason would be the genuine conviction on the part of the White House that Hanoi is at, or very close to, the point of coming to terms at the bargaining table. Under these circumstances, it could be argued that a bombing halt would be interpreted by Hanoi as a sign of weakness, causing it to back away from imminent accord. That is one possibility. But there is another viewpoint, as expressed in two dispatches from Paris carried in this newspaper last Friday, which argued that the peace talks are at a stalemate and, indeed, that Hanoi is already planning a new offensive.

If the White House knows something that nobody else knows, then its bombing tactics should justify themselves in the appearance shortly of a peace settlement. But White House sources are already reported to be hedging by saying privately that a settlement will not come before Election Day, November 7. Which leaves the average American citizen in the same quandary that he faced before Election Day 1964 and 1968, both as regards presidential promises of peace in Indo-China and rationalizations for bombing of North Vietnam. The needle is stuck in its groove, and the question is whether to wait and hope it jumps the track, or to get up and change the record.

HOUSE CONCURRENT RESOLUTION 721—CORRECTIONS IN THE ENROLLMENT OF S. 3507

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House on House Concurrent Resolution 721 and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair lays before the Senate House Concurrent Resolution 721, which will be stated.

The legislative clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 3507), to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In subsection (h) of section 305, strike out "1975" and insert in lieu thereof "1977".

(2) In the section heading of section 312, strike out "ESTAURINE" and insert in lieu thereof "ESTUARINE".

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the concurrent resolution.

Mr. MANSFIELD. Mr. President, this calls for the correction of some technical errors in the enrollment of S. 3507.

The concurrent resolution (H. Con. Res. 721) was considered and agreed to.

BALD EAGLE PROTECTION ACT AMENDMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1104, H.R. 12186. This bill has been cleared on all sides and by all interested parties.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 12186) to strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments on page 1, line 8, after the word "with", strike out "negligent" and insert "wanton";

On page 4, line 12, after the word "eagles", strike out "or eggs or nests thereof";

In line 13, after the word "of", strike out "falconry."; and insert "falconry, except that only golden eagles which would be taken because of depredations on livestock or wildlife may be taken for purposes of falconry.";

On page 5, at the beginning of line 3, strike out "of this Act; and may, with a search warrant, search any"; and insert "of this Act; and may, with or without a warrant, as authorized by law, search any";

And on page 6, line 1, after the word "be", strike out "forfeited" and insert "subject to forfeiture".

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

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 was read the third time, and passed.

ORDER OF BUSINESS

Mr. CRANSTON. Mr. President, I ask unanimous consent that Jonathan Steinberg, of the staff of the Committee on Labor and Public Welfare, be permitted to be present in the Chamber during the consideration of some conference reports I am about to submit.

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

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

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

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

PROGRAM

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, it is still the intention of the leadership to try to adjourn sine die by tomorrow night.

We have one more piece of must legislation, and that has to do with the temporary increase in the public debt limit, which will be called up sometime, I think, around the middle of the afternoon.

Another piece of legislation supplementary to that, which the leadership would like to take up, is Calendar No. 921, H.R. 7093, a bill having to do with the disposition of judgment funds of the Osage Tribe of Indians in Oklahoma. Also Calendar No. 1165, H.R. 12807, the Federal Property and Administrative Services Act.

Hopefully, if a reasonable time limitation can be achieved, the measure we started on yesterday afternoon, Calendar No. 1105, S. 3342, a bill to amend title IV of the Clean Air Act, will be taken up.

I had hoped to bring up either Calendar No. 1107, S. 630, a bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the future regulation of surface mining operations, and for other purposes, or the bill which was passed in the House late Wednesday evening. But in seeking to achieve a time limitation on either of these measures—my preference would have been the House bill, because I think the Senate bill is extremely weak—I was unable to arrive at an accommodation with Members covering a time limitation.

So, it is with reluctance that I announce, so that the Senate will be aware, because of circumstances over which the leadership has no control, that no bill dealing with strip mining, which is so vitally needed, will be called up this week.

Then we have one or two bills out of the Finance Committee, either Calendar No. 1169 or Calendar No. 1050. They may be called up because of the interest of a number of Members in attaching amendments to either one of those measures.

That is the best I can say at this time as to what the schedule will be.

I must say, there has been some legislation which has not been passed by this Congress and which should have been, but for which the groundwork has been laid. The leadership hopes that there will be expeditious action out of committees in the next session of Congress, because of the fact that the hearings have been held and the reports have been published, and all the other necessities have been attended to at this time.

So, that is about how it stands. Again, the leadership is making every effort to adjourn sine die tomorrow.

I want to express on behalf of the distinguished Republican leader and myself our thanks and appreciation to Senators on both sides of the aisle for the understanding and the consideration they have shown in these waning hours of this Congress.

Mr. MANSFIELD. I yield to the Senator from Rhode Island.

Mr. PASTORE. I do not believe the Senator mentioned anything about the spending ceiling.

Mr. MANSFIELD. I should have indicated that it would be attached to the debt limit bill.

Mr. PASTORE. Oh. It is attached to the debt limit bill?

Mr. MANSFIELD. Yes. That will be the last piece of "must" legislation.

Mr. PASTORE. I see. I thank the Senator very much.

The PRESIDING OFFICER. The time for the transaction of routine morning business has expired.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON VALUE OF CERTAIN PROPERTY PROVIDED BY THE BERLIN MAGISTRAT

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on the value of property, supplies and commodities provided by the Berlin Magistrat, for the quarter ended June 30, 1972; to the Committee on Appropriations.

PROPOSED AMENDMENT OF TITLE 18, UNITED STATES CODE

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend title 18, United States Code, to provide for the punishment of serious crimes against foreign officials committed outside the United States, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H.J. Res. 912. Joint resolution granting the consent of Congress to an agreement between the States of North Carolina and Virginia establishing their lateral seaward boundary (Rept. No. 92-1299).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 4678. An act to provide for the free entry of a carillon for the use of the University of California at Santa Barbara (Rept. No. 92-1300).

By Mr. ROBERT C. BYRD (for Mr. McGEE) from the Committee on Post Office and Civil Service, without amendment:

H.R. 11563. An act to amend chapter 87 of title 5, United States Code, to waive employee deductions for Federal Employees' Group Life Insurance purposes during a period of erroneous removal or suspension (Rept. No. 92-1301).

EXECUTIVE REPORTS OF COMMITTEES

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

Mr. STENNIS. Mr. President, as in executive session, from the Committee on Armed Services I report favorably the nominations of 37 flag and general officers in the Army and Navy and ask that they be placed on the Executive Calendar.

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

Mr. STENNIS. Mr. President, in addition, I report favorably 1,780 nominations in the Regular Army in the grade of lieutenant colonel and below and 315 nominations in the grade of colonel and below in the Reserve of the Army and Army National Guard.

For the Navy I report 4,818 nominations for permanent promotion in the grade of captain and below and 6,360 permanent promotions in the Naval Reserve in the grade of captain and below and 69 temporary promotions in the grade of commander and lieutenant.

For the Air Force I report favorably 9,462 nominations in the Regular Air Force in the grades of colonel and below and for the Air National Guard I report 52 in the grade of colonel and below.

A total of 259 nominations in the Marine Corps includes both permanent promotions and temporary in the grade of colonel and below.

Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

(The nominations appear in CONGRESSIONAL RECORDS of October 2, 10, 11, and 13.)

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

Charles W. Ervin, of California, to be an Associate Director of ACTION;

James L. Cowen, of Illinois, to be a member of the Railroad Retirement Board;

Peter J. Bensoni, of Minnesota, to be a member of the Federal Metal and Nonmetallic Mine Safety Board of Review; and

William N. Hubbard, Jr., of Michigan, to be a member of the Board of Regents, National Library of Medicine, Public Health Service.

DEFENSE DEPARTMENT MUST ACT ON UNAUTHORIZED BOMBING

Mr. HUGHES. Mr. President, I have already informed the Senate that it may be necessary to take strong measures to persuade the Department of Defense to conduct a thorough inquiry and make a complete report to Congress on certain illegal and unauthorized activities by our air and naval Air Forces over Indochina during 1971 and 1972.

Such an exhaustive investigation, in my opinion, is necessary to reassure us of our faith in the integrity of our Armed Forces and to give all whose names have been implicated in these transgressions a full opportunity to clear their names.

If the Defense Department does a thorough and satisfactory job in this respect, it will be unnecessary for the Senate to pursue the investigation into the months ahead. But if not, the Senate would be required to collect the facts piece by piece from any or all of the officers who served in the Navy or Air Force elements in and around Indochina over the last 2 years.

To identify these officers and bring them before the Senate for examination, it might be necessary to resort to the authority of the Senate to confirm nominations for promotion of these officers to higher rank or position. And I have indicated that I am prepared to use my prerogatives as a Senator and as a member of the Armed Services Committee to hold up these nominations until any of these officers can testify, if that is made necessary by the failure of the Defense Department to conduct a full inquiry itself.

Mr. President, the committee has just reported to the Senate, with my support, nominations for promotion of approximately 23,000 officers.

Undoubtedly, a few of them have knowledge of the unauthorized activities that have so deeply concerned the Senate, but it would take several days at least to identify them, and the Congress hopes to adjourn tomorrow.

In deference to the aspirations of the many thousands of dedicated military officers on this list, I have not attempted to block their promotions, but will support confirmation of the advancements they have earned.

However, Mr. President, I want to inform my colleagues that I have communicated to the chairman of the Armed Services Committee a request that a system be established for identifying, and separating out from any future nominations that come before the committee, the names of Navy or Air Force officers who may have material evidence of direct concern to the committee and the Senate.

And I want Senators to know that I reserve my rights to raise questions of any of these officers when their nominations come before the Senate, so that we may insure a full and complete airing of the truth about the unauthorized air strikes in North Vietnam.

IMPORTATION OF PRE-COLUMBIAN SCULPTURE AND MURALS—REPORT OF A COMMITTEE (S. REPT. NO. 92–1298)

Mr. LONG, from the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9463) to prohibit the importation into the United States of certain pre-Columbian monumental or architectural sculpture or murals exported contrary to the laws of the country of origin, and for other purposes, submitted a report thereon, which was ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that today, October 13, 1972, he presented to the President of the United States the following enrolled bills and joint resolutions:

S. 493. An act to authorize and direct the Secretary of the Treasury to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purpoess;

S. 2700. An act to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and to the members thereof;

S.J. Res. 247. Joint resolution extending the duration of copyright protection in certain cases; and

S.J. Res. 265. Joint resolution to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore today signed the following enrolled bills and joint resolution which had previously been signed by the Speaker of the House of Representatives:

H.R. 5838. An act to designate certain lands in the Lava Beds National Monument in California, as wilderness;

H.R. 9198. An act to amend the act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems;

H.R. 11047. An act for the relief of Donald W. Wotring;

H.R. 13533. An act to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the act approved June 11, 1878 (providing a permanent government of the District of Columbia), and for other purposes; and

H.J. Res. 1263. A joint resolution authorizing the President to proclaim October 30, 1972, as "National Sokol Day."

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. JORDAN of North Carolina:

S. 4098. A bill for the relief of Barnabas Gabriel Martonffy. Referred to the Committee on the Judiciary.

By Mr. PERCY:

S. 4099. A bill for the relief of Angelica L. Villarin. Referred to the Committee on the Judiciary.

By Mr. COTTON (by request):

S. 4100. A bill to provide for the sale of the Washington National and Dulles International Airports. Referred to the Committee on Commerce.

By Mr. PELL:

S. 4101. A bill to amend the Social Security Act to extend entitlement to health care benefits to all citizens and residents of the United States aged 62 or more, add additional categories of benefits for the elderly (including health maintenance and preventive services, dental services, outpatient drugs, eyeglasses, hearing aids, and prosthetic devices), extend the duration of benefits where now limited, eliminate all deductibles, copayments, and premiums, and authorize payment to health maintenance organizations on a prepaid capitation basis for all covered health care furnished to their members who are entitled to medicare benefits; to revise the tax provisions for financing the medicare program and increase the Government contribution to the program; to liberalize income tax deductions for persons aged 62 or more; and for other purposes. Referred to the Committee on Finance.

By Mr. INOUYE:

S. 4102. A bill for the relief of Miss Audrey Shikee Tam. Referred to the Committee on the Judiciary.

By Mr. DOLE:

S. 4103. A bill to designate the Oakley Reservoir on the Sangamon River at Decatur, Illinois, the William L. Springer Lake. Referred to the Committee on Public Works.

By Mr. HARTKE:

S. 4104. A bill to provide for a study of the feasibility and desirability of establishing a proposed Ohio River National Parkway in the State of Indiana, and for other purposes. Referred to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COTTON (by request):

S. 4100. A bill to provide for the sale of the Washington National and Dulles International Airports. Referred to the Committee on Commerce.

Mr. COTTON. Mr. President, by request I introduce a bill to provide for the sale of the Washington National and Dulles International Airports, and I ask unanimous consent that a communication from the Secretary of Transportation in connection with this bill be printed at this point in the RECORD.

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

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 30, 1972.

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

Enclosed is a draft bill—

"To provide for the sale of the Washington National and Dulles International Airports."

This bill would implement the proposal of the President to sell the Washington National Airport and the Dulles International Airport by authorizing the Administrator of General Services to transfer these properties to the highest responsible bidder or bidders. Under the bill, any party, ranging from an individual to a State or local government, could buy the airports provided the Administrator determines he is capable of operating them and his bid reflects their fair value.

The sale of the airports by the Government would serve four basic purposes. First, it would encourage more efficient utilization of the airports within the National Capital area. Second, it would divest this Department of a day-to-day operational responsibility that is not a necessary part of our basic mission of achieving a balanced national transportation system. Third, whether the purchaser is a State or local government or a private party, the sale would result in an increase of local control over the airports and a reduction of Federal control. Finally, it would achieve a reduction in the Federal budget.

The bill provides for the inclusion in any contract of sale of a minimum number of conditions, but these conditions are very important. For example, it is contemplated that the contract would provide assurances for the continued use and operation of the properties for airport purposes. Also, any purchaser would be required to meet minimum standards of airport operation prescribed in the contract. Failure to do so would allow the GSA Administrator to reacquire the airport facility. In prescribing the terms and conditions to be included in the contract, the Administrator would be required to consider the recommendations of the Secretary of Transportation.

Other essential elements of any contract of sale under the bill include the requirement that the purchaser make the airports available for public use on fair and reasonable terms and without unjust discrimination consistent with whatever actions are considered necessary for efficient and self-supporting operation; the requirement that the purchaser provide fair and equitable arrangements to protect the interests of employees affected by the transfer of an airport to the purchaser; and the requirement that the purchaser pay all applicable Federal, State, and local taxes, and comply with applicable regulations of those jurisdictions. With respect to local regulation of the airports, the bill also grants the consent of Congress to the States of Virginia and Maryland and to the District of Columbia to enter into a compact for the establishment of an organization to regulate the operation of the airports by any purchaser under the bill.

The Federal Government now exercises exclusive legislative jurisdiction over Washington National Airport and concurrent legislative jurisdiction over Dulles International Airport. The bill would provide for the retrocession of that jurisdiction to the State of Virginia if the airports are transferred to a purchaser under the bill. Once such a transfer is made, the only action necessary to finalize the retrocession would be acceptance on the part of the State of Virginia. It is contemplated that some Federal activities would continue to be performed at the airports and that not all Federal property located at the airports would be transferred to a purchaser. For example, air traffic control activities of the Department and weather-reporting activities of the Department of Commerce would continue to be conducted at the airports.

The Office of Management and Budget has advised that the enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

JOHN A. VOLPE.

By Mr. PELL:

S. 4101. A bill to amend the Social Security Act to extend entitlement to health care benefits to all citizens and resident of the United States aged 62 or more, add additional categories of benfits for the elderly (including health maintenance and preventive services, dental services, outpatient drugs, eyeglasses, hearing aids, and prosthetic devices), extend the duration of benefits where now limited, eliminate all deductibles, copayments, and premiums, and authorize payment to health maintenance organizations on a prepaid capitation basis for all covered health care furnished to their members who are entitled to medicare benefits; to revise the tax provisions for financing the medicare program and increase the Government contribution to the program; to liberalize income tax deductions for persons aged 62 or more; and for other purposes. Referred to the Committee on Finance.

THE NATIONAL HEALTH SECURITY ACT FOR THE ELDERLY

Mr. PELL. Mr. President, I introduce at the request of the National Retired Teachers Association and the American Association of Retired Persons a bill to provide comprehensive health services to elderly citizens over the age of 62 years.

Even though I believe we have made some progress by some of our actions on H.R. 1 in moving toward the goals encompassed in this bill, I believe we still have a long way to go before we have provided the level of health coverage our senior citizens deserve. This bill represents what I think the goals of Congress should be in the next session for aiding our deserving older Americans. As a member of the Senate Special Committee on Aging who has held two hearings in Rhode Island on the gaps in the medicare program, I can tell you that the improvements in the medicare program included in this bill are ones that many Rhode Island senior citizens support and improvements which are based upon my own medicare amendments.

As the chairman of the Senate Education Subcommittee who is concerned with the unavailability of medicare benefits to many of the retired teachers in my home State of Rhode Island, I can tell you that the many retired teachers who are struggling to pay their health bills support this proposal.

I am also happy to introduce this proposal to expand the national health insurance principle to all our senior citizens for another reason; this bill is directly complimentary to my own national health care bill, S. 703 which provided comprehensive health benefits to all working men and their families just as a minimum wage is guaranteed to working men.

The National Health Security Act for the Elderly has a number of significant provisions I believe should be highlighted. First, the Health Security Act for the Elderly would expand comprehensive medicare benefits to all citizens who are over 62 years of age whether they have had social security or not. I think this provision is required by equity and humane concern for our older Americans, especially older women.

As I walked through the jewelry factories, laundries, and kitchens of my own State of Rhode Island, I have met many women between the ages of 62 and 65 who were beset by innumerable ailments and yet who had to work in somewhat low-paying jobs. They had to do this in order that they either could build up enough credits to become eligible for medicare at age 65 or in order that they could earn enough to pay the health bills that were being run up as the result of their age.

The bill I am offering today will eliminate that hardship and will allow retired teachers who have for the most part been excluded from the social security system in Rhode Island to receive insured health coverage.

Second, the Health Security Act for the Elderly will eliminate many of the cruel limitations imposed on medicare services in hospitals, skilled nursing homes, and in intermediate care facilities.

This bill will provide unlimited coverage of needed institutional services for sick and recovering senior citizens and will provide a more kindhearted mechanism for not allowing coverage for chronic illness than presently exists in the medicare law. There will be no arbitrary deadlines the days covered. If a senior citizen is sick, he will receive the coverage he needs without fear of a loss of coverage.

Third, the Health Security Act for the Elderly will expand the amount of benefits to be made available to senior citizens.

Dental services and dentures, optometric services and eyeglasses, hearing aides and prosthetic devices will all be made available.

Out of hospitals drugs will be provided and unlimited home health care services will be permitted to assist elderly patients who would rather use the warm atmosphere of their own home for recovery.

These benefits may seem extensive to the average citizen, but I do not think that we should forget that our elderly citizen has in most instances twice as many illnesses as everyone else and usually only half the fiscal resources as everyone else available to them.

Fourth, this bill has been designed to fit into the effort that Senator KENNEDY and I are pursuing to create a greater emphasis on preventive health care and low cost health services through the use of health maintenance organizations.

The services provided in this bill can be made available by contract on a per capita basis with the health maintenance organizations authorized in the recent Health Resources and Health Maintenance Organization bill passed by the Senate. For Rhode Island, this would mean that senior citizens could use such facilities as the Rhode Island Group Health Association to receive benefits.

Fifth, the National Health Security Act for the Elderly has been designed to bring a more progressive and equitable system of finance to the support of the health care services for the elderly.

It would remove completely that anxiety about medical costs which weighs so heavily upon the minds of our sick elderly. The Health Security Act for the Elderly would remove completely

those complicated deductibles, coinsurance payments and monthly premiums which do nothing to limit unnecessary health utilization but which do much to deter needed health care.

To provide for a more equitable tax structure to support this extended Medicare program, the tax ceiling for the medicare tax assessment would be moved to a level of $15,000 of income and authority would be given to use contributions from general revenues to support the National Health Security trust fund which would be created by this bill. This would mean the present flat rate medicare tax which hits middle income persons the hardest would be deemphasized and a greater fiscal burden for medicare would be borne by higher income persons.

Sixth, the Health Security Act for the Elderly would also continue the partnership with the private sector that now exists in the medicare plan and that would be expanded in my bill 703. This means that private carriers such as Blue Cross and Blue Shield in my own State would be able to continue their role of administrative support for the medicare program.

This bill also has a well-designed provision to prevent excess revenues from being accumulated by private carriers and health institutions through the entitlements provided by the bill. This is done through a reinvestment and reduced rate provision.

The National Health Security Act for the Elderly is, I believe, a proposal that merits careful consideration when the Senate continues its deliberation in the next session on the national health insurance issue. It is a bill which will provide needed economic relief and health coverage to more than 130,000 senior citizens in Rhode Island over the age of 62 years and the 22 million senior citizens across the Nation.

I ask unanimous consent that a summary of this proposal be printed in the RECORD at this point.

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

SUMMARY OF BILL—MAJOR FEATURES

TITLE I—REVISION OF MEDICARE ENTITLEMENT AND BENEFITS, EFFECTIVE JULY 1, 1974

A. Entitlement to Benefits. Lowers age requirements from 65 to 62. Abolishes entitlement based on social security status, and makes entitled to all the benefits of Medicare all U.S. citizens, all permanent alien residents living in the U.S., and all aliens present in the U.S. for at least 60 days, who have attained the eligibility age. (A transitional provision saves the entitlement of those who on the day before the bill's effective date (7/1/74) were entitled, or upon filing application would have been entitled, to hospital insurance benefits under the prior law, and extends that entitlement to all covered services under Medicare.)

B. Coverage.

1. Covered institutional services.

a. Unlimited *inpatient* hospital coverage (except for limit of 120 days of care in a benefit period for a psychiatric inpatient, and then only for active diagnosis or treatment of an emotional or mental disorder).

b. Unlimited outpatient hospital coverage. For psychiatric day care, see #2 and 6 below.

c. Skilled-nursing home services (referred to in present law as extended care facility services) on unlimited durational basis beginning July 1, 1976; before that, limited to 120 days in a benefit period, except that Secretary may raise the limit for nursing homes affiliated or operated in connection with a hospital to prevent excessive utilization of hospital beds. No requirement of prior hospital stay.

d. Starting July 1, 1976, care on unlimited durational basis in intermediate-care facilities (defined under title XIX of Social Security Act as institutions providing, on a regular basis, health related care and services to individuals who do not require the degree of care and treatment that a hospital or skilled-nursing home is designed to provide, but who because of their mental or physical condition require care and services (above level of room and board) that can be made available only through institutional facilities).

e. Home health services, without limitation as to the number of visits, and without requirement of prior hospital stay.

f. To the extent specified in regulations, if not otherwise covered—

(a) health and health-related services of public or nonprofit private rehabilitation agencies or centers;

(b) health and health-related services of a public health agency or nonprofit private health agency.

g. To the extent specified in regulations, inpatient services of a Christian Science sanatorium.

2. Physicians' services (not otherwise covered), except that—

(1) major surgery and other specialized services designated in regulations are covered only if furnished by a qualified specialist, and then only if, to the extent specified in regulations, furnished on referral by a general or family practitioner or if they are emergency services.

(2) psychiatric (mental health) services to patients other than inpatients are covered only if furnished by an approved HMO, a hospital, or a mental health center, or (up to 160 days during or following a benefit period) otherwise furnished to a patient of a mental health day care service affiliated with a hospital or approved by the Secretary, or (up to 20 consultations a year) furnished in a psychiatrist's office.

3. *Dental services* (not otherwise covered), on unlimited basis, including preventive, diagnostic, therapeutic, and restorative services (dentures, etc.).

4. *Drugs (including* biologicals, such as blood, immunization products, etc.).

a. Covered without limit if furnished to an enrollee of an HMO, or if administered in a hospital's inpatient or outpatient department, or to an inpatient of a skilled-nursing home operated by or affiliated with a hospital, or (to the extent provided in regulations) in a facility of a rehabilitation agency or center.

b. Covered if furished (without separate charge) in a physician's or dentist's office as an incident to his professional service, but only if the drug is on a general list, established by the Secretary, designed to provide practitioners with an armamentarium sufficient for rational drug therapy.

c. Drugs otherwise furnished (on prescription), but only if included in a *special* list established by the Secretary and then only if prescribed for a disease or condition for the treatment of which the drug is specified on that list; except that drugs furnished in FY 1980 (the 6th fiscal year that begins on or after the effective date of the Medicare Amendments) or thereafter are covered (without regard to the condition for which they are prescribed) if listed on the Secretary's *general* list of drugs referred to in the preceding paragraph. (The *special* list would be primarily for chronic conditions for which drug therapy, because of duration and cost, commonly imposes substantial financial hardship.)

5. *Devices, appliances, and equipment* (prescribed, or certified as medically necessary, by a professional practitioner) if on a list established by the Secretary or if otherwise covered as an institutional service or as an incident to professional services. The list *must* include eyeglasses, hearing aids, prosthetic devices, walking aids, and any article covered under present law. For coverage of dentures, see "Dental services" above.

6. Other Professional and supporting services.

a. Services of optometrists.

b. Services of podiatrists.

c. Diagnostic services of independent pathology laboratories, and diagnostic and therapeutic radiology by independent radiology services.

d. Care (other than psychiatrist's services above covered) in a *mental health day care* service, if furnished by (1) a hospital, (2) an approved HMO, (3) a community mental health center or other mental health center that furnished comprehensive mental health services, or (4) by a service affiliated with a hospital or a day care service approved for that purpose by the Secretary. Limited to 160 full days during or following a benefit period if provided under clause (4).

e. Ambulance and other emergency transportation services, and nonemergency transportation services found essential by the Secretary to overcome special difficulty of access to covered services.

f. Supporting services (such as psychological, physiotherapy, nutrition, social work, or health education services) when part of institutional services covered above or when, with Secretary's approval, furnished by an approved HMO, or another organization, institution, or agency. Outpatient physical therapy services are covered only if they meet requirements of existing law, i.e. § 1861(p) of Social Security Act (as amended by the bill). Screening services not otherwise covered are covered when furnished in accordance with regulations.

7. *Excluded from coverage* (and not abovementioned as excluded) are, *inter alia:*

a. Services furnished outside the U.S., with certain across-the-border exceptions for hospital services and for professional services incident to the hospital services. (sec. 1819 (a) of bill).

b. Services not medically necessary or reasonable or, in the case of health maintenance, not appropriate.

c. Personal comfort items.

d. Purely custodial care.

e. Cosmetic surgery (with certain exceptions).

f. Services furnished or paid for, or required to be furnished or paid for, under a workmen's compensation law. (They may be provisionally treated as covered until a determination has been made under that law, upon which payment under Medicare is to be treated as an overpayment.)

g. Services for which the individual has no legal obligation to pay and which no one else (whether by reason of the individual's membership in a prepayment plan or otherwise) has a legal obligation to provide or pay for.

h. Services furnished by a Federal provider, except emergency services, and except (1) services that the provider is providing generally to the public as a community institution (e.g., St. Elizabeth's Hospital) or (2) to the extent provided in regulations, services of Public Health Service personnel assigned (under sec. 329(b) of the PHS Act) to an area with a critical health manpower shortage.

i. Services that the provider is obligated by a law or contract with the U.S. to render wholly at public expense.

j. Services paid for directly or indirectly by *any* governmental entity, *except* (1) services for which payment is made under any provision of the Social Security Act other than title XVIII; (2) services paid for under a

health insurance plan for the entity's employees (or retired employees) or their families; (3) services provided by a participating State or local government-operated hospital (including a mental or tuberculosis hospital) that serves the general community; (4) services paid for by a State or local agency and furnished as a means of controlling infectious diseases or because the patient is medically indigent; and (5) services provided in such other cases as the Secretary may specify.

C. *Payment for Covered Services* (other than payment to an HMO contracting with the Secretary on a prepaid capitation basis).

1. Payment is made only to a "participating provider" (i.e., one that has filed, and has in effect, a participation agreement with the Secretary under sec. 1866 or, in the case of an HMO, has a contract with the Secretary under sec. 1832), except in the case of emergency services and covered across-the-U.S. border hospital services. The term "provider", under the bill includes not only institutions but also independent practitioners, suppliers of services (e.g., drugs or prostheses or appliances), etc.

2. An institutional provider is to be treated as the provider not only with respect to institutional services, but also any other services furnished to its patients in a facility of the institution and ordinarily billed for by the institution, regardless of the legal or financial arrangement between the institution and the person furnishing the services (under present law, physicians' services (other than those of interns and residents-in-training under an approved teaching program) are not covered under part A, but under part B at the "reasonable charge" (or 80% of it) even though the hospital bills for it and even if the physician is on a salary).

3. The amount of the payment to an institutional provider, including a nonparticipating hospital that provides emergency services, is to be the reasonable cost of the services (as determined under sec. 1861(v)) or, if less, the provider's customary charges, (subject to an exception as to the latter in the case of public institutions).[1]

4. In other cases, a participating provider (physician, dentist, pharmacy, etc.) is to be paid on a "reasonable charge" basis, except that, as at present, an organization that operates on a prepayment basis may, at its request, be reimbursed by the program on a cost basis. In emergencies, if the service is furnished by a nonparticipating provider, i.e., one that has not filed a participation agreement with the Secretary, payment of the reasonable charge may be made either to the patient on the basis of an itemized bill, or to the provider on an assignment from the patient if the provider agrees that the reasonable charge is his full charge. The bill embodies the 75th percentile rule and other provisions of H.R. 1 as to the elements of the "reasonable cost" or the meaning of "reasonable charge", designed to restrain the ever-rising costs.

D. *Capitation Payments to Health Maintenance Organizations.*

In lieu of payment under the preceding provisions, the Secretary and an HMO that meets certain criteria, may contract for payment of an actuarially determined capitation charge to the HMO, prepaid periodically, *with respect to all its* members who are entitled to the benefits of Medicare and who enroll with the HMO under this section. The HMO would have to provide, directly or through others, *all* covered services to such enrollees, and reimburse them for the cost of services obtained by them, otherwise than through the HMO, in emergencies. Such enrollees could not be reimbursed by the program if they go outside the HMO for any service available from the HMO. Members of an HMO that has such a contract with the Secretary, who choose *not* to enroll under this section, cannot have payment made on their behalf by the program to the HMO for services provided by the HMO, except during a 3-year period in the case of individuals who were members before the effective date (7/1/74) of these amendments; with respect to the latter, the HMO may be paid during that period an actuarially adjusted capitation charge.

E. *Use of Carriers, etc., for Making Determinations, etc., for Payment Purposes.*

The bill merges the present part A provisions for use of fiscal intermediaries and part B provisions for use of carriers into a single section providing for use of carriers (including the type of organization which under the present system is a fiscal intermediary under part A) in administering the program. The Secretary must give priority to the fiscal-intermediary type of organization in selecting "carriers" to act for him with respect to covered services provided by institutional providers for which payment is to be made on a cost basis.

F. *Cost-Sharing:* None. (No premiums, deductibles, or copayments).

G. Financing of Program.

1. The two Medicare Trust Funds are merged into a single National Health Security Trust Fund. In addition to the special taxes collected under the Internal Revenue Code, and to returns from investment of the fund, a Government contribution is authorized to be appropriated in whatever amount is necessary as estimated from time to time by the Board of Tustees of the Trust Funds, so that there can be prompt payment of benefits and administrative expenses plus an adequate contingency reserve.

2. If at any time the Board of Trustees reports to the Congress that the Trust Fund is insufficient to make promptly all payments from the Fund required in the next 3 months, and if a request for a Government contribution that would correct the insufficiency is then pending in Congress but an appropriation to make the contribution has not been finally acted on by the Congress, the Managing Trustee (Secretary of the Treasury) shall, if the Board so directs, borrow (through issuance of Trust Fund notes or other obligations) from the Treasury, which is empowered to utilize the Second Liberty Loan Act for the purpose.

H. *Changes in Other Law.*

a. Repeals sec. 226 of Social Security Act and sec. 103 of Social Security Amendments of 1965 which constitute the present basis of Medicare entitlement.

b. Divests Railroad Retirement Board of its present functions for administration of the hospital insurance part of Medicare with respect to railroad retirement annuitants. (Continues RR Ret. Board's functions for comparable payments to RR Ret. annuitants in *Canada out of the RR. Ret. Account.*)

c. Repeals provisions in the Railroad Retirement Tax Act (secs. 3201, 3211, 3221) insofar as they include under that Act the equivalent of the present hospital insurance taxes under the Federal Insurance Contributions Act. (Reason: These railroad taxes, under another provision of law, now go into the Railroad Retirement Account, on the premise that the Medicare system will get its equitable share under the financial-interchange provisions of the Railroad Retirement Act. However, under the bill, railroad employment will now be taxed for Medicare purposes under the Federal Insurance Contributions Act).

d. Amends title XIX (Medicaid of Social Security Act to change the eligibility age for the elderly from 65 to 62 and to make Medicaid for the elderly supplemental to Medicare.

TITLE II—CHANGES IN TAX LAW

a. Tax *base* limit: $15,000, with an escalation provision triggered, at 2-year intervals, by increases in the average of the taxable wages of all employees covered under the payroll tax system; except that payroll taxes on employers will have no tax base limit other than the total payroll.

b. Types of tax: wage taxes on employees, payroll taxes on employers, and self-employment taxes, plus a tax on unearned income. (All but the last type already exist.)

c. Wage and payroll tax base coverage: Changed to include Federal and *State* and local governmental employment (other than President, V.P., Members of Congress) and railroad employment, foreign agricultural workers, and charitable (etc.) organizations.

d. A section has been included to provide for unlimited income tax deductions for medical care expenses in the case of taxpayers aged 62 or over (and their spouses) and with respect to dependent parents aged 62 or over.

TITLE III—FINANCIAL ASSISTANCE TO HMO'S

Essentially the same as the Administration proposal, but with a number of drafting changes to reflect what is presumably the intent of that proposal, and also some technical drafting changes. These provisions are to become a new title XVII of the Social Security Act (in place of the present title XVII, which has expired).

By Mr. HARTKE:

S. 4104. A bill to provide for a study of the feasibility and desirability of establishing a proposed Ohio River National Parkway in the State of Indiana, and for other purposes. Referred to the Committee on Public Works.

OHIO RIVER NATIONAL PARKWAY

Mr. HARTKE. Mr. President, today I introduce legislation that would lead to the creation of recreational facilites for millions of people in the Midwest portion of our country. This bill provides for a study of the feasibility and desirability of establishing an Ohio River National Parkway running along the northern side of the Ohio River between Aurora and Mount Vernon, Ind.

This legislation has been introduced in previous years by myself and by my distinguished colleague from Indiana, Representative LEE H. HAMILTON. On those occasions, during the 89th and 90th Congresses, cutbacks were being made in highway construction funds due to the Vietnam war. As we continue to withdraw from that tragic endeavor, however, these funds are once again available, and the parkway proposed by this bill deserves renewed consideration.

Currently, there are five national parkways, three of which are in the Washington area. There have been no additions to this group since 1950. The portion of the Ohio River that would be banked by this parkway is one of the most scenic of the river's entire length. The proposed plan would bring these beautiful sights within the reach of 10 million people from Indiana, Kentucky, Ohio, Tennessee, and Missouri. In addition to the esthetic benefits derived from the parkway's location, it would also serve as a connecting link to the Lincoln Trail in Spencer County and, possibly, with the Lincoln Memorial National Parkway.

The Ohio River has played a significant role in the expansion of our country, and the trail history winding along

[1] In the case of a public institution that generally provides the services to the public free or at a nominal charge, the Secretary shall pay an amount determined on the basis of such items of reasonable cost as will provide fair compensation.

its shores should be made available to more people than the present highway system permits. The bill I offer today will not only enable area residents to enjoy the historical and recreational sites this section of the country has to offer, but it will also make it readily accessible to visitors coming from other parts of the Nation.

Mr. President, I hope that my colleagues will give this proposal the consideration it merits, and I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

S. 4104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed, in consultation with the Secretary of Transportation, to conduct a study of the route of a proposed national parkway beginning at a point at or in close proximity to Aurora, Indiana, and extending generally along the northern banks of the Ohio River to a point ending at, or in close proximity to Mt. Vernon, Troy, Indiana. Based on the results of such study, the Secretary of the Interior shall submit a report, as to the feasibility and desirability of establishing a proposed Ohio River National Parkway generally along the route referred to herein, to the Congress within two years from the effective date of this Act. Such report shall contain full information relative to the cost of constructing such a parkway, and proposed legislation to carry out any recommendation that such a parkway be authorized.

SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3839

At the request of Mr. EAGLETON, the Senator from Rhode Island (Mr. PASTORE), the Senator from Montana (Mr. MANSFIELD), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Alaska (Mr. STEVENS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Dakota (Mr. BURDICK), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 3839, the National Reading Improvement Act of 1972.

S. 3916

At the request of Mr. HOLLINGS (for Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PASTORE), the Senator from California (Mr. TUNNEY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Nevada (Mr. CANNON), the Senator from Kentucky (Mr. COOPER), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maine (Mr. MUSKIE), and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of S. 3916, the Worker Alienation Research and Technical Assistance Act of 1972.

S. 4010

At the request of Mr. PASTORE, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 4010, a bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out.

EXEMPTION OF CORPORATIONS AND LABOR ORGANIZATIONS FROM CERTAIN PROHIBITIONS—AMENDMENT

AMENDMENT NO. 1756

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

Mr. HARRY F. BYRD, JR. (for himself and Mr. COOPER), submitted an amendment intended to be proposed by them jointly to the bill (H.R. 15276) to amend section 491(g) of title 18, United States Code, in order to exclude corporations and labor organizations from the scope of the prohibition against Government contractors in section 611 of title 18.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1445

At the request of Mr. HOLLINGS (for Mr. KENNEDY), the Senator from Iowa (Mr. HUGHES), the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), and the Senator from South Dakota (Mr. MCGOVERN) were added as cosponsors of amendment No. 1445, proposed to the joint resolution (S.J. Res. 241) the interim agreement between the United States and the U.S.S.R.

AMENDMENT NO. 1482

At the request of Mr. HOLLINGS (for Mr. KENNEDY) the Senator from Rhode Island (Mr. PELL) and the Senator from Oklahoma (Mr. HARRIS) were added as cosponsors of amendment No. 1482 proposed to S. 3939, the Federal-Aid Highway Act of 1972.

NOTICE OF HEARINGS ON OVER-THE-COUNTER DRUGS

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Monopoly of the Senate Small Business Committee will resume its hearings on over-the-counter drugs on December 5, 6, 7, 8, 11, and 12, 1972. Witnesses will include medical experts, as well as other representatives from government and private institutions. The hearings will be held in room 318, caucus room, of the Old Senate Office Building and will start at 10 a.m. each day.

ADDITIONAL STATEMENTS

A HISTORICAL SKETCH OF THE U.S. NAVY

Mr. SCOTT. Mr. President, today marks the 197th anniversary of the founding of the U.S. Navy. In 1775, our forefathers in the Second Continental Congress had the foresight and wisdom to see the need for a national Navy to protect our interests on the high seas. Accordingly, on the 13th of October of that year, a congressional resolution directed the acquisition of sailing cruisers and the establishment of the Continental Navy.

The following is a brief historical sketch of the U.S. Navy:

The U.S. Navy enjoys a proud seafaring tradition extending to colonial days and the Revolutionary War. When General Washington took command before Boston in 1775, he saw the possibility of capturing unprotected transports and supply ships. He converted several small schooners into warships and enlisted Massachusetts sailors into "Washington's Fleet," the first organized American naval force.

Later that year, as a result of the aforementioned congressional resolution of October 13, the first vessel to fly the Continental Colors, the 24-gun ship *Alfred,* built in Philadelphia, was commissioned.

In the beginning, the Navy numbered just a handful of ships, but in these warships served men who molded the naval traditions that have strengthened the Nation to this day. Continental ships and privateers prevented the isolation of America. They brought in essential supplies, convoyed merchantmen, captured enemy ships, further domestic opposition to the war in England and showed the "Stars and Stripes" in foreign ports. Bold attacks on British shipping hurt the enemy. Jones, Conyngham, and Wickes brought the war to Britain's home waters. Jones, in *Bon Homme Richard,* defeated H.M.S. *Serapis* in the most celebrated naval battle of the American Revolution.

Following the peace settlement the Navy went into a decline, and with the sale of the frigate *Alliance* in 1785 went out of existence. Political independence was a reality, but in the next 30 years the United States had to fight three wars to win her domination of the seas. In 1793, Algerian Corsairs captured a number American merchant ships and enslaved their crews. In response, Congress in 1794 authorized the construction of six frigates to meet this threat to our commerce. The French Revolution brought war between France and England and their ships preyed on American commerce as each belligerent tried to stop the other's trade. French depredations increased and the revived Navy had its baptism of fire in the quasi-war with France—1798–1801.

In the Mediterranean, attacks by Barbary Corsairs were renewed and the Navy engaged the Tripolitans. Preble, Rogers, Decatur, and other gallant men in the ships *Constitution, Constellation, Intrepid, Nautilus,* and *Enterprise* won respect for our flag. Our second war with Britain was fought on ocean and lakes. The first American triumph of the war was the defeat of the H.M.S. *Guerriere* by Capt. Isaac Hull in *Constitution.* The lake fleets won crucial battles under Commodores Perry and Macdonough. Perry soundly defeated the British on Lake Erie in 1813 and Macdonough achieved a "signal victory" over the British on Lake Champlain. Naval forces also fought valiantly against the British

invasion force that attacked Washington and Baltimore.

Following the war of 1812, American commerce prospered with the assurance of naval protection. During the decades before the Civil War, the U.S. Navy played an important technological role. The Navy developed the first steam warship in 1815 and the first screw-driven warship in 1843. Dahlgren developed the first cannon designed on a scientific basis. Wilkes established the existence of the Antarctic Continent as John Rogers and others led important scientific explorations abroad. Maury, at the Naval Observatory, gained renown for his work in astronomy and later great works in oceanography.

In the war with Mexico in 1846–48, the Navy blockaded both coasts, provided naval gunfire support to the Army, secured California, and provided sea communications. The operational high point was the amphibious assault at Vera Cruz where 12,600 troops with horses, supplies, and munitions were placed ashore in 1 day. This experience in amphibious warfare would soon be called to use in the Civil War. The War Between the States was our first modern war. Seapower was the key to success. The Federal Navy was small at the start, but it gave the Union control of the seas and prevented the South from ever developing any significant naval strength.

Northern strategy included blockades, seizure of southern ports, amphibious operations, and control of all major inland waterways. The blockading force grew to be a great fleet and effectively stopped southern imports and exports. On the western rivers, gunboat flotillas blocked the movement of men and material while providing support to the Union forces. The capture of New Orleans and the fall of Vicksburg severed western supplies from the war in the East. Farragut, in Hartford, brought his fleet against Mobile in 1864 and captured the port following his famous "Damn the torpedoes, full speed ahead."

In the South, ingenuity supplemented meager resources. The Confederacy turned to ironclads, mines, and the submarine *Hunley*.

When the Civil War ended, the United States had the most powerful navy in the world. Rapid demobilization and public apathy, however, soon took their toll and by 1881 the Navy had no modern ships. Although financial and public support for a modern navy were not available, many officers took the lead in developments that would help change the world. For example, Bradley Fiske, as a young officer in the 1880's, made important contributions in electricity and wireless telegraphy. Albert Michelson returned to the Naval Academy as an ensign to teach physics and chemistry. In 1873, he undertook fundamental experiments that resulted in fixing the speed of light. Michelson later received the Nobel Prize in physics, and was the first American to do so.

Capt. Stephen B. Luce formed the Naval Institute in 1873 and in 1884 established the Naval War College at Newport. Luce headed the Naval War College and brought Capt. A. T. Mahan there as lecturer. These lectures became the basis for Mahan's book "The Influence of Seapower Upon History," which revolutionized naval thinking. Naval rebuilding began in 1883 with the authorization to construct all-steel cruisers with advanced armor and armament of domestic steel. New warships followed with vastly improved gunnery systems and fighting effectiveness. When the sinking of the *Maine* brought war with Spain in 1898, the Nation had a modern Navy of respectable size trained in modern tactics. At Manila Bay, Admiral Dewey boldly engaged the Spanish fleet and gained a decisive victory which made the United States a Pacific power. At Santiago, Cuba, Admiral Sampson destroyed Admiral Gervera's fleet on July 3, and the war was brought to a quick end. With peace, the United States was projected into the role of a world power with vast overseas possessions to protect. This would require a strong fleet which was insured by President Roosevelt. The cruise of the "Great White Fleet" demonstrated American technical proficiency, good will, and prestige.

The first submarine joined the Navy in 1900 and in 1911 the first aircraft was purchased. During World War I, the Navy convoyed and transported hundreds of thousands of American soldiers and vast supplies through submarine-infested waters. The Navy, working with the British, laid the largest minefield in history to keep German submarines from traversing the North Sea.

Between the world wars a quest for permanent peace was sought through the limitations of armaments. War again came in 1939, and with the collapse of France, the tempo of U.S. preparedness increased. Then inevitably, as in 1917, the United States was drawn into the conflict. The country was engaged in a massive shipbuilding program when the Japanese attacked Pearl Harbor, but there was a desperate need for more of everything. The requirement to provide convoys, transport men and materials, and actively engage the enemy strained our resources. As ships and aircraft became available the country went on the offensive. German U-boats in the Atlantic changed from the hunter to the hunted. The inevitable collapse of Germany began with the Normandy invasion. Over 2,000 ships and craft joined our Allies in the movement to the beaches of Western Europe.

In the Pacific, vast distances gave the war a different complexion. Japanese carriers and surface ships led their advance into the South. In May 1942, at the Battle of the Coral Sea, Japanese naval expansion was checked and in the following month a superior enemy fleet was decisively beaten at the Battle of Midway. Japan was now on the defensive. The Navy carried American marines and soldiers through all of the amphibious campaigns of the Pacific from Guadalcanal to Okinawa. With the Japanese surrender onboard U.S.S. *Missouri* in Tokyo Harbor, September 2, 1945, victory was achieved. However, events soon would show that it was an uneasy peace.

Suddenly war erupted in Korea. Fortunately the United States had control of the seas from the outset. As bitter fighting raged on the Pusan perimeter, a bold offensive began with the amphibious assault at Inchon. The Communist armies that had been on the verge of winning at Pusan collapsed. In the ensuing ebb and flow of the war, the Navy continued its role of moving supplies, providing naval gunfire, and carrier air support.

U.S.S. *Nautilus* heralded the era of naval nuclear power in 1955. In 1960, *Triton* completed a submerged cruise around the world. In 1960, the Navy commissioned U.S.S. *George Washington*, the first of 41 Polaris-missile submarines. Nuclear propulsion also plays an increasing role in the surface Navy—the aircraft carrier *Enterprise*, cruiser *Long Beach*, and the missile frigates *Bainbridge* and *Truxtun*.

Since 1964, the U.S. Navy has been engaged in the conflict in Southeast Asia, and has carried out its mission with distinction, helping our Nation fulfill a solemn pledge to the people of the Republic of South Vietnam.

And so on this day, as we pause to honor the U.S. Navy, I ask this august body to join in saluting a naval heritage rich in tradition and achievement, dedicated to our Nation's security and to those principles and ideals which have made our Nation the great haven of the free world.

JOHN SHERMAN COOPER

Mr. FULBRIGHT. Mr. President, before this Congress adjourns it is fitting that we pay our respects to the senior Senator from Kentucky, who is voluntarily retiring from the Senate.

I use the word "retiring" advisedly. Seldom have I served with one as modest and self-effacing as our colleague. And this is a body not noted for such characteristics.

Senator COOPER came to the Senate a little after I did, so I have known him throughout his Senate career. In fact, he is the only colleague who, during his temporary break in service when he was our Ambassador to India, sat across the table from us in the Foreign Relations Committee, as an executive branch spokesman. In 1967 he joined us on the Senate side of the table.

During these last 6 years, Senator COOPER enriched the committee with his diligence, conscientious participation, and farsighted proposals. While he has always been consistently discreet about his role and experiences as Ambassador, I am sure that this added to the insights he brought to committee discussions.

I can only speculate whether it was these experiences that led him to sponsor the amendment to the National Security Act of 1947 (S. 2224) which would serve to keep Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the CIA, together with its analysis. This is an example of Senator COOPER's knack of laying bare the essentials of a problem and proposing a sound solution.

His legislative achievements are many

and have been amply attested to by my colleagues. I will limit my recollection to two illustrations of his areas of concern.

His name will be long recalled as the COOPER of the series of Cooper-Church amendments which, over the years, have sought to limit our military involvement in Southeast Asia. The first of these amendments, in 1969, to the Defense Department appropriation bill prohibited the use of funds to finance the introduction of American ground combat troops into Laos or Thailand. By a similar Cooper-Church amendment to the Special Foreign Assistance Act of 1971, this prohibition was extended to Cambodia as well. In 1971, the committee reported a Foreign Assistance Act containing yet another Cooper-Church amendment, this time providing for withdrawal of U.S. forces from Indochina and the termination of U.S. military operations there. The Senate's vote to strike this amendment from the bill, in my opinion, so weakened support for the aid bill that it was defeated the following day. Senator COOPER's progression of thinking on the war in Indochina finally led him to propose this year an amendment providing for the unconditional withdrawal, within 4 months of enactment, of all American forces from Indochina. This amendment was modified to make it conditional on the release of American prisoners of war and then, once again, the entire foreign aid bill was defeated. While his name will be missng from our future efforts to end the war, his spirit will be spurring us on.

To illustrate another area of his concerns and another facet of his personality I refer to his patient, meticulous labor on the foreign service grievance procedure bill, which showed his interest in people and in due process of law. Senator COOPER's judicious nature and experience acquired early in his career was typified in this endeavor. This chapter, too, is not yet closed and we will have to carry on for him.

Finally, as chairman of the Committee on Foreign Relations, I am grateful for having had the pleasure of working with Senator COOPER. His unfailing kindliness and courtesy made our burdens easier. And the fact that you could always count on his presence when needed was a real boon to any chairman. His absence here will be felt.

I express one hope—it is that whatever administration we have after January 1973—Republican or Democratic—the President will seek to enlist the abilities of statesman COOPER to help this Nation as it faces the future.

ADDITIONAL DEATHS OF ALABAMIANS IN VIETNAM

Mr. ALLEN. Mr. President, I have placed in the RECORD the names of 1,163 Alabama servicemen who were listed as casualties of the Vietnam war through June 30, 1972. In the period from July 1 through September 30, 1972, the Department of Defense has notified four more Alabama families of the death of loved ones in the conflict in Vietnam, bringing the total number of casualties to 1,167.

I wish to place the names of these heroic Alabamians in the permanent archives of the Nation, paying tribute to them, on behalf of the people of Alabama, for their heroism and patriotism. May the time not be distant when there will be no occasion for more of these tragic lists.

I ask unanimous consent to have printed in the RECORD the names of the next of kin of these four Alabamians.

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

LIST OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL FROM THE STATE OF ALABAMA IN CONNECTION WITH THE CONFLICT IN VIETNAM, JULY 1, 1972, THROUGH SEPTEMBER 30, 1972

ARMY

CWII William C. Jesse, husband of Mrs. Linda L. Jesse, Hidden Valley, Trailer Court, Lot 5, P.O. Box 577, Daleville, 36322.

Sgt. James R. Layton, son of Mr. and Mrs. Robert O. Layton, 202 Speigner Street, Enterprise, 36330.

WO1 Gerald D. Spradlin, son of SGM (USA) and Mrs. Herbert H. Spradlin, 42 Epps Drive, Fort Rucker, 36360.

First Lt. John A. Todd, son of Col. (USA) and Mrs. John A. Todd, 13 Gregg Way, Fort Rucker, 36360.

A CHANGED ENVIRONMENT FOR THE MINING INDUSTRY

Mr. BENNETT. Mr. President, Mr. John B. M. Place, president and chief executive officer of the Anaconda Co., after just 18 months in his present position, is emerging as one of the key spokesmen for the mining industry. Recently, he issued both a challenge and a call to arms to members of the American Mining Congress and to public opinion leaders everywhere. Because of the importance of mining to the well-being of every American and because of the constructive manner in which Mr. Place considers the problems and opportunities of this vital industry, his speech merits the careful attention of Congress. I ask unanimous consent that his speech be printed in the RECORD.

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

WANTED: A CHANGED ENVIRONMENT FOR THE MINING INDUSTRY

(By John B. M. Place)

There's a temptation today for me to indulge in nostalgia for those periods when a mining company president could focus almost solely on getting "rock in the box" and refining it into metal. But nostalgia has dangers and we probably wouldn't want to exchange our problems for those that beset the leaders of this industry during the great depression of the 1930's.

Our industry is challenged on all sides. Fate appears to be dealing with us in much the same way that Noel Coward suggested that men deal with women. Coward recommended that a woman be struck at regular intervals like a gong. I thought of Coward's comment when the title "Impacts" for this talk was first suggested to me. The mining industry appears to be under the impact of one blow after another, many of them seemingly struck just for the pleasure of listening to the gong vibrate.

I hope today to come up with some suggestions that will help to get us out of the position of the gong. We need to gain more control over our own destiny.

I hope to focus on seven problem areas which to some degree are interrelated:

1. The scarcity of new ore bodies and declining ore grades.
2. Environmental protection.
3. Labor.
4. Politics.
5. Capital requirements.
6. Economic, fiscal, and monetary policies.
7. World trade and tariffs.

In each of these areas, our industry faces enormous challenges. Largely these challenges arise out of conflicting objectives. Politicians have one set of primary objectives, environmentalists another, the investing public another, developing countries another, consumers another, the minerals industry another, and on and on. Since the overriding problem of all mankind is resource supply, a system of trade-offs between these conflicting objectives must be found. The sooner the United States realizes this, and does something about it, the better off we will be as a nation. We can never again be satisfied with tradition and maintenance of the past.

Let us take up each of these seven areas in turn. On the subject of scarce ore bodies and declining ore grades, little can be said that would be new to this group. The task of finding a rich mineral deposit is more difficult and costly than ever before. Exploration costs have more than doubled and perhaps tripled for the entire domestic industry in the last decade and a half. And the odds against finding a viable mineral deposit are estimated at about 10,000 to one.

In the face of this situation let me first say that a rational tax policy, which includes allowances for depletion, becomes even more important in the light of the diminishing of resources we must seek and find. Added tax treatment to encourage exploration could help add to the reserves the nation needs.

Conversely, the withdrawal of land available for prospecting and exploration can only shortchange the nation, by reducing the availability of future resources. There are several hundred bills before Congress right now that would directly or indirectly deny access to specific areas for mining.

Obviously, our industry will continue its search for new reserves of metals to the best of our ability. We must look to technology for opportunities to reduce the cost of exploration, or to increase its cost-effectiveness. We must analyze the effectiveness of new approaches versus tried-and-true techniques. The era of large exploration teams with huge logistical requirements may yield to more carefully targeted operations aided by sophisticated techniques such as airborne remote sensing devices, vapor sniffers, heat flow measurements, and gamma ray detection, all of which are now being developed.

Mining and metallurgical technology must continue to raise the recovery rate from material that was considered waste a few short years ago. We haven't yet reached the point where we call a tailings pile a mine, but we're working on it!

A second problem area is environmental protection. Here is a field in which the public seems to be willing to accept anyone as an expert, providing his charges are sensational enough to obtain TV time or space in a newspaper column. It makes no difference that he has the wrong credentials, if he has any at all. These instant experts strike the mining industry gong regularly, with charges that range from poisoning the atmosphere to raping the land.

The extremists who cry "wolf" most often are nearly always ready with instant solutions, such as stopping all economic growth. Unfortunately, their agitation can only hamper the efforts of trained engineers and others who are working to pinpoint the technical problems and find solutions to them. The un-

realistic regulations and time-tables being forced on industry by pressure from the alarmists can only waste funds that could be used for genuine problem-solving.

I want to call your attention to one clear and present danger in the rush to obtain overnight results: Regulations are being promulgated without scientific understanding of the problems and on shaky test evidence. Decisions that will require industry to spend millions of dollars are being made by the government with scarcely any documentation. There is mounting evidence of citations that are based on a minimum of information, information that has been obtained through sketchy tests using questionable testing procedures and sometimes even malfunctioning instrumentation.

The costs involved in trying to meet the new requirements are staggering. In July, the EPA proposed air quality rules for six western states that could cost mining companies an estimated $544 million to meet the new environmental requirements at 13 smelters. In addition, during the period that controls are being installed, smelters would have to shut down entirely under certain conditions.

The mining industry can derive small comfort from the fact that an extra two years—until mid-1977—were given to control sulfur dioxide from smelters. There is, in most cases, no technology now available to achieve the level of control the government seeks, but that's another problem. Some estimates place the eventual cost for the copper industry alone of meeting the standards at over $1 billion.

These costs will have to be paid by the users of the products. There is no other way. In the case of copper, for example, the 1972 annual report of the President's Council on Environmental Quality estimates the cost as high as five cents a pound. The complications here are endless: the disadvantage in trying to compete with foreign sources, the effect on balance of payments with the ensuing effect on the total economy, the adverse effect on resource development, the unemployment that results, communities that are disrupted.

The effect on jobs is obvious. The same report of the Council on Environmental Quality predicts that as many as 10,900 potential jobs would be eliminated by stifled growth in the primary copper industry alone.

Not one of us here would advocate downgrading of the environment. It goes without saying that environmental quality is a fundamental problem of mankind on a finite planet. But if we are to continue with our industry's primary function—resource supply—we have to be able to keep functioning.

I cannot emphasize too strongly that a program which has such a staggering effect on the American economy and the livelihood of millions of Americans cannot proceed haphazardly. The regulations should be based on sound scientific evidence and their enforcement must utilize thorough testing procedures. Too much is at stake to act on the basis of emotion, politics or ignorance.

In the third area, labor, we find spiraling costs not based on increased productivity, crippling strikes, and restrictive work rules. All have contributed greatly to placing our industry at a disadvantage against substitute materials and foreign competition. The result has been a loss of markets, massive imports of products that compete unfavorably against our own and a decline in employment in the United States as jobs have been exported. All these effects add to the country's trade deficit as well as damage the domestic minerals industry. Possibly more important than all of this, the resource base of the United States is further reduced. History has shown us the dangers in relying on foreign sources for vital metals and fuels.

There is some hope that this situation can improve. I believe the consequences of cumbersome work-rules and unending wage escalation are beginning to be understood by labor leaders and the public. There is a growing consciousness of the fact that jobs are being exported and other dislocations are being caused by continuing wage increases that are not tied to increased productivity.

Perhaps we can turn that awareness into a relationship that recognizes the necessity to think in terms of an alliance to further our mutual interests. I personally believe that industry management should be able to have an improved dialogue with labor management, to gain better understanding of one another's problems, so we can present a united front to our competition.

The fourth area, politics, is more of a fact of life in our industry than ever before, especially on the international level.

In recent years, the climate of foreign mineral investment has undergone drastic changes. My own company's experience with expropriation in Chile could serve as a case-history of the impact of politics on economic decisions. When this happens, the resource country also loses, because it needs the technical and management skills and capital that we can bring to the enterprise.

By the same token, countries needing the resources are at the mercy of political decisions. The United States is a have-not nation with regard to many essential materials. Our industry is looking for ore deposits in many parts of the globe because we have to.

To the extent that we must import more and more of our energy and more and more of our raw materials, we must have, in my judgement, a more aggressive posture by the United States Government to encourage and protect American industries when they go abroad.

In view of the huge balance of payments deficits that this nation is now facing. I believe it is important that the Secretary and the economic advisers in the State Department should have a much larger voice in shaping the policies that govern United States positions abroad. There should be a better balance between economic and political advice within the State Department than there has been during the years since the end of the Marshall Plan.

One encouraging event occurred in June, when our government withheld support from multilateral loan negotiations with Iraq, after that country nationalized key properties of the Iraq Petroleum Company, in which two United States oil companies held an interest. Even though the United States was outvoted, and the World Bank later committed resources to the loan, the United States' position was a step in the right direction.

There are a number of positive moves our government can make to improve the nation's position in its quest for needed foreign resources. Ideally, the government and industry should function as partners in developing business agreements with foreign nations. One example of such cooperation was the Japanese arrangement to obtain Turkish chromium. The government and industry acted together to develop a special assistance agreement. Turkey will receive, among other things, financial and technical assistance for establishing a ferrochrome alloy plant. Japan will receive a million tons of chrome ore.

Lacking such a partnership, there could be better provision for insurance on foreign investments.

Under the present United States government program conducted by the Overseas Private Investment Corporation, any compensation in excess of premiums must be paid by the American taxpayer. There has to be a better way. One idea would be some form of international insurance on foreign investments, with participation by the host country. That could tend to dampen some of the enthusiasm for expropriation.

A second approach which has been suggested to protect against economic nationalism is to multinationalize the project by bringing in foreign partners acceptable to the host country. Along with this step, it would be advisable to raise capital from several different nations, and to get international investing institutions involved.

An arrangement that The Anaconda Company has negotiated with the Government of Iran provides an illustration of still another approach to foreign resource development, which will benefit both parties. Under our agreement, Anaconda will make technical personnel available to the Sar Cheshmeh Copper Mining Company, which is wholly owned by the Imperial Government, on the basis of individual employment contracts. We will also provide technical services. Thus our expertise will assist in the development of an important new copper industry. Anaconda will receive a fee for its technical services. We are not putting in any equity but we will be well-compensated.

We believe this to be a fresh approach to dealing with the issue of nationalism. It could be useful for mineral development in other less-developed countries.

Up to now, I have discussed only the impact of foreign politics on the economics of the minerals industry. Members of the American Mining Congress know only too well the impact of domestic politics.

The kinds of decisions that have to be made to foster a favorable climate for the minerals industry have been spelled out time and again by this body, and by individual spokesmen within our industry. I am referring to public land policies, taxation and labor policies, air, water and surface mining regulations, and other measures that have been presented as recommendations to Congress.

The Congress, in adopting the National Mining and Minerals Policy in 1970, made a positive move toward encouraging the development of economically sound and stable domestic mining, minerals, metal, and metal reclamation industries. If the United States Congress will fully implement this policy, the whole nation will benefit.

A keystone of this policy is the establishment of a Department of Natural Resources as proposed by the President of the United States, to bring our many natural resource efforts together under one roof. That is a priority matter if the many apparent conflicts in resource planning are to be resolved, and the many potential crises in meeting national mineral needs are to be averted.

Our fifth problem area is that mining is one of the most capital-intensive of all industries. It has been estimated that an integrated copper operation that could serve five percent of the United States market would cost in excess of $300 million—more than double the amount needed 20 years ago.

The full impact of this change cannot yet be evaluated. The amount of capital required merely to service the long-term debt such costs incur staggers the imagination. Our company recently did an analysis of the debt of 14 companies in the minerals industry. We found that long-term debt has grown 147 percent in the last decade, from $1.9 billion at the end of 1961 to $4.6 billion at the close of 1971.

Some elements in our society forget that we need profits in order to attract capital. A sound return on earnings is more essential today than ever before. If we cannot earn money for our shareholders, the investment capital necessary to keep this industry going will not be available. Earnings are the nourishment that makes our private enterprise system flourish, and enables our industries to provide goods and services in such quantity to our people. They must be maintained if our system is to survive.

Economic, fiscal, and monetary policies to-

gether make up a sixth problem area for the minerals industry. Just over a year ago, the President announced the most fundamental changes in economic policies in modern United States history: the floating of the dollar, the freezing of wages and prices, and a variety of tax measures.

To a great extent, these policies have worked for the economy as a whole, although unevenly in regard to some industries. In many of our companies price controls have had no effect on the prices of our products, for the simple reason that several metals are selling below those established under the regulations. The labor contracts that we negotiated after controls began were also unaffected. To the extent that general inflation has slowed down, we have, of course, benefited. If the price-stabilization program achieves its over-all goal, that is, of stopping the present cost-push inflation, and of preventing the reappearance of a demand-pull inflation, the measures will have been worth the cost. But I suspect that our sentiment would be somewhat like that expressed in a highly-popular book of a few years back—Catch-22: You can't live in a temporary structure except temporarily.

There is also no predicting the outcome of the international monetary situation. Many experts, outside the United States as well as in, believe that a strong U.S. dollar is essential to a strong world monetary system. The dollar can be strong only with a favorable balance of trade, or at least trade that is in balance. The impact of an improved trade position on our industry is obvious. The international competitiveness of U.S. companies will improve, the exporting of jobs and importing of goods will slow down from the present high levels.

In our industry alone we are approaching a balance of payments deficit of $1 billion a year. In the petroleum industry the deficit was $4 billion last year. According to the Secretary of the Interior's report to Congress, the projected deficit for all minerals could reach $31 billion by 1985 and $64 billion by the year 2000. Obviously, the national economy could not stand that strain for long, especially in the face of huge budget deficits and declining productivity.

In our seventh problem area, world trade and tariffs, we are also confronted by a rapidly changing set of conditions.

For more than two decades, the United States has sought to build strong economies throughout the free world. Not only was it the humane thing to do for war-ravaged and underdeveloped countries, but it was good business. The United States needed markets. The time has now come when there should be some new rules and guidelines, particularly in regard to our trade relations with Japan.

In 1971, according to Commerce Department figures, U.S. imports exceeded exports by $1.5 billion. When trade with Japan is subtracted, instead of showing a deficit the figures show a net gain of $1.7 billion. The impact of rising imports on U.S. business is unmistakable. Profits of those companies most directly hit by imports have dropped sharply. Employment has suffered severely.

Not all of industry's problems can be blamed on foreign trade, as we have seen in discussing the other impacts. But it is obvious that we now need some new trade rules based on economics rather than political or social philosophy. I believe that sound private business decisions will help us better to achieve public social goals.

I am not advocating a return of high tariff walls, but I am advocating reciprocity from countries that have reached a point where their competitor is seriously damaging or even destroying domestic industries.

One of the basic factors that created the dynamic United States economy was the existence of a large market within our own borders, where trade was free and unhampered. Now such areas are being created overseas. On January 1, 1973, the world's mightiest free-trade area will officially come into being. It will consist of 16 European nations, with 300 million persons, and annual trade of $275 billion, almost twice that of the United States, Russia and Japan combined. These nations have agreed to eliminate all industrial tariffs within five years. The impact on world markets of an entity of this magnitude can only be imagined. There is no historical precedent with which to evaluate it. And on the horizon loom China and the Soviet Union. Both are enormous potential producers and consumers, and both are candidates for some future free-trade coalition that would not include the United States.

In conclusion, it looks as though we had better be prepared to cope with continuing impacts from social, political and economic change at home and abroad. In our quest for minerals, energy *and* social responsibility, I maintain that our underlying concern must be to maintain profitability. And profitability is just as important to society as a whole as it is to business. This point was well stated by international management consultant John Diebold at the French government symposium last June:

"Private business is the most effective resource allocator man has ever invented. For society to benefit from its dynamics and innovation, it is the social responsibility of business to make a profit, and it is the responsibility—and opportunity—of society to invent ways of applying business methods to meet the needs of man and of society."

You in this industry know how to tackle the problems of exploration, of mining, of metal production. You know how to go about improving technology, providing better equipment, moving to increase productivity. You are familiar with these problems and you know how to look for solutions.

And remedies for many of the other problems of the minerals industry exist right now. Not *all* the mining bills in the Congressional hopper are anti-industry. A bill called "The Mineral Development Act of 1971" was introduced because of the hard work and effort of so many of you in this audience. The industry supports it officially. We should all support it actively.

I mentioned the proposal for a Department of Natural Resources. It would assume control of the government's programs and activities that relate to managing the nation's natural resources. It would pull together in one department the responsibility for resource planning and management that is now splintered among many different departments and agencies. A Department of Natural Resources would help us put it all together in Washington, and mark the start of a new era. Let's get behind the idea.

The development of a sound tax base, the right to explore and develop mineralized areas, and the need for a sound environmental policy are three principal areas in which we will need to work for laws that will enable our industry to thrive.

To get the public support we need, we will have to speak out. We will have to communicate with the public at every opportunity. More than an occasional letter to a Congressman is needed to change attitudes that are becoming more ingrained every day.

Let's not let the overnight experts, the oracles who would have the world close up shop, have it all their own way. They do have an advantage over us because it's relatively easy to make the 7 o'clock news or the morning headlines with an irresponsible off-the-cuff accusation or a doomsday pronouncement. But if we take no action to counter such charges, it is simply human nature for the public to assume they are correct.

We have an impressive story to tell, and we must do a good job of telling it to the American public. The future environment in which the minerals industry will operate is being shaped now, under the impact of many different forces. The biggest impact on our future must come from the effort that we ourselves will make.

A LETTER TO THE SUPREME COURT

Mr. ERVIN. Mr. President, last term was a dark time for American freedom across the street at the Supreme Court. While the Court rightly rejected the unfounded claim of the Justice Department that it has unrestricted inherent powers to wiretap whenever it wished, nonetheless the Court seriously weakened the rights of all of us in three other cases. They were the Gravel-Brewster cases, which made massive inroads into legislative immunity; the Branzburg-Caldwell cases, which stripped newsmen of their first amendment protection to keep sources confidential; and Tatum, which said the Army could spy on any peaceful American it disapproved of despite the freedoms guaranteed under the first amendment.

Nina Tottenberg, a highly respected Supreme Court reporter for the National Observer, is the winner of many Gavel awards from the American Bar Association for her perceptive and candid writing about legal matters. She has written a short, hard-hitting editorial which simply but effectively brings home the consequences of the Court's decisions last year on individual rights.

I ask unanimous consent that the letter to the Court be printed in the RECORD.

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

[From the National Observer, Oct. 7, 1972]

A LETTER TO THE COURT

DEAR JUSTICES: This week marks the opening of a new Court term. Before you begin rendering decisions, consider a few points.

Last term you ruled against individual rights in three cases that one-by-one may not have seemed to strike a great blow against freedom but taken as a whole seriously threaten our whole system of checks and balances on Government power.

You ruled that a newsman, if subpoenaed, must testify before a grand jury conducting a criminal investigation and that a newsman has no right to withhold the identity of his sources of information.

You ruled that a member of Congress or his aides may be questioned about their sources of information. Specifically, you said that Alaska Sen. Mike Gravel and his aides had no immunity and must tell a grand jury about their sources for the Pentagon Papers and arrangements they made for publishing the papers.

You ruled that peaceful protesters who are spied upon by military agents may not challenge this practice in court unless they can show they have been specifically harmed. The case grew out of revelations that some 1,000 Army intelligence agents in 300 offices across the country had kept tabs and filed dossiers in computer banks on thousands of citizens (including senators and Supreme Court Justices) involved in activities such as Earth Day, church and community action, labor-union action, and civil-rights and anti-war protests.

The net effect of these three decisions is twofold: It severely limits the availability of information that shows the government in power in an unfavorable light; and it gives the government broad new powers to investigate those who speak against its policies.

It's not unusual, for example, for a newspaper to crusade against the local, state, or Federal government with articles about corruption or Mafia connections. Stories such as these usually begin with tips from courageous citizens whose jobs, earnings, even lives would be jeopardized if their identities became known.

The first thing a corrupt government does when threatened with exposure is to find the sources of the leak and shut them up. And what is the easiest and most legal way to find out who those sources are? It is to convene a grand jury to investigate the newspaper's charges and force the reporters to reveal the identity of their sources. Then corrupt government operatives dig up some piece of dirt about the source, or they threaten his life or his children's lives, or they fire him from his job, or sometimes they just arrange an auto accident.

Another important way that information is discovered about hanky panky in government is through Congress. Desperate citizens often write to their congressmen about wrongdoing. That is how Gen. John Lavelle's unauthorized bombing in Vietnam came to light.

The young man who spilled the beans about Lavelle to his senator did so because the same chain of command he was supposed to report wrongdoing to was also falsifying documents about the bombings. The young man didn't mind seeing his identity revealed. But suppose the source had been a general with his career at stake. The Founding Fathers gave members of Congress immunity from prosecution for speeches made on the floor, presumably to insulate them from the punitive actions of those they criticized.

The Court's decisions in the press-subpoena and Gravel cases thus make it exceedingly difficult to gain adverse information about the executive branch of Government. At the same time, the executive branch has all kinds of special tools to protect itself. President Nixon has significantly expanded the doctrine of executive privilege—a doctrine originally meant to guarantee the confidentiality of the President's communications with his aides.

But Nixon has invoked this doctrine for all manner of self-protection. Henry Kissinger has refused to testify about foreign policy before Congress; when the President ordered a scientific study of the SST and the study concluded that the project was a bad one, the President refused to release the study because by then he was pushing the SST. White House aides refused to answer questions from a congressional committee about their involvement in getting a favorable settlement of the antitrust case against ITT after that corporation made a large campaign contribution to the GOP.

It is almost impossible to break the back of executive privilege. The only way to challenge it is through the Justice Department, and that is also part of the executive branch. Any maverick U.S. attorney who thought to challenge Government secrecy with a grand-jury investigation would be fired by the President before he could say "your honor."

Now you, the members of the U.S. Supreme Court, give the executive branch new tools. You, in effect, have said to the executive branch: "You can interrogate your critics before a grand jury, you can find out who is squealing. And if people want to hold meetings to protest what you are doing, you can spy on them and keep dossiers on them."

Think about it this way, your honors. How would you regard your decisions if a President Edward M. Kennedy were to order investigations into congressional and press leaks accusing him of weakening our national defense or of playing footsie with some union? Would you like it, Warren Burger, if some Democratic President were to order surveillances conducted on you and Richard Nixon—and you had no legal recourse to stop it?

NINA TOTTENBERG.

SENATOR HANSEN'S "CATTLE IN THE PARK"

Mr. BIBLE. Mr. President, Mr. Bernard Shanks has again written an article in the September 1972 issue of Progressive reflecting on my colleague, the junior Senator from Wyoming (Mr. HANSEN).

The article seeks to imply that the Senator from Wyoming has gained a special privilege because of his public office. A comparable article by Mr. Shanks appeared in another publication last year.

In order to set the record straight and so that Senators and all interested individuals may know what the facts are, I ask unanimous consent that an exchange of correspondence I have had with the National Park Service be printed in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., October 11, 1972.

Hon. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are pleased to respond to your letter concerning an article entitled "Senator Hansen's Cattle in the Park," which appeared in the September 1972 issue of Progressive Magazine

From our records, at least as early as 1938, grazing was undertaken in the Grand Teton area on Forest Service lands and public domain. Mr. Clifford Hansen was one of the cattlemen who grazed stock under permit in that year. We cannot give an adequate history concerning permits issued for the period when the subject lands were administered by the Forest Service, since we do not have access to Forest Service records.

In 1972, there are 14 persons holding permits to graze stock in the park. There are 22 permits issued to 13 persons (6 of which having grazing permits) for trailing in 1972.

On March 15, 1943, President Roosevelt established the Jackson Hole National Monument by Proclamation 2578. The monument lands were composed of lands excluded from the Teton National Forest, other public domain lands, and privately owned lands. The proclamation stated that the reservation was subject to all valid existing rights. Neither the Washington Office of the National Park Service nor the Superintendent of Grand Teton National Park has records to indicate the different types of rights which were continued as a result of Proclamation 2578. We understand that whatever records may have existed on this subject would have been forwarded to the St. Louis Records Center years ago. However, the proclamation did have the effect of continuing the rights of certain stockmen, including Mr. Hansen, to graze stock within Jackson Hole National Monument. The Bar BC Ranches, Inc., sold land, cattle, horses and equipment, and grazing permit rights to Clifford Hansen in 1944.

Most of the monument lands became a part of Great Teton National Park under the Act of September 14, 1950. It was determined that 29 stockmen, including Mr. Hansen, had statutory rights, based on prior leases, permits, or licenses on that date.

The Act of September 14, 1950, to establish a new Grand Teton National Park (64 Stat. 849), in Section 4 provides

"(a) the Secretary of the Interior shall designate and open rights-of-way, including stock driveways, over and across Federal lands within the exterior boundary of the park for the movement of persons and property to or from State and private lands within the exterior boundary of the park and to or from national forests, State and private lands adjacent to the park. The location and use of such rights-of-way shall be subject to such regulations as may be prescribed by the Secretary of the Interior.

"(b) all leases, permits and licenses issued or authorized by any department, establishment, or agency of the United States with respect to the Federal lands within the exterior boundary of the park which are in effect on the date of approval of this act shall continue in effect, subject to compliance with the terms and conditions therein set forth, unless terminated in accordance with the provisions thereof.

"(c) where any Federal lands included within the park by this Act were legally occupied or utilized on the date of approval of this Act for residence or grazing purposes or for other purposes not inconsistent with the Act of August 25, 1916 (39 Stat. 535), pursuant to a lease, permit or license issued or authorized by any department, establishment or agency of the United States, the person so occupying or utilizing such lands and the heirs, successors or assigns of such person, shall upon the termination of such lease, permit or license be entitled to have the privileges so possessed or enjoyed by him renewed from time to time, subject to such terms and conditions as the Secretary of the Interior shall prescribe for a period of twenty-five years from the date of approval of this Act, and thereafter during the lifetime of such person and the lifetime of his heirs, successors or assigns but only if they were members of his immediate family on such date; as determined by the Secretary of the Interior: *Provided,* that grazing privileges appurtenant to privately owned lands located within the Grand Teton National Park established by this Act shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States, except for failure to comply with the regulations applicable thereto after reasonable notice of default: *Provided further,* that nothing in this subsection shall apply to any lease, permit or license for mining purposes or for public accommodations and services or to any occupancy or utilization of lands for purely temporary purposes. Nothing contained in this Act shall not be construed as creating any vested right, title, interest or estate in or to any Federal lands (16 U.S.C., Sec. 406 d–2)."

In conformance with Section 4 of the Act of September 14, 1950, regulations to control grazing have been published in Section 7.22 of Title 36 of the Code of Federal Regulations. The regulations apply reasonable controls on the conduct of grazing operations. Persons violating these regulations would be proceeded against the same as violators of other National Park Service regulations.

Since September 14, 1950, grazing permits have been issued to the stockmen having prior grazing rights. The permits contain special conditions with which permittees must comply. Breach of the conditions would make a permit subject to cancellation.

The regulations at 36 CFR, Sec. 7.22 (c) (5) provide "Grazing fees shall be the same as those approved for the Teton National Forest and will be adjusted accordingly." The grazing permittees are required to pay fees for all grazing undertaken, in accordance with the above provision.

The policy of the National Park Service, in accordance with the intent of the Act of

September 14, 1950, is to phase out all grazing at Grand Teton. As mentioned above, there were 29 permittees in 1950. This number has now been reduced to 14 by operation of the act.

The effect of the language inserted in the appropriation bill by former Senator O'Mahoney was to prohibit the use of proposed appropriations to administer the monument as a monument, without interfering with the functions previously performed by the Forest Service in fire prevention, the Bureau of Reclamation in administering the affairs of that Bureau, or the wildlife activity in that area within the forest or public domain. The statement of this position is on page 6080 of the "Congressional Record" of June 18, 1943.

There are three dude ranch operations within the park which graze stock. The Triangle X Ranch and Elbo Ranch are park concessions, and these concessions, as part of their concession contracts, are permitted to graze horses. Triangle X grazes 120 horses and Elbo grazes 28 horses. Both ranches are responsible for their own fencing, irrigation, and hay. Land ownership is not a prerequisite for these concessions.

The Whitegrass Ranch is an inholding which predates the park. That ranch grazes 68 horses and 238 AUM's (animal unit month) under a grazing permit. Original grazing rights, obtained by Forest Service permit, were based on ownership of appurtenant lands. In 1956 the Naitonal Park Service acquired all of the Whitegrass Ranch except 5 acres. One of the conditions of the acquisition was that the Whitegrass Ranch owner would have a life-estate right to graze 68 horses on the same basis the ranch had enjoyed prior to the 1956 acquisition:

The following stockmen graze stock under fence:

B. Porter—350 head, 2,100 AUM's.
C. Hansen—569 head, 3,414 AUM's.
A. H. Brown—235 head, 1,410 AUM's.
Ida B. Chambers—281 head, 554 AUM's.
John Moulton—189 head, 383 AUM's.
William Fleischmann—140 head, 140 AUM's.

Grazing operations were transferred from the west side of the Snake River to the east side to improve management of the park and enhance safety, aesthetics, and resources protection. The lands used to pasture these cattle and those on Mormon Row were used as cattle and hay ranches before the transfers.

On September 14, 1950, Messers. Clifford Hansen, Arthur Brown, and Bruce Porter held grazing permits on what is known as the Potholes-Moran Grazing Unit. This grazing unit consisted of 83,500 acres of land in Jackson Hole National Monument and the Teton National Forest. The Hansen permits authorized the grazing of 569 head of cattle and 3,414 AUM's of grazing, including 2,845 on national monument lands and 569 on Forest Service lands.

The Potholes-Moran Grazing Unit included important plant communities, forests, sage brush, flowered slopes, and aspen groves, and included major visitor-use areas of the park, such as Jackson Lake Lodge, Colter Bay, Signal Mountain Lodge, several dude ranches, and developed campgrounds. The National Park Service recognized that for protection of natural and scenic values and enhanced recreation values and visitor use, it was desirable to remove grazing, which was open range, from the Potholes-Moran area.

In 1957, the National Park Service proposed to the permittees of the Potholes-Moran Grazing Unit that they bring their cattle under fenced pasture in another area of Grand Teton National Park, where ranching and grazing had been historically practiced. The stockmen, including Clifford Hansen, then holding no elective office, accepted this proposal. To accomplish the grazing relocation, irrigation systems had to be redeveloped, fences built and cultivation revitalized. This successful relocation accomplished an elimination of open grazing on 83,500 acres of the park and the adjacent forest, all possessing high scenic and recreational value, while meeting the Service's legal obligation to the permittees. This relocation allowed a reduction in grazing land to 11,000 acres of park land which had already been used for irrigated hay lands and pasture. (Open range grazing was eliminated within the park with the acreage grazed reduced by 72,500 acres.)

This relocation, however, did cause an increase in park AUM's. To take the cattle off of the Potholes-Moran Grazing Unit in the park, it was also necessary to remove them from the Teton National Forest, on which part of the grazing unit existed. Due to the fact that there are no fences along the boundary between the park and the forest, if cattle were allowed to graze on the forest section of the Potholes-Moran Grazing Unit, it would be impossible to keep them off park lands. Therefore, the grazing preference of the national forest was absorbed into the fenced pasture operation which added 1,154 AUM's to the park's total grazing picture. This includes 569 AUM's which were authorized in the Hansen permit.

In 1961 the National Park Service relocated the grazing permits belonging to Ida B. Chambers, John Moulton, and William Fleischmann from the Antelope Flat Grazing Unit to an area adjacent to Mormon Row in Grand Teton National Park. Six hundred and ten head of stock were placed on approximately 900 acres of fenced pasture lands. Approximately 40 acres of these lands are irrigated and the fencing and the irrigation are the responsibilities of the permittees. This action reflects further implementation of the objective to eliminate open range grazing within Grand Teton National Park.

Thank you for your interest in the programs of the National Park Service.

Sincerely yours,

GEORGE B. HARTZOG, Jr., *Director.*

NATURAL RESOURCES—PARKS,
NATIONAL PARK SERVICE,
Grand Teton, September 26, 1972.

Hon. GEORGE B. HARTZOG, Jr.,
Director, National Park Service,
Department of the Interior, Washington, D.C.

DEAR GEORGE: In the September 1972 issue of the *Progressive Magazine* an article appeared entitled "Senator Hansen's Cattle in the Park."

There are several points which this article raises on which I would appreciate clarification:

1. The history of grazing in Grand Teton National Park including permits which were issued under administration by the Forest Service.

2. The number of permittees using the Park for driving or grazing cattle.

3. A summary of all existing rights and claims which were dealt with by the establishment of the National Monument in 1943 including summer homes, mining laws, grazing permits, and dude ranches.

4. A summary of the Park Service's enforcement of valid uses which have existed since the National Monument was established. I realize that there was some language inserted in an appropriation bill by former Senator O'Mahoney regarding use of funds for administration of Grand Teton as a National Monument.

5. What is the Park Service's policy in regard to existing grazing permits? Are there some dude ranches in or near Grand Teton which have permits but don't actually own land?

6. I believe that in 1957 there was an attempt to consolidate certain grazing permits on Grand Teton. I understand further that these permits were transferred onto the old Elk Ranch. Could you summarize the background behind this transaction.

7. Why were the permits for grazing on the west side of the Snake River transferred to the east side? Were lands used to pasture these cattle and those on Mormon Row being used as cattle and/or hay ranches before these transfers?

Since this is a very important matter, I would appreciate your prompt attention.

Cordially,

ALAN BIBLE.

NO BLACKOUT FOR SUPER BOWL

Mr. SCOTT. Mr. President, National Football League Commissioner Pete Rozelle today announced that the Super Bowl game will be televised in Los Angeles, the site of the game, if all tickets are sold 10 days in advance of the game. This announcement comes largely as a result of discussions held between the Commissioner and various Members of Congress, some of whom were advocating the enactment of antiblackout legislation this year.

I applaud the Commissioner's decision to go ahead with this noble experiment. It will give the league an opportunity to verify many of the problems associated with television blackouts of live sporting events. More importantly, though, it will give the Congress an opportunity to study this very complex matter in more detail prior to legislating. I hope that whatever action we may take will be in the best, long-run interests of professional football.

Mr. President, I ask unanimous consent to place the NFL news release in the RECORD.

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

NEWS RELEASE

The National Football League will televise the Super Bowl game in Los Angeles, site of the game, if all tickets are sold by ten days prior to its playing on January 14, 1973.

Commissioner Pete Rozelle, in making the announcement disclosed that the proposed telecast will be in the nature of an experiment for this season.

Rozelle, continuing to express deep concern over any proposed modification of the League's television policy, also stated that the NFL would begin next week to assemble facts concerning the legal conflicts of stadium leases, stadium contracts with outside parties, radio and television contracts as well as practical considerations involved in altering its policy of not televising regular season games locally.

This study will be presented at a later date to Senator John O. Pastore of Rhode Island and Representative Harley O. Staggers of West Virginia, heads of congressional committees reviewing NFL procedures.

Information regarding the plan to televise Super Bowl VII locally and for the conduct of the study was conveyed to the two congressmen by the Commissioner yesterday in Washington, D.C.

TAX DISCRIMINATION AGAINST UNMARRIED TAXPAYERS

Mr. MOSS. Mr. President, I strongly support the amendment offered by the Senator from Oregon (Mr. PACKWOOD). Its purpose its as equitable as the Bill of Rights.

For years I have objected to the fact that a single person paid income taxes at a rate higher than a married couple,

and furthermore that a single person who was head of a household paid income taxes substantially higher than those of a married person with the same responsibility. I could see no justification for taking more tax money out of the pay check or income of a man or woman who happened not to have married, or been divorced, than out of the paycheck of those who were married.

In the early and middle sixties, I was one of the cosponsors of the bills introduced in several Congresses by Senator Eugene McCarthy which made an effort partially to end this discrimination. The McCarthy bills provided that a person who had been single for 3 years, and who was 35 years of age or over, could be considered as head of a household for Federal tax purposes, and his tax rates set as such. I was very much disappointed when even this moderate attempt to mitigate tax injustice was killed by the Senate Finance Committee in the 88th Congress.

We have made some progress since that time in reducing the tax discrimination against single persons. Under the 1969 tax revision bill, tax rates for unmarrieds who were not head of a household were reduced to a level that is only about 20 percent more than those of a married couple—instead of the astounding 40 percent more which then prevailed in some instances—and the tax rates of an unmarried who was head of a household were reduced to only 10 percent more than those of a married person in the same category.

This was a giant step in the right direction—and hailed as such. But it did not go far enough. Obviously, single persons cannot achieve tax equality until they are taxed at the same rate as a married couple. We have a chance here today to assure, once and for all, that this will be done in the future.

This amendment is fair. It is equitable. It is long past due. It will affect some 30 million unmarried taxpayers in the Nation, a few who pay high taxes, and many who pay less, but who last year together paid $1.6 billion more than their fair share to the Federal treasury in income taxes.

Although some of their numbers have spoken out vigorously—and justifiably—against such obvious tax injustice, most of them have carried their unfair tax load with quiet restraint. They should not be asked to overpay their share of the Nation's tax load any longer. They should be treated equally with all other citizens.

Mr. President, I ask that the amendment by the Senator from Oregon (Mr. PACKWOOD) be passed.

MARYLAND MARINE POLICE PROVIDE OUTSTANDING ASSISTANCE TO THE PUBLIC

Mr. BEALL. Mr. President, to anyone who has traveled the broad reaches of the Chesapeake Bay, the vessels of the Maryland Department of Natural Resources Marine Police are a familiar sight. They cruise the bay, providing instruction and assistance to boaters of the area, enabling them to enjoy the water in the safest possible manner.

Recently, 13 members of the marine police were cited by boatmen in Maryland waters for the outstanding assistance that they provided to them in a series of emergencies ranging from running aground to engine trouble. Often, the general public is not aware of the major contribution that the police make to the welfare of boaters. In order to provide deserved recognition, therefore, I ask unanimous consent that the news release from the Department of Natural Resources of the State of Maryland, which describes the actions of these men, be included in the RECORD so that my colleagues might have the opportunity to learn of the exemplary work of the Maryland Marine Police.

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

MARYLAND DEPARTMENT OF NATURAL RESOURCES—NATURAL RESOURCES POLICE FORCE

ANNAPOLIS, MD.—Thirteen members of the Department of Natural Resources Marine Police were cited by boatmen in Maryland waters for outstanding assistance to them in a series of emergencies ranging from going aground, engine trouble to loss and recovery of a wallet containing "a large sum of money."

The Marine Enforcement personnel cited were: Ronald G. Dring, Harmond D. George, Robert D. Harrison, Cleveland W. Bridges, Billy L. Insley, Ralph Plummer, Myrl E. Stevens, Jr., Anthony J. Bures, Andrew W. Holland, Byron W. Fairall, Daniel Ciekot, Kenneth R. Mauk, and William Stallings.

Letters of commendation from six assisted boatmen were received by Cmdr. Roy Rafter, Chief of the Natural Resources Police Force, who reported 260 instances of "assists" by Marine Police to the boating public in August alone.

An Army Major from Louisiana was impressed with the manner in which Ronald Dring called his attention to local boating regulations. He wrote: "He exhibited a high degree of professionalism, was quite courteous and presented a neat, sharp appearance." The Major said that Dring "demonstrated a thorough knowledge of seamanship and handled his boat in a superior manner. Additionally, it was evident that he was proud of his uniform and of the Maryland Marine Police."

A staff member of the House Committee on Administration whose boat stalled in choppy waters off Kent Point while on a fishing trip was enthusiastic in his praise of Harmond George, Cleveland Bridges, and Robert Harrison. Towed to safety, one of the three was even able to make necessary adjustments to the engine which enabled the disappointed fishing party to reach home port without further trouble. The Marine Inspector, according to the letter, refused payment for his work.

A Pennsylvania attorney wrote that when a hose broke on one of his cruiser's engines, Billy Insley, Ralph Plummer and Myrl Stevens responded to his call for help and saw him safely into the slings of a Travel-Lift at Rock Hall. He said: "The men were very competent, courteous, and I was very appreciative of their efforts on behalf of my family, my boat and me."

A Philadelphia insurance executive appreciated the help given by Anthony Bures when a rented houseboat became disabled near the mouth of the Miles River. The craft was towed to St. Michaels where mechanical assistance was available but Bures "checked back a couple of times to make sure we were receiving help."

A resident of Georgetown, Maryland had her lost wallet containing "a large sum of money" returned to her by Andrew Holland, who, she said, refused a reward.

Byron Fairall and Daniel Ciekot were commended by a resident of Cambridge, Maryland for their efficiency and courtesy in towing his boat to a slip in that city when the motors failed at the mouth of the Choptank River.

A Washington realtor, embarrassed when his 30 foot cruiser ran aground near Shady Side, was enthusiastic in his praise of Kenneth Mauk and William Stallings. Seeing his plight while patrolling in their whaler, they shortly re-appeared in the "big and beautiful" 'Anne Arundel' and were able to pull the cruiser free. The boatman wrote:

"An incident such as we experienced certainly strengthens this boatman's desire to cooperate in every way possible with your Department and its fine men for safe boating on the Chesapeake Bay."

PUBLIC ADMINISTRATORS AND "THE PRIVACY THING"

Mr. ERVIN. Mr. President, I have long been concerned with the dangers that computerization of personal information in Government dossiers will pose to the individual's right of privacy. I am therefore heartened to find my concern mirrored by those most intimately involved with administering such computerization.

An article in the current issue of the Public Administration Review discusses the problem in a very lucid fashion. It first presents an excellent summary of what steps have been taken by Congress and other bodies to explore the complexities of the issue. Then, in what I consider the heart of the article, the author urges administrators to take action on their own. In his words,

Clearly, the complexity of this issue has many ill-defined or cloudy areas. But, this does not mean that those in public administration can sit back and wait for the Congress, the states, the courts, or the data processing profession to act for them. In these days when people are making extraordinary demands on government, not to have a forward-looking perspective is dangerous for both the individual administrator and his organization.

In particular, the author urges administrators to allow the subjects of dossiers to read and challenge entries in their files.

Mr. President, I could not agree more. Awareness is more effective than any legislative investigation or enactment could hope to be as a deterrent for misuse of governmental powers. I find the suggestion of allowing subject access and challenge particularly interesting—it is the cornerstone of any system to protect privacy.

The author then notes that the administrator may fear to act because he may "hinder or compromise Government operations." In answer to that fear, the author adduces the example of the Freedom of Information Act, commenting that studies of the act's effects show that agencies' prior fears about Government security were groundless.

Mr. President, I am very glad to see this argument made. In dealing with governmental agencies, I have found them sometimes too worried about efficiency. I am sure that this argument, from this source, will carry a great deal of weight.

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

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

[From the Public Administrative Review, September–October, 1972]

PUBLIC ADMINISTRATION AND "THE PRIVACY THING"; A TIME TO SPEAK OUT

(By Frank G. DeBalogh)

The decade of the '70's has been called a time of introspection. Americans have turned inward en masse to take a new look at their institutions and the quality of modern life. This has generated intense debate and often violence. In many of these confrontations, it is almost axiomatic that those who "administer" government move into action only when the pressure becomes undeniable. This type of reactive, crisis management has long been a hallmark of federal, state, and local bureaucracies. Government action on the problems of the environment, the economy, and the poor to name only a few is typical of this situation. Because the pace of change and technology is so frantic, it is imperative that public administrators make valiant efforts to foresee and plan for future developments that may take on ominous consequences if unchecked.

One of these problems very much in the news is what a recent issue of *Business Automation* referred to as "the privacy thing." [1] Namely, the dangers posed to the constitutional rights to individual privacy by the proliferation of computer data banks at every level of government. This issue, of course, is not new, since the controversy over "government files" has been virulent off and on since World War II. But technology has introduced an "order-of-magnitude" change that contains the seeds of Orwell's nightmare society. Yet, the sad truth is that many administrators who are responsible for setting policy for these tools of more efficient government have tended to ignore the whole issue. The thrust of concern for this problem has not come from practitioners in the field of public administration but elsewhere.

PUBLIC SYSTEMS AND TODAY'S CONCERN FOR THE RIGHT TO PRIVACY

The realization that computerized personal information is instantly available to members of governmental bureaucracies and could endanger the rights of the individual in American society became increasingly widespread during the latter part of the '60's. The impetus was provided by questionable practices followed by private credit bureaus and other businesses relying on computerized information about the public.[3] It was compounded by the growing need within the data processing industry and the business world for tighter security over computer facilities and the vital corporate information they housed.[3] This was also accentuated by a public controversy when the then Bureau of the Budget proposed establishment of a national data bank which was to be repository of computerized statistical information.[4] Extensive hearings on the subject by Congress elicited grave misgivings about the possible development of individual "dossiers" on individual citizens and the dangers of disclosure of personal information. As a consequence, the concept of a national data bank has been successfully shelved for the time being.

In recent years this public apprehension has been mounting. The perils of the situation have been noted by many prominent people, including former Chief Justice Earl Warren.[5] Some, like consumer advocate Ralph Nader, have talked in shrill tones about the need for privacy safeguards to prevent the country from becoming a "nation of slaves." [6] Literati like Vance Packard have spoken in a similar vein about a "humanity in chains of plastic tape." [7]

To date, the Congress and some states like New York have taken preliminary steps in the form of laws to squarely face the issue.[8] In the private sector, federal legislation has recently gone into effect requiring credit bureaus to open their files to individuals who can now take a look at information about themselves and can take steps to correct erroneous data.[9] A recent congressional amendment requires the Law Enforcement Assistance Administration (LEAA), established by the Safe Streets Act of 1968 to disburse federal funds to the states for upgrading law enforcement systems, to recommend legislation to protect the constitutional rights of individuals who may be affected by criminal justice computer systems funded by the federal government.[10] Senator Sam Ervin's (D–North Carolina) much publicized Subcommittee on Constitutional Rights has again focused the spotlight on EDP in government and privacy through highly probing hearings.[11] More legislation is a virtual certainty. But current legislative action, especially at the state and local level, is still basically limited to expressions of concern.

While it is proper to say that many governmental administrators have shown an unfortunate lack of foresight on this subject, there are some notable exceptions. The policy and procedural safeguards practiced now for a hundred years by the Bureau of Census in the handling of personal information are exemplary.[12] However, this is not true of several score computerized data bases that exist elsewhere within the Federal Government. Yet, things are changing. HEW recently established an advisory board to monitor the design and development of computerized systems to ensure that computer security and the right of privacy are considered.[13] But an individual's right of access to his own files, except in the case of the Social Security Administration, is negligible. In some cases developments are rather haphazard. For instance, in the criminal justice field, the FBI, which operates the computer-based National Crime Information Center, has yet to fully confront the issue. But Project SEARCH (System for Electronic Analysis and Retrieval of Criminal Histories), a demonstration project involving several states and LEAA that seeks to establish the feasibility of an integrated federal-state crime information system, has done considerable research on safeguarding of individual rights to privacy.[14] One of its committees is now in the process of drawing up model legislation for criminal history information systems.[15]

At the state level, the New York State Intelligence Information System (NYSIIS) has become a model for computer security.[16] In California, representatives of the state, the counties, and municipalities have come together under the Council on Intergovernmental Relations and have set up a committee to study the problem.[17] In some instances, concerned practitioners are addressing the issue as individual members of citizens groups rather than as representatives of organizational entities. The task force set up by the Los Angeles Chapter of ASPA to consider the public use of private information in California is a good example.[18] Even so, as a whole, administrators, especially those at the organizational goals and policy-setting level, are still on the sidelines.

How long can they afford to remain uncommitted? Much of the public concern surrounding the privacy issue revolves around the fear of the faceless "bureaucrat" who in his quest for efficiency is quite prepared to infringe upon a citizen's rights to privacy. It should be noted that such images are being conjured up by many influential critics.[19] These fears must be set to rest. More importantly, future developments in the data processing industry and changes in the fundamental nature and methods of government will vastly accentuate the problem unless the issue is addressed now.

THE FUTURE: A GROWING DANGER

It is said that computer hardware currently under development will be able to store enough information on each of us to fill a book.[20] There is no need to cite satistics about the fantastic growth predicted for the information processing industry. The future will blossom forth with the computer "utility" whose services will be widespread, plentiful, and cheap the same as electricity or the telephone are at present.[21] Along with the development of fast-response, multiple-access systems will come sophistication in powerful "inferential relational retrieval techniques" that can tie together facts and individuals in a thousand ways.[22] The dictates of modern "behavioral-predictive theories of information" that call for amassing vast quantities of phychological and organization information for optimum decision making will be paramount.[23] Linkages between space age computer hardware and on-line, real-time communications technology concepts are going to make a vast contribution to the effective provision of public services. This will mean integrated information nets at all levels of government which will meet the multiple requirements of a host of agencies.[24] We are seeing these changes now as these links between all levels of government are multiplying at a rapid pace.

The very nature of the American system of government will likely be altered. Integrated information systems will bind federal-state-local systems tightly together and make for multi-level integrated decision making. The many layers of government will be transformed into various "subject area control systems" dealing with public order, health, education, and other national problems.[25] These are already taking shape in the fields of criminal justice, taxation, and social welfare to name a few. The benefits of this phenomenon in terms of efficiency, responsiveness to need, and cost savings are undeniable.

Unfortunately, through the process of meeting the growing needs of the common good the threat to individual rights is magnified. In describing these rights Edward Shils has used the effective analogy of "social space" which each individual possesses as a property of his individuality.[26] In tomorrow's society this "social space" faces severe constriction unless the impact of technology on government is balaced to preserve what Shils calls "humanity and civility." However, to do this most public organization in their present form require fundamental changes in structure and purpose that in large part rest with those who man and run them, today's public administrators.[27] The implications of this future for public administrators and their organizations are multidimensional and difficult to assess.

Yet, such assessments must be made before we can begin to eliminate the dangerous lag between adjustments in the national fabric and the impact of technological advance. While the issue is complex, there are certain fundamental parameters that can be identified. First, public administrators must become convinced that these new tools will be the mainstay of their organization's capability to provide satisfactory service to their clientele. It follows from this that to adequately protect against invasions of privacy will necessitate sophisticated computer security systems. Surprisingly, the technological problem of providing this security in hardware, software, facility, communications lines, storage, handling, and similar needs are the easiest to surmount. A good deal of progress has already been made in this area.[28] The type of protection provided for in defense computer systems can serve as examples. Many corporate computer systems are being professionally secured around the country.[29] In short, experts believe that

Footnotes at end of article.

from the technological point of view systems can be "buttoned up" quite well.[30]

However, they also point out that the key to computer security is good people.[31] This holds true for the design, testing, operation, and auditing of any computer system. Administrators must begin insisting on employing only highly qualified, reputable people to staff their systems. It is not too far-fetched to envision professionalization of this field where one might have to deal with "certified public programmers" in the future.[32] The American Federation of Information Processing Societies is presently looking into the question of licensing programmers, operators, and other systems people as well as systems as a whole.[33] Since people are the key to the problem of misuse or error in handling personal information of a private nature, public organization must devise adequate internal controls. They are needed now to stipulate standards and rules of data access, use, and dissemination and to provide for audits, sanctions, penalties, and new organizational structures.[34]

This brings in the question of professional ethics. There are pros and cons about the efficacy of ethical standards in preventing invasions of privacy. Those developing Project SEARCH feel that all users of their information should be governed by a standard of ethics.[35] However, many experts do not believe that such standards can be of real operational value.[36] Some feel that better definitions of data confidentiality and handling would be more realistic.[37] This is a subject that vitally needs input from administrators as well as those in the data processing industry.

Equally nebulous are the legal ramifications that surround the right of an individual to privacy. Both legislation and case law are very inadequate for defining and measuring that right.[38] Remedies and penalties for invasion for privacy are poor. This lack of sufficient legal foundation is the primary cause of the present difficulty in determining what constitutes invasion of privavy and what does not.[39] For the administrator this forces uncertainties on his actions, since he lacks sufficient traditional guidance in the form of legislation or administrative regulation.

But changes in this area are taking place. Federal and state legislation will continue to proliferate. Privacy could be made into a property right.[40] It is time that we fully accept the fact that individuals do have rights in this area. Public administrators as a whole would be a lot better off if they began to scrutinize the legalities of the public use of private information in their sphere of operation. Regulation of some sort is bound to come, perhaps in the form of a federal or state agency, private monitor groups, or ombudsmen who may be charged with protecting individual rights in this area.[41] Perhaps administrators whose organizations rely on data processing, which in a few years will mean just about everyone, may one day have to confront governmental data "bank examiners" whose duties will include auditing systems for how well they safeguard personal information, and what rights of access, challenge, and redress they provide their clientele.[42]

If this problem is to be met successfully by those in government, certain management assumptions and psychological attitudes on the part of administrators will have to undergo change. The whole matter of organizational efficiency will have to take on an additional dimension. Namely, the definition of efficiency must be broadened to include considerations for adequate safeguards of personal information. This can skew cost/benefit alternatives, because to build in and maintain such considerations in systems will mean added costs and perhaps even some degradation in operational efficiency when compared with optimum technical capabilities.[43] Where to draw the line in terms of assuming added costs is difficult to say. But some restraint on technological efficiency to safeguard social values will be necessary.

Secondly, administrators must also realize that in their race to apply the benefits of data processing to their operations they may risk alienating the citizen with whom they deal.[44] They will have to be more careful in overseeing the design of their systems so that "humanity and civility" are maintained. A cause celebre similar to the one where the head of the U.S. Civil Service Commission boasted in an article that federal employment exams had been computerized to the point where there was no need for human intervention is something that can be ill-afforded.[45] Every time that happens the image of the evil "bureaucrat" so ingrained in many American attitudes rears its head. Obviously organizational policies and administrative procedures must be strengthened to prevent dehumanization of the public service process.

THE NEED TO TAKE A STAND IS NOW

Clearly, the complexity of this issue has many ill-defined or cloudy areas. But, this does not mean that those in public administration can sit back and wait for the Congress, the states, the courts, or the data processing profession to act for them. In these days when people are making extraordinary demands on government, not to have a forward-looking perspective is dangerous for both the individual administrator and his organization.

There may be some hidden reluctance among administrators to come to grips with this problem because of the fear that permitting an individual to access and challenge computerized information may hinder or compromise governmental operations. However, a brief analogy can serve to illustrate that this fear is without foundation.

In the early '60's pressure was exerted by the news media and citizens groups to bring about a more liberal policy in the federal government regarding the public right to access to and to make copies of records that were not public records as then defined. Many agencies were very skeptical and expressed such policies on government security and operations. However, in 1966 the Congress passed the Freedom of Information Act which required that each governmental agency make public and provide access to those records that would not prejudice national security. It went into effect in 1967. When evaluated the following year, none of the concerns expressed by the various agencies had become a reality.[46] There was no rush on government records, and those requests that were questionable were adjudicated by the concerned agency or the courts.

Unfortunately, what the history of the Freedom of Information Act also shows is the singular reluctance of administrators to respond to a clear need. Legislation as well as presidential interest were necessary in this case before federal officials acted. The history of government action on the threat of environmental pollution is analogous. The awakening among government officials caused by public indignation almost came too late. Consequently, we are faced with serious threats to the quality of life. We may soon be facing similar threats to personal individuality, which American society has prized for so long. The time for public administrators to speak out and to act is long overdue.

FOOTNOTES

[1] Editorial, *Business Automation*, Vol. 18, No. 7 (May 1971).

[2] U.S. House of Representatives, Committee on Government Operations, *Commercial Credit Bureau*, Hearings, 90th Congress, 2nd Session, 1968.

[3] Dennie Van Tassel, "Information Security in a Computer Environment," *Computers and Automation*, Vol. 18, No. 8 (July 1969), p. 24.

[4] U.S. House of Representatives, Committee on Government Operations, Subcommittee on Invasion of Privacy, *The Computer and Invasion of Privacy*, Hearings, 89th Congress, 2nd Session, 1966. Henceforth referred to as *The Computer and Invasion of Privacy*.

[5] *New York Times*, January 30, 1970, p. 23.

[6] *Ibid.*, September 2, 1970, p. 18.

[7] *The Computer and Invasion of Privacy*, *op. cit.*, p. 13

[9] The Fair Credit Reporting Act went into effect in 1971. Some discussion of the hearings took place in *The New York Times*, March 12, 1970, p. 38.

[10] Project SEARCH, *Newsletter*, Vol. 3. No. 1 (April 14, 1971), p. 3.

[11] Congressional Quartely, *Weekly Report*, Vol. XXIX, No. 12 (March 19, 1971).

[12] U.S. Senate, Committee on the Judiciary, Subcommittee on Administrative Practice and Procedure, *Computer Privacy*, Hearings, Pt. 1, 90th Congress, 1st Session, 1967, p. 103.

[13] Congressional Quarterly, *op. cit.*, p. 605.

[14] Project SEARCH (Dr. Rober Gallati, Chairman), *Security and Privacy Considerations in Criminal History Systems* (Sacramento, Calif.: California Crime Technological Research Foundation, July 1970), p. 5.

[15] Project SEARCH, *Newsletter*, *op. cit.*

[16] *The Computer and Invasion of Privacy*, *op. cit.*, p. 147.

[17] State of California, *Policy Statement on Privacy and Security*, letter, dated March 2, 1971 (Sacramento, Calif.: Intergovernmental Board on Electronic Data Processing).

[18] The author is a member of the task force.

[19] *New York Times*, June 28, 1970, p. 1 : 2.

[20] *The Computer and Invasion of Privacy*, *op. cit.*, p. 136.

[21] Paul Armer, *Social Implications of The Computer Utility*, Report *P–3642 (Santa Monica, Calif.: The RAND Corporation, August 1967), p. 6.

[22] U.S. House of Representatives. *Privacy and the National Data Bank Concept*, Report No. 1842, 90th Congress, 2nd Session, 1966, p. 19. Testimony of Paul Baran, The RAND Corporation.

[23] *Ibid.*, p. 25. Reprint of excerpt from Alan F. Westin, *Privacy and Freedom*, pp. 321–326.

[24] C. W. Borklund and George Johnson, "Computer-Communications Technology A New Way To Cut Costs," *Government Executive* (January 1971 reprint), p. 3.

[25] *Privacy and the National Data Bank Concept*, *op. cit.*, p. 26.

[26] *Computer Privacy*, *op. cit.*, p. 247. Reprint of Edward Shils, "Privacy: Its Constituents and Vicissitudes," *Law and Contemporary Problems*, Vol. XXXI, No. 2 (Spring 1966), pp. 281–306.

[27] *Ibid.*, p. 213. Reprint of paper by S. Rothman, *Centralized Government Information Systems and Privacy*, 1966.

[28] Albert L. C. Chu, "Computer Security: The Corporate Achilles Heel. . . ." *Business Automation*, Vol. 18, No. 3 (February 1, 1971), pp. 32–38.

[29] International Business Machines, Inc., *The Consideration of Data Security in a Computer Environment* (White Plains, N.Y.: IBM, 1969), p. 36.

[30] W. H. Ware, *Testimony Before the Assembly Statewide Information Policy Committee*, Report P-4214 (Santa Monica, Calif.: The RAND Corporation, 1969), p. 4.

[31] W. H. Ware, *Computer Data Banks and Security Controls*, Report P-4329 (Santa Monica, Calif., The Rand Corporation, March 1970), p. 12.

[32] *Computer Privacy*, *op. cit.*, p. 189.

[33] Personal conversation with Dr. Raymond Berger, Professor of Public Administration, University of Southern California, April 26, 1971.

[34] Project Search report, *op. cit.*, pp. 11–13.

[35] *Ibid.*, pp. 45–46.

[36] *Computer Privacy*, *op. cit.*, p. 246. Cited in Shils' article.

[37] *Ibid.*, p. 190.

[38] *Ibid.*, pp. 181–183, Reprint of paper by Kenneth L. Karst, *"The Files:" Legal Controls Over the Accuracy and Accessibility of Stored Personal Data*, 1966.

[39] Congressional Quarterly, *Weekly Report, op. cit.*, p. 604. Testimony of Dr. Robert Gallati.

[40] *New York Times*, August 9, 1970, p. 11:1.

[41] Congressional Quarterly, *Weekly Report, op. cit.*, p. 605. Testimony of Dr. Alan F. Westin.

[42] Paul Armer, *op. cit.*, p. 14.

[43] Congressional Quarterly, *Weekly Report, op. cit.*, p. 605. Testimony of Dr. Jerome Wiesner.

[44] *Privacy and the National Data Bank Concept, op. cit.*, p. 11. Reprint of comments by Dr. Norman A. Hilmar published in *American Journal of Public Health* (February 1968).

[45] *The Computer and the Invasion of Privacy, op. cit.* Remarks by several witnesses.

[46] U.S. House of Representatives, Committee on Government Operations, *Freedom of Information Act*, Hearings, 90th Congress, 2nd Session, 1968.

EMTEX

Mr. SCOTT. Mr. President, on September 22, I had inserted in the RECORD a comprehensive article about a new so-called wonder product designed to replace DDT. It was named Emtex. In this article, Daniel Henninger of the National Observer pointed out that the public, and CBS radio in particular, which touted the product, had been duped by publicity agents for Emtex. As it turned out, Emtex is an insecticide which has been on the market for over 30 years.

CBS, I said, was guilty of reporting "egregious inaccuracies."

Now CBS has informed me that the CBS publicist who, it developed, was also on the payroll of the company producing Emtex, resigned from CBS shortly after the National Observer article appeared.

CBS now admits that "some of the press was caught with its investigative pants down" and has agreed to take "a much more thorough look at the entire affair." Mr. President, I ask unanimous consent that two CBS Network editorials be inserted in the RECORD.

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

THE BUYER'S SCENE, SEPTEMBER 22, 1972

(By Christopher Glenn)

In July, "The Buyers Scene" reported on a new product, called Emtex, described to us as an effective substitute for DDT, most uses of which have now been banned in the United States. This week, a newspaper account in the *National Observer* raised serious charges concerning both the efficiency of the product as represented and the business affairs of the company which is developing it, Ecological Manufacturing Corporation. Further complicating the matter, the newspaper account implicates a former CBS employee, a publicist who resigned shortly after the article appeared. CBS News has now learned that the former employee did, in fact, serve as a paid consultant to Ecological Manufacturing. Officers of EMC tell us they are preparing their response to the allegations in the newspaper report. CBS News as well is taking a much more thorough look at the entire affair . . . and a report in detail will be heard on "The Buyer's Scene" in the near future.

CBS VIEWS THE PRESS, SEPTEMBER 23, 1972

CBS Views the Press . . . I'm Reid Collins, CBS News, reporting on the CBS Radio Network.

Journalists have a tendency to regard public relations men as people who have sold their souls to the devil. Having said that, we must acknowledge that publicists can serve a useful purpose. They do let journalists know of things they wouldn't know otherwise. And if the journalist is filled with the proper amount of skepticism—if not cynicism—the public in the long run probably benefits.

Perhaps more often than we would like to think, though, P-R efforts cross over into the land of journalism without the necessary checks at the border.

On July 20th, the CBS News radio broadcast The Buyer's Scene presented an interview with Allan Becker, President of the Ecological Manufacturing Corporation and described as an organic chemist. On the broadcast, Becker promoted a pesticide called Emtex, which his company said it planned to market. Becker termed Emtex a very broad spectrum item that will kill mice, rats, roaches, lice, ticks, fleas, and a vast array of crop infestations—all with virtually total safety to man. The Buyer's Scene noted that Emtex isn't exactly new, that as Becker admitted, it is a reworking of an insecticide known as methoxychlor which has been around since the 1930's. Nonetheless, the broadcast said because of the ban on DDT, "it's for sure Ecological Manufacturing Corporation has itself a hot product."

Becker received exposure elsewhere. Both the Associated Press and United Press International ran stories about Emtex filled with Becker's claims. The Record newspaper of New Jersey ran two stories by its business editor, one of which without any attribution called Emtex effective as DDT but harmless to humans and pets. In the Newark News, a UPI report was headlined: "Ecologists' Dream Insecticide Ready."

A number of newsmen, including some at CBS News—and thus the Buyer's Scene—first heard about Emtex and Ecological Manufacturing from the Manager of Press Information at CBS Radio. He persistently promoted, on CBS Radio stationery, coverage of the company and its product. And following the Buyer's Scene broadcast, he sent out a press release noting that Becker was first heard nationally on CBS Radio, and repeating some of the company's claims. Indiana Senator Birch Bayh even had the release reprinted in the Congressional Record.

And then this week there appeared a front-page report in the Dow Jones weekly, the National Observer, under the headline "Mix Ecology, DDT, and Huckster Dust . . . And Out Comes Emtex." A fine piece of investigative reporting by Daniel Henninger charged among other things that Emtex is no substitute for DDT, that Becker has questionable credentials, that the company's claims of having performed toxicity tests with Emtex lack support, and that the CBS Radio publicist also happened to be public relations manager for Ecological Manufacturing Corporation. In short, some of the press was caught with its investigative pants down. The radio publicist has since resigned from CBS.

Whether or not Henninger's allegations are totally correct is not the point. What is important is that a number of journalists let themselves become tools of the public relations industry. We do not expect every reporter to undertake investigation as detailed as Henninger's. We do think, though, there must be some attempt at evaluation, some attempt to go beyond what one individual says about his own product.

There are many pressures in journalism. Time is often short—demand for copy great. But it should be recognized that certain stories require time, that if time isn't available, better to print or broadcast no information than possibly wrong or misleading information.

This has been CBS Views the Press. I'm Reid Collins, CBS News.

GORDON HARRISON

Mr. PELL. Mr. President, I pay tribute today to a fellow Rhode Islander with a distinguished record of service to the American people and to the U.S. Senate—Gordon F. Harrison.

Gordon Harrison, until his retirement during this session of Congress, served for 18 years as staff director of the Senate Committee on Rules and Administration.

As both a fellow Rhode Islander, and as a member of the Rules Committee for the past 12 years, I have had to know Gordon Harrison well. He was appointed staff director of the Rules Committee by my predecessor, in the Senate, the late Senator Theodore Francis Green. His diligence, his competence, and his unparalleled comprehension of the workings of the Senate won for him the confidence of four succeeding chairmen of the Rules Committee.

From the time of my arrival in the Senate, and my assignment to the Rules Committee, Gordon Harrison was a source of sound judgment, good counsel, and warm personal friendship. And during the succeeding years, my respect for his professional ability, his integrity, his knowledge and his impartial judgment continued to grow.

Gordon's service to the Senate was but one part of a record of public service that spanned 35 years—including distinguished service in the U.S. Navy from which he retired as a captain in the Naval Reserve. I know how much Gordon treasured the memories of his naval service, especially his service aboard the carrier U.S.S. *Franklin*. And, before coming to the Rules Committee, Gordon served, again with distinction, as an attorney in the Civil Division of the Justice Department.

Wherever he has served, Gordon Harrison has left a record of outstanding service, and gained the respect and friendship of those with whom he has worked.

His retirement in June of this year was a loss for the Rules Committee, and for the entire Senate. It is a loss I feel with particular acuteness. I know the people of Rhode Island are proud of Gordon Harrison, and I know they join with me in wishing his good health and happiness.

A TRIBUTE TO WILLIAM ANDREW BURKETT

Mr. HRUSKA. Mr. President, my distinguished colleague from Nebraska, Senator CURTIS, is necessarily absent today and he has asked me to place a statement and insertion in the RECORD. I ask unanimous consent that this be done:

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

STATEMENT BY SENATOR CURTIS

Mr. CURTIS. Mr. President, on July 4, 1971, one of Nebraska's proud sons was honored

at a "Day of Celebration" at the Mount Rushmore National Memorial in South Dakota.

This native Nebraskan is William Andrew Burkett, a retired Monterery, California banker. Thirty-six years ago, he wrote the moving, patriotic "History of America" for the Mount Rushmore Memorial.

The tribute to Mr. Burkett was recorded in several documents which I would like to insert into the Record. These documents are as follows:

1. A July 4, 1971 Omaha World-Herald editorial and article.

2. A speech by Rodman L. Hooker, President of the Board of Trustees of the National Historical Foundation.

3. A speech by Wallace McCaw, Superintendent of the Mount Rushmore National Memorial.

4. A speech by Mr. Burkett and

5. A copy of the "History of America".

It is with great pride that I insert these in the RECORD.

The insertions are as follows:

RUSHMORE DEDICATES EX-NEBRASKAN'S TEXT

MOUNT RUSHMORE, S.D.—This July 4 at the Mount Rushmore National Memorial in the Black Hills will be a special "Day of Celebration," particularly for William Andrew Burkett, retired Monterey, Calif., banker and native Nebraskan.

In 1935, while a student at the University of Omaha Law School, Burkett wrote a 560-word "History of America" (1776–1904) for the Mount Rushmore Memorial.

Today, 36 years later, Burkett will see his almost forgotten text immortalized in bronze at a special televised dedication ceremony at the foot of the memorial, and hear officials urge that his history also be carved onto the granite walls of Mount Rushmore's unfinished Hall of Records, abandoned in 1941.

President Franklin D. Roosevelt served as chairman of a 19-member National Memorial Inscription Committee which selected Burkett's history from among hundreds submitted by historians and scholars in 1935 in a nationwide competition.

The "History of America" was to be carved in letters eight feet high, cut four feet deep into the granite mountainside directly below the figures of Washington, Jefferson, Lincoln and Theodore Roosevelt.

Burkett's "History of America" was recently cast in a six-by-eight-foot bronze plaque by the National Historical Foundation for presentation at today's ceremonies.

The re-discovered history and plaque will now become a permanent part of the Mount Rushmore National Memorial, it was announced by Wallace O. McCaw, superintendent of the memorial, who was to accept the plaque on behalf of the National Park Service, Department of the Interior.

The original congressional bill to construct the memorial, passed in 1929, named Gutzon Borglum the sculptor for the four figures and appropriated $250,000 to be matched by private subscription. The measure also provided for a "History of America" inscription on the mountainside.

Among those scheduled to participate in the ceremonies: Sen. George McGovern of South Dakota; former S.D. Gov. Frank Farrar; S.D. Reps. James Abourezk and Frank E. Denholm; Hoadley Dean, president, and other trustees of the Mount Rushmore National Memorial Society of the Black Hills; Rodman H. Hooker Jr., president of the National Historical Foundation, and Lincoln Borgium, co-sculptor of the memorial and son of the late Gutzon Borglum.

Hooker, who is to present the plaque, is enthusiastic over the erection of the plaque and the continuation of the work on the Hall of Records, which was stopped by the lask of federal and matching private donations, World War II and the death of Gutzon Borglum.

"The recognition given to Burkett's 'History of America,' he noted, "is the first step forward since 1941. Americans, in increasing numbers, are seeking a more thorough understanding and appreciation of their national heritage."

Burkett, 58, was born on a Nebraska farm, a ninth generation American.

He attended Omaha Central High School, the University of Nebraska and the University of Omaha Law School, where he earned his LL.B. degree. His uncle was U.S. Sen. E. J. Burkett of Nebraska.

In 1950, Burkett resigned as a special agent of the Treasury Department in order to give unhampered testimony before the California Crime Commission and the Kefauver Crime Investigating Commission of Congress. The probe led to the uncovering of a racket in the San Francisco office of the Bureau of Internal Revenue.

Burkett, here with his family for the ceremony, praised the National Park Service for furthering the memorial and commended the pioneer work by the Mount Rushmore Memorial Commission established in 1929; the Mount Rushmore Memorial Society of the Black Hills, organized in 1930, and the personal efforts of South Dakotans to match federal dollars for the carvings.

He said:

"I hopefully believe that in 9971 A.D. there will be pilgrimages to Mount Rushmore by Americans still keeping alive their faith in liberty, freedom and justice immortalized by these four great Americans.

"We are no less a people than the Americans of 1924 who started this memorial, and we are not here merely to praise a half-finished, magnificent memorial to the history of a great people.

"We say, on with the work—let's complete the job here at this enduring monument, for all Americans, and all the world, to see and to honor to the end of time."

WILLIAM ANDREW BURKETT

William Andrew Burkett, a native Nebraskan, wrote these words 36 years ago. They are the conclusion to his "History of the United States of America," which appears on the Weekend Focus Page.

Today a plaque bearing the text will be dedicated at Mount Rushmore Memorial.

The four presidents whose faces grace the huge monument would probably have subscribed to the exalted sentiment about fearlessness and the determination to maintain liberties.

In today's world, however, it takes an act of faith to have no fear of the global economic and political clouds or to maintain that traditional American liberties will endure forever.

For the past generation, and particularly in the past five years, Americans have experienced pressures and have seen developments at home and abroad that raise some doubts about the will of the American people.

They have been besieged by the threats and obscenities of revolutionaries.

Their ears and eyes have been bombarded by arguments that the country's leaders, past and present, are men who do not hesitate to risk the welfare and security of the country for political advantage.

They have been told that their military men, thousands of whom have died in Vietnam, are either leaders or pawns of a vast conspiracy run by something called the military-industrial complex.

They have been told that patriotism is an unworthy emotion perpetuated by old men who wear flag pins in their lapels, that the country's soil, air and water are being fouled past redemption by a people who don't care enough to clean them up, that we are guilty of racism and oppression and unwillingness to help others.

In short, they tell us we are an over-rich, selfish, bigoted, uncaring people.

They have been saying it so long and so insistently that far too many Americans are beginning to believe it.

So it isn't any wonder that the national will is weakened and that to some an affirmation of what the country stands for—its traditions and its ideals and its history—may sound strange and unnatural in 1971.

On the Fourth of July it will hurt none of us to recall the majestic words with which Jefferson declared America's independence.

It may help us also to reflect that men do not attain—or keep—their independence or their pride by denigrating themselves and their country.

Affirmation is surely a part of what our ailing country needs.

SPEECH OF RODMAN L. HOOKER, JR., PRESIDENT, NATIONAL HISTORICAL FOUNDATION AT THE DEDICATION OF THE "HISTORY OF AMERICA" PLAQUE AT MOUNT RUSHMORE MEMORIAL, JULY 4, 1971

Chairman John Boland, Governor Farrar, Superintendent McCaw, Mr. Burkett, other distinguished guests, ladies and gentleman: On behalf of the National Historical Foundation, it is a great privilege for us to be with you today and to participate in your Fourth of July ceremonies here beneath these magnificently sculptured heads of Presidents George Washington, Thomas Jefferson, Theodore Roosevelt and Abraham Lincoln.

As you recall, the original Congressional bill to construct the Memorial, passed in 1929, named Gutzon Borglum the sculptor for the four figures, and appropriated $250,000 to be matched by private subscription. The measure also provided for a "History of America" inscription on the mountainside.

As you also know, the 1938 Congressional Act provided for the construction of the Hall of Records. The lack of federal funds and matching private donations, World War II, and the death of the sculptor, Gutzon Borglum, in 1941, were the cumulating causes for abandoning the carving of the "History of America" inscription and the Hall of Records, and for stopping work on the Memorial.

The Memorial's uncompleted Hall of Records is now used by wild mountain goats as a shelter. The National Historical Foundation urges the completion of this Hall of Records in such a way that this "History of America" text be carved there as the National Inscription Committee envisioned it would be, 36 years ago.

Today's recognition given to Mr. Burkett's "History of America" is a step forward since 1941, and is a fine addition to the Memorial. Americans in increasing numbers are seeking a more thorough understanding and appreciation of their national heritage.

Superintendent McCaw, the National Historical Foundation wishes to present to you and to the National Park Service of the United States Department of the Interior, and to all Americans, this bronze plaque inscribed with the "History of America" (1776–1905), authored by William Andrew Burkett and selected in 1935 by a National Inscription Committee, with President Franklin D. Roosevelt as chairman, and including sculptor Gutzon Borglum and 17 other distinguished Americans * as the official "History of America" for the Mount Rushmore National Memorial.

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* Other members were U.S. Senators Key Pittman, Hiram W. Johnson, William E. Borah, Charles L. McNary, Bronson Cutting, Peter Norbeck, William J. Bulow, Morris Sheppard and Tom Connally; and citizens Gutzon Borglum, Fred W. Sargent, J. S. Cullinan, Robert G. Sproul, J. A. C. Chandler, Mrs. Franklin D. Roosevelt, Mrs. Mary Cary Rumsey, Mrs. Isabella Greenway, M. C. and Harold L. Ickes, Secretary of the Interior.

SPEECH OF WALLACE O. MCCAW, SUPERINTENDENT, MOUNT RUSHMORE NATIONAL MEMORIAL, DEDICATION OF "HISTORY OF AMERICA" PLAQUE, JULY 4, 1971

Governor Farrar, Mr. Burkett, Mr. Hooker, other distinguished guests, ladies and gentlemen: On behalf of the National Park Service, U.S. Department of the Interior, I welcome you to Mount Rushmore National Memorial and to these ceremonies.

Our calendars remind us that today is (quote) "Independence Day, 1971", and most of us take our independence—our freedom—quite casually. These great men carved in stone above us, especially Washington and Jefferson, most certainly did not take their independence casually.

And neither did the man who carved them there!

Gutzon Borglum was a second generation American of Danish parentage. Generally, first and second generation citizens realize that freedom is precious and are militant in guarding it. Sculptor Borglum was an intensely nationalistic and patriotic artist. To him, Americanism was a sort of religion.

He wanted to create here at Mount Rushmore not just a work of art but a symbol of our government—a symbol of the accomplishments of the common man in a country where that man has political and social equality.

He has achieved his goal and has created such a symbol. It is our observation that the greatest impact that Mount Rushmore has upon its visitors is not its huge size, not its artistic merit, but its stimulation of patriotic emotions.

This great stone symbol of a free government attracts visitors from all over the world, and they arrive surprisingly well-informed on its significance.

In 1925, over two years before Mr. Borglum moved any stone on Mount Rushmore, he announced his intention to carve on the mountain an entablature. It was to be in the configuration of the boundaries of the Louisiana Purchase, and was to contain an inscription of the "History of America", beginning in 1776 with the Declaration of Independence.

Mr. Borglum advanced several different ideas on the placement of the inscription, but died in 1941 without a definitive plan for it. However, he never swerved from the belief that the sculpture would be meaningless to succeeding civilizations without an explanation carved in stone at the site.

His son, Lincoln Borglum, holds this same opinion.

The "History of America" written by William Andrew Burkett in 1935 was selected by Gutzon Borglum, President Franklin D. Roosevelt, and a highly distinguished selection committee as the best written among 835,000 entries in a national contest.

Had Gutzon Borglum lived to see completion of this project, that history would undoubtedly be cut into the stone of Mount Rushmore today.

We of the National Park Service feel that this "History of America" is a very definite part of the administrative history of the Memorial, and should occupy a prominent place in its interpretive program.

Accordingly, Mr. Hooker, we are very grateful to the National Historical Foundation for presenting to us this Bronze Plaque containing Mr. Burkett's "History of America". It partially fulfills one of Mr. Borglum's fondest dreams. We thank you very much.

REMARKS OF WILLIAM A. BURKETT

INTRODUCTION

Governor Farrar, Superintendent McCaw, Mr. Hooker, other distinguished guests, ladies and gentlemen:

Thank you for accepting this "History of America" bronze plaque embodying 560 words written by me in national competition some 36 years ago.

The inspiring speech of Governor Frank Farrar, and the splendid cooperation and assistance of United States Senator George McGovern,—the knowledgeable support of Superintendent Wallace McCaw of the National Park Service,—and the officers and trustees of the Mount Rushmore National Memorial Society,—and of the National Historical Foundation,—and the pleasure of sharing this honor with you and my family and this large, patriotically-minded audience here today,—have made this day one that I shall long remember.

My fellow Americans:—In these concluding remarks at this dedication ceremony of the "History of America" plaque here at America's Shrine of Democracy, I wish to say this:

Several young girls and boys (in their teens) stopped me at the Lodge here in the Black Hills where Mrs. Burkett and I are staying, and asked me if I were the author of the Mount Rushmore "History of America", and if so, what would I have to say about America's history since President Theodore Roosevelt's time—some 65 years ago.

My answer was to invite them to join this magnificent audience here today. I trust that they came, for I will do my best to answer—First, the answer pointed out in the words of the great historian, Gibbon, in his history, "The Decline and Fall of the Roman Empire". Gibbon said that the five basic reasons why great civilizations have died are:—Quote

"1. The undermining of the dignity and sanctity of the home, which is the basis for human society.

"2. Higher and higher taxes—the spending of public money for free bread and circuses for the people.

"3. The mad craze for pleasure—the arena becoming every year more exciting, more brutal, more immoral.

"4. The building of great armaments when the real enemy was within,—the *decay of individual responsibility*.

"5. The decay of religion,—faith fading into mere form, losing touch with life, losing power to guide the people." End quote.

The warning that history repeats itself has a special meaning in the light of the above—especially when we realize that our America, today, is not quite 200 years old, a mere eyeblink in history, and is passing through the same sequence that other great civilizations have passed through.

I reply also to these young people that history has pointed out for centuries the pitfalls that President Abraham Lincoln said so briefly in the following 9 points:

President Lincoln said, quote: "*You can not*

"1. strengthen the weak by weakening the strong;

"2. further the brotherhood of man by encouraging class hatred;

"3. help the poor by destroying the rich;

"4. help the wage earner by pulling down the wage payer;

"5. bring about prosperity by discouraging profit;

"6. establish sound security on borrowed money;

"7. keep out of trouble by spending more than you earn;

"8. You cannot help men permanently by doing for them what they could, and should, do for themselves; Or

"9. build character, and courage, by taking away initiative and independence." End quote.

If history has taught us anything, particularly the recent years, we must be fearlessly determined to maintain a strong America militarily, economically and morally—if we are to maintain our traditional American liberties and constitutional form of government. The leaders of world communism, both here in America and in Russia, China and three-fourths of the globe, are dedicated to destroying the United States of America, and let no one ever tell you otherwise or deceive you on that point.

What I say here today is no doubt of fleeting interest to you—but, I feel compelled to speak out, or if I could, to shout, from every housetop—the warning—*"Wake up America—Wake up—Before it is too late."*

That warning is my answer to those sincere young questioning Americans who are worrying, as you and I and most thinking Americans are worrying, about the "state of our Union."

I also regretfully conclude that America is being systematically destroyed from within, morally, spiritually and economically, either consciously or unconsciously—or both—by liberal extremists and soft-minded sentimentalists. For the most part, these people hold lifetime political, judicial, educational, or bureaucratic positions of leadership within our government. Our *elected* officials seem trapped into inertia and ineffective leadership.

Enemies of our American way of life sneer at everything American, but daily praise our enemies. They sneer at our flag, and at American patriotism, and would destroy our proud history as a great nation. Today their tactic is harassment, pressure, slander, threats of violence, and some loss of lives and property for all who oppose them. Tomorrow, their tactic will be more loss of lives and violence and the spreading of more fear and destruction in order to take over and dominate our government completely.

We would believe that someone would want to bomb the Mount Rushmore Memorial and disfigure and destroy these noble figures of our nation's greatest leaders, and this magnificent Shrine of Democracy.—But such revolutionists exist today.—This very Memorial was alerted yesterday and today by the FBI because of reports they received of such plans. Unthinkable, yet this is the type of enemies from within that we must destroy, before they destroy us.

Only a few years ago, it was unbelievable that America could be destroyed from within.—These faceless, nameless enemies within, whether in government, education, science, or public communication, or in other fields, need not join any enemy attacking our shores,—they are already helping to destroy America from within.

These forces for our destruction foster riots, immorality, violence, race-mongering, and they demand second-rate national defenses for the United States along with the giving away of billions of dollars in foreign aid to everyone in the world except our own American businessman, farmer or American working men and women. They give only lip-service to our nation's domestic crisis.

The present state of our national economic and financial affairs is such that the average American, trying to maintain a home and raise a family and pay his taxes, has been too busy to fight back or to protest what is going on today. These hardworking, conscientious Americans,—the backbone of America—know inwardly, however, that there is something dangerously wrong in their native land, and they are alarmed,—and rightly so.

I hope every American will join in sounding the alarm, *"Wake Up, America"*,—and do their part to shake up their elected and appointed officials from the President of the United States on down and especially to shake up those hidden bureaucratic civil servants and judges—those lifetime rulers of ours—to understand our demands that America's interest *must come first* in all their future thinking:

1. *That foreign loans, gifts and handouts must be stopped* completely until we get our own domestic house in order;

2. *That we stop policing the rest of the world, but guard* our own shores, and start policing our own country first to stamp out the world's worst crime rate—with thousands of drug pushers, murderers, rapists,

thieves, arsonists, corruptors of public morals and public office, as well as violent revolutionists who should be apprehended and deported;

3. *That all of our courts, from top to bottom, enforce our laws*, not compromise them, defy them, overrule them, or try to re-write them,—in other words, put an end to their playing God with our laws;

4. *That we close our doors temporarily to all immigration* of foreign labor into this country until our own unemployment problems are solved;

5. *That America's Santa Claus foreign-aid days* of helping every country in the world before we help ourselves are *over*;

6. *That we dedicate ourselves to the rebuilding of America* with our own funds, our own taxes, and our own sweat, so our people will have full employment, and decent living conditions.—No more of this "World First"—draining our gold and debauching our currency by fiscal irresponsibility while we become a second-rate power economically, militarily and spiritually;

7. *And, finally,* that our leaders in government, and our educators and opinion-formers stop their sentimental drivel about the rest of the world's people and their problems, and *start doing something about solving first of all our own country's problems* of inflation, unemployment, debt, high taxes, irresponsible fiscal policies, and work for improved conditions in America,—better and healthier living conditions for our own American poor, needed housing, needed transportation and roads, better fire and police protection, proper sewage and irrigation, clean air, clean drinking water, stronger national defense—then work on the problems of education, trade and commerce—to name only a few—. In other words, *let's direct our American funds to the problems of America,*—and give them first priority for a change.

As a banker-historian, I want to limit my last brief warning to the subject of our money. The United States government has lost 50% of our gold reserves in the last 10 years. (Down from 20 billion to 10 billion). Today, the U.S. Treasury has the lowest gold and silver reserves in over 30 years. Our federal government is over 400 billion dollars in debt, and many of our cities, counties and state governments are on the verge of financial collapse. Each new President and Congress spends from 10 to 20 billion more dollars than it collects in taxes.—But each year America gives billions of dollars to foreign countries rather than spending it on our American problems, thereby causing a crisis condition today whereby foreigners can, if they wish, legally demand 35 billion dollars from our U.S. Treasury in gold,—that is, if we had 35 billion dollars,—we only have 10 billion in payment for material and services purchased abroad.

On the one hand, we see our own American government going bankrupt and our working people and businessmen and farmers burdened by taxes and debt, while on the other hand, the U.S. government foolishly continues to give to Europe and to 70 countries throughout the world, billions of dollars in gifts, "grants-in-aid", loans, "credits" and other cover-up words for handouts for which *no repayment is expected.*

Furthermore, no repayment of any kind has been made for such handouts on so-called "loans" made to 143 countries in the last 25 years totaling over *500 billion dollars* to be paid for by U.S. citizen-taxpayers like you and me for the rest of our lives, and the lives of our children, and our children's children for hundreds of years to come.

This nightmarish mishandling of our fiscal affairs is incredible and insulting to the intelligence of every American.

Every government official, high and low alike, every sentimental tax-eater from city hall to the halls of Congress, must soon come to hear the roaring demands of the electorate and know that those past rich days of America's system of "tax and tax, and spend and spend" for things we could get along without, and for hand-outs to the rest of the world must come to a halt, period.

Perhaps some of our vocal younger generation might add this demand for fiscal responsibility to their list of desired reforms. If they do not maintain financial stability in their homes, or in their own lives, they will go broke. The same rule applies eventually to all governments. It is as simple as that.

If history teaches us anything, it teaches us that throughout time, the fall of nations and governments of all kinds has been linked to watering-down and debasing the currency, and to financial irresponsibility. The chief reason the Roman world fell was because Roman currency became almost worthless.

But the important warning is that with the decline of Roman money, there came high inflation, loss of freedom, tighter and tighter government controls, and finally lawlessness, rioting and the total collapse of the Roman Empire.

On the other hand, history shows us that after Rome fell, the Byzantine Empire came into existence to survive for 1200 years—mainly because it maintained unimpeachable fiscal responsibility. It minted coins fixed at 65 grains of pure gold. It minted this same standard for 800 years,—its people prospered, its culture flourished, and no enemy dared attack its capital. Their leaders saw to it that they had gold to back up and pay for their promises and their culture.

Rulers of the United States government since 1933 have allowed the integrity of our money to slip to the point that the integrity of the dollar is questioned daily in every part of the globe. Fiscal irresponsibility has been the root of America's basic problems for the past 30 years, and there is apparently no will or leadership to change this fatal course.

By contrast, rulers of the Byzantine Empire were so determined to maintain the integrity of their money that they required all bankers, and all public officials, merchants and the buying public through whose hands money passed to take an oath never to debase coins in any manner. As a penalty for violation, the offender's hand was cut off. Their Empire survived for 1200 years.

I ask you how long will you have confidence in America, or any government anywhere that has a 400 billion dollar federal debt, besides a depleted or nearly depleted reserve of gold and silver; a government that continues to issue more and more printing-press money and metallic coins, and spends more than it earns year after year. Our country has nearly reached all of these fatal points of no return. It is alarming that no leader in our government anywhere has made this our number one national crisis to be solved. I ask you, is history repeating itself? Shouldn't America wake up before it is too late?

If you remember anything that I have said today about history, remember this last one warning: remember that it was Russia's Joseph Stalin who tipped his hand when he said, "He who would destroy a nation should first debauch its currency." I ask you again, Shouldn't America wake up before it is too late?

In conclusion, I say that I have not lost faith in America even though I see dangers—dreadful dangers—hanging over this country that we love. We have had warnings that must be heeded. But we are not afraid for our country's future, for we are not a timid, faint-hearted people.

I hopefully believe that in 9971 A.D. there will be pilgrimages to Mount Rushmore by Americans still keeping alive their faith in liberty, freedom and justice, immortalized here by these four great Americans.

God bless America.

HISTORY OF THE UNITED STATES OF AMERICA

Almighty God, from this pulpit of stone the American people render thanksgiving and praise for the new era of civilization brought forth upon this continent. Centuries of tyrannical oppression sent to these shores, God-fearing men to seek in freedom the guidance of the benevolent hand in the progress toward wisdom, goodness toward men, and piety toward God.

1776—Consequently, on July 4, 1776, our forefathers promulgated a principle never before successfully asserted, that life, liberty, equality, and pursuit of happiness were the birthrights of all mankind. In this declaration of independence, formulated by Jefferson, beat a heart for all humanity. It declared this country free from British rule and announced the inalienable sovereignty of the people. Freedom's soldiers victoriously consecrated this land with their life's blood to be free forevermore.

1787—Then, 1787, for the first time a government was formed that derived its just powers from the consent of the governed. General Washington and representatives from the thirteen states formed this sacred constitution, which embodies our faith in God and in mankind by giving equal participation in government to all citizens, distributing the powers of governing threefold, securing freedom of speech and of the press, establishing the right to worship the Infinite according to conscience, and assuring this nation's general welfare against an embattled world. This chart of national guidance has for 145 years weathered the ravages of time. Its supreme trial came under pressure of Civil War, 1861–65. The deadly doctrines of secession and slavery were then purged away in blood. The seal of the union's finality, set by President Lincoln, was accomplished like all our triumphs of law and humanity, through the wisdom and the power of an honest, Christian heart.

Farsighted American statesmanship acquired by treaties, vast wilderness territories where progressive, adventurous Americans spread civilization and Christianity.

1803—Louisiana was purchased from France. This acquisition extended the dominion from the Mississippi river, across the fertile prairie to the Rocky mountains, and paved the way for America's pre-eminence among the nations.

1819—The picturesque Florida peninsula was ceded as payment of the Spanish obligations due to Americans.

1845—Texas, having patterned American democracy during the ten years of freedom from Mexican rule, accepted the invitation to join the sisterhood of states.

1846—The Oregon country was peacefully apportioned by the 49th parallel as the compromised international boundary of the two English-speaking nations.

1848—California and territory likewise rich in natural resources was acquired as the consequence of an inevitable conflict with Mexico. In spirit of mutual concession, the United States granted additional indemnities for the adjustment of the international boundary, extending from the Rio Grande to the Gulf of California.

1850—Texas willingly ceded the disputed Rio Grande Region, thus ending the dramatic acquisition of the West.

1867—Alaska was purchased from Russia.

1904—The Panama Canal zone was purchased as authorized by President Theodore Roosevelt, whereupon our people built a navigable highway to conveniently enable the world's people to share the fruits of the earth and of human industry.

Now, these areas are welded into a nation possessing unity, liberty, power, integrity and faith in God, with responsible development of character and the steady performance of humanitarian duty.

Holding no fear of the economic and poli-

tical, chaotic clouds hovering over the earth, the consecrated Americans dedicate this nation before God, to exalt righteousness and to maintain mankind's constituted liberties so long as the earth shall endure.

WILLIAM ANDREW BURKETT.

ADDRESS BY CONGRESSMAN GUNN McKAY BEFORE THE ANNUAL MEETING OF THE SOCIETY FOR RANGE MANAGEMENT

Mr. MOSS. Mr. President, on July 28, 1972, Congressman GUNN MCKAY gave an outstanding address before the annual meeting of the Society for Range Management. This meeting was held at the Great Basin Experimental Station in Utah. In the 2 years that Congressman MCKAY has served the State of Utah in the Congress of the United States he has shown a great ability to join together the needs for economic development with the concerns of environmental protection. The subject of his speech last July deals rather directly with this topic, for it points out the necessity of professional range management that protects basic resources while enhancing the proper economic uses of our open range.

Because I believe this speech deserves wide recognition, I ask unanimous consent that it be included at this point in the RECORD.

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

SPEECH DELIVERED BEFORE ANNUAL MEETING OF THE SOCIETY FOR RANGE MANAGEMENT, JULY 28, 1972

I am deeply honored to be invited to address this annual meeting of the Society for Range Management. I am especially delighted that the Society has chosen the Great Basin Experimental Station as the location for its meeting. In a way, this event brings together into one place at one time two of the most important institutions in the country dedicated to sound, practical environmental action. The Society for Range Management has for years demonstrated responsible concern for the protection and development of an aspect of our environment. Range Management here in the west is vital to our economy and style of living. I congratulate this outstanding society and its 4,000 members for their diligent and professional concern.

I would also like to offer my congratulations to the Great Basin Station of the Forest Service which for 60 years has been responsible for some of the best range and watershed research that has gone on in this country. A review of the published research which has been done at this station amply bears out this conclusion. I also get the feeling in reviewing the history of the Great Basin Station that it has provided a training ground for most of the outstanding professional environmentalists of the last 50 years.

The fine facilities at the Great Basin Station are a sharp contrast to conditions in the early days when director Forsling was begging the Ogden Utah office to give him a desk with drawers so they would have a place to store papers. Professional range management, too, has come a long way from its early days to a position of respected scientific research capability. I congratulate both for their outstanding development.

I want to talk to you today about some concerns I have over the increasing suspicion in which professional land management efforts are held and the apparently increasing influence of amateurs in this field.

You people are under attack from two very active groups. On the one hand, you are perceived as meddlers by those who would use the land solely for private gain. On the other hand, you are opposed by those who would close the land to all but the most limited human presence and who, therefore, find the term "management" synonymous with exploitation.

Many people, for example, lament our diminishing wildlife—a concern which I share. I object, however, to the rejection of skilled and professional management as a means of preserving wildlife. This approach is taken all too often and it does nothing but emotionalize this technical subject.

The same phenomenon exists in the area of land management. I object to the implicit assumption present in so much of the environmental commentary of today that if man would just leave the land alone, it would return to some mythical pristine condition. Although a current TV commercial warns that we shouldn't anger mother nature, I'm willing to run a small risk and confess that in some ways, I trust you people more than her!

Perhaps it is that she has too many widely diversified interests to look out for and cannot give all of her children equal attention. In contrast, you people have a specific dictate plus adequate training.

I think that some aspects of the history of Utah confirm this point. The creation of fertile farm land and the early planning of spacious communities is a testimony to the way in which men and women with purpose and will can improve the quality of undeveloped territory. The work at the great basin station in the area of watershed development is another example of this point.

We cannot view man's relationship with nature as a struggle for supremacy between two opposing forces. Rather, we must realize that man, armed with solid research and sound plans can both develop and enhance the natural resources *and*, at the same time make these resources available without despoiling them.

We cannot ignore this point. Again, Utah's case is instructive while most of our population is concentrated into a narrow band along the Wasatch front, we depend upon the rest of the State for our existence. The deserts produce winter range for livestock and game, the mountains produce about three-fourths of the water needed in Utah, as well as summer range for livestock and wildlife, recreation, and limited wood products. Together, they provide a source for growing tourist industry.

Unregulated use of these resources has in the past and can, at the present time, result in their rapid depletion. The unrestricted grazing prior to the adoption of the Taylor Act resulted in range depletion and mud flows which caused the loss of life and property all along the Wasatch front. The problem of uncontrolled grazing and the subsequent destruction of the watershed—had it been left unattended—could have had drastic effects throughout the intermountain west. It is foolish to suggest, however, that we should simply withdraw from these resources.

The remedy for the problems stemming from uncontrolled use of our forest and range resources is not to remove them from use, but to determine which kinds and patterns of uses are most productive. We cannot afford to develop land which should be left for watershed; we should not turn land ideally suited for agriculture into industrial areas; nor should we deny access to land needed for public recreation.

"Thomas Carlyle once said to an American: 'Ye may boast o' yer democracy, or any ither 'cracy', or any kind of political roobish; but the reason why yer laboring folk are so happy is that we have a vast deal o' land for a verra few people.'"

While this was undoubtedly right in 1865, we must realize that we are faced with a fixed area of land and a rapidly growing population, with all of the newly expanding demands which people place on land. The total land acreage in the continental U.S. is 1,904,000,000, but once we have that figure—we really don't know much about the qualitative aspects of it. The recent wilderness inventory undertaken by the Forest Service is the kind of thing that needs to be done with all public land.

"Considering that the nation has supported such bits of inventory as the International Geophysical Year and the Year of the Quiet Sun, and spending billions on find out more about the moon, it is interesting that we have not bothered to find out much about what is right here." It is interesting to think that we may have spent more money mapping the moon that we have spent mapping our own land. About 18% of Utah is presently unmapped!

Given the future demands on our resources, it is essential that we come up with increased products from such natural resources as forage, minerals, water, timber, etc., and many increased services such as recreation and transportation. To do this will require more intensive management which will at the same time protect the environment.

All of this requires more creative and professional research. As I said earlier, the amateur ecologist may be doing us more harm than good by suggesting all or nothing kinds of environmental strategies. The sudden conversion of millions of Americans to ecology has certainly increased awareness about our environmental problems and is to be welcomed for that. But in some ways it reminds me of an encounter I recently heard about. It seems two young citizens met on the street one day. "What's this I hear about you," demanded one, "I heard you said you do not believe in ecology."

The replay was instant and indignant: "It's a lie. I never said I didn't believe in ecology. I do believe in it. It is the savior of our society. I'd die for ecology. All I said was that I didn't know what it means!"

When it comes to ecology, everyone believes in it and some may even be willing to die for it, but I'm not certain enough of us know what it really means. As many of you know all too well, we are too often willing to pay for actions in this country but not for thought. We want to rid the West of halogeton, for example, but are not willing to devote sufficient resources to finance the development of robust varieties of shrubs and grasses to displace it. It reminds me of an old story told about an American tourist in the desert of Afghanistan whose big expensive car had broken down. No one could figure out what was the matter; even the factory representative who was flown in gave up. The tourist was ready to abandon the car and go home when someone remembered that an old blacksmith who lived beyond the mountains some distance away had, in his youth, tinkered with engines.

In his despair the tourist sent for him. Three days later, the old man appeared on a mule. He took one look at the car and asked for a hammer. He gently tapped one spot on the engine twice, and said, "start her up," and the engine purred like new.

"What do I owe you," the grateful tourist asked.

"A hundred dollars!"

"What, a hundred dollars for two taps with the hammer?"

"Well, let me itemize it for you," said the old man. "For two taps with the hammer—ten cents; for having known *where* to tap—99 dollars and 90 cents."

Too often in environmental problems we are willing to pay for action, but before sound action can be taken, we need to support professional research and the development of a systematic body of knowledge

about the environment. With a total ban on all poisons for predator control, how are we going to maintain an adequate supply of sheep and cattle? With the ban of herbicides for brush control, how are we going to prevent the uncontrolled spread of noxious weeds? With the executive ban on clear cutting, how are we going to maintain adequate production of timber? These and many other questions require research and the application of sound management principles.

Because I believe this so strongly, I have consistently urged the Appropriations Committee, of which I am a member, to give a high priority to such things as shrub research, pinyon-juniper research, and research into restoring lands damaged by strip mining. In these efforts, I have been moderately successful. But much more needs to be done.

In the ages past, man could shrug his shoulders in the face of many of the evils of life because he was powerless to control them. Now we have no one to blame but ourselves. Few things are any longer inevitable. And since everything can be accomplished, everything must be chosen deliberately. It is in the human power for the first time in the history of man to achieve a level of human welfare exceeding our wildest imaginings, or to continue to plunder our planet and its resources and destroy our very existence. I have always accepted the scriptural verse which says: "That which cometh of the earth is ordained for the use of man . . ." Of course, it must be used in a planned and reasonable way. It is not a choice between turning back the clock to some mythical past, as some would have us believe, or to continue uncontrolled resource use, as others would have us believe. The choice lies somewhere between and it is up to us to make that choice. In doing so, I believe we will find that the enemies of our environment are not management and technology, but are, instead, ignorance, intemperance and greed.

REPORT ON ACTIVITIES OF THE MINORITY IN THE COMMITTEE ON LABOR AND PUBLIC WELFARE IN 1972

Mr. JAVITS. Mr. President, during the second session of the 92d Congress, the Republican minority of the Committee on Labor and Public Welfare, of which I am the ranking member, made a distinctive record of constructive contributions and effective legislative achievement. It is gratifying to note that in a number of instances, the central concepts around which major legislation was built originated on the minority side. These contributions cover all areas of activity of the committee. I ask unanimous consent that a report I have prepared on these contributions be printed in the RECORD.

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

COMMITTEE ON LABOR AND PUBLIC WELFARE—MINORITY REPORT

HEALTH

National Sickle Cell Anemia Prevention Act (Public Law 92-294)

A bill introduced by Senator Tunney and cosponsored by Senator Javits, Schweiker, Taft, Brooke, Case, Griffin, Percy, Roth and Thurmond for the prevention of sickle cell anemia provided the basis for this Act.

Minority amendments written into law include:

First. Provide for community representation in program operation—Senator Schweiker.

Second. Priority in making grants to areas having greatest number of persons in need of sickle cell services—Senator Javits.

Communicable Disease Control Amendments Act of 1972 (Public Law 92-449)

A bill introduced by Senator Javits to control and prevent venereal disease and cosponsored by Senators Dominick, Beall, Stafford, Taft, Brooke, Case, Gurney, Percy, Young, and Baker, toegther with legislation introduced by the Chairman of the Health Subcommittee, and cosponsored by Senators Javits, Schweiker and Tower, provided the basis for this Act.

Minority amendments written into law include:

First. Ensure patient care and treatment for VD confidential—Senators Javits and Dominick.

Second. Increase family planning services grant authorization—Senator Javits.

Third. Increase minimal VD formula grant state allotment—Senator Dominick.

National Heart, Blood Vessel, Lung and Blood Act of 1972

(Public Law 92-423)

A bill to establish a more effective national program to combat America's number one killer introduced by Senator Kennedy, Chairman of the Health Subcommittee, and cosponsored by Senators Javits, Schweiker, Beall, Taft, Dominick and Percy, together with a bill introduced by Senator Schweiker and cosponsored by Senators Bennett, Stevens and Baker provided the basis for this Act.

Minority amendments written into law include:

First, prevention programs for cardiovascular disease—Senator Schweiker.

Second, establish Assistant Director for Health Information Programs—Senator Schweiker.

Special Action Office for Drug Abuse Prevention Act

(Public Law 92-255)

The Administration bill introduced by Senator Percy and cosponsored by Senators Javits, Beall, Schweiker, Dominick, Packwood, Stafford, Taft, Scott, Brock, Gurney, Roth, Griffin, Dole, Brooke, Pell, Miller, Mathias, Saxbe, Bennett, Boggs, Hansen, Case, Bellmon, Pearson, Tower, Mundt and Cotton together with legislation introduced by Senator Kennedy, Chairman of the Alcoholism and Narcotics Subcommittee, and cosponsored by Senator Javits, provided the basis for this Act. Many technical amendments were authored by the minority.

Drug Addict Treatment and Rehabilitation Act of 1972

(Public Law 92-)

A bill to increase the Commission's appropriations introduced by Senator Javits and cosponsored by Senators Schweiker and Packwood provided the basis for this Act.

LABOR

Equal Employment Opportunities Enforcement Act

(Public Law 92-261)

First, authorization for Commission to enter into settlement agreements—Senator Javits.

Second, providing Commission with power to institute court actions rather than issue cease and desist actions—Senator Dominick.

Third, creation of an independent general counsel—Senators Taft, Schweiker, Javits, Beall.

Fourth, provision of equal employment opportunity for civil service employees and power to bring suits in Federal district courts—Senator Dominick.

Fifth, establishment of Equal Employment Opportunity Coordinating Council to oversee activities of various Federal agencies administering antidiscrimination laws—Senator Javits.

Sixth, a two-year limitation on the liability of employers for back pay—Senator Taft.

Seventh, preclusion of transfer of Office of Federal Contract Compliance from the Labor Department to the Equal Employment Opportunity Commission—Senator Saxbe.

Service Contract Act Amendment

(Public Law 92-)

First, provision that existing wage rates and fringe benefits shall be binding on successor employers, unless the Secretary of Labor finds, after a hearing, that such existing wages or benefits are substantially at variance with prevailing rates—Senator Taft.

Second, limitation on requirement that the Secretary make wage determinations to contracts involving employment of five or more employees—Senator Taft.

Black Lung Benefits Act

(Public Law 92-303)

First, limitation of delay of assumption by employers of responsibility to pay benefits—Senator Javits.

Second, provision to make additional categories of dependents eligible for benefits—Senator Schweiker.

EDUCATION

The Administration's Emergency School Aid Act of 1971, introduced by Senators Javits and Griffin, together with legislation sponsored by Majority members, formed the basis for Title VII (the "Emergency School Aid Act") of this Act. Other contributions include—

First, establishment of the National Institute of Education to foster educational research—Senators Prouty,* Dominick, Griffin, Javits, Packwood, Saxbe, Schweiker, and Scott.

Second, establishment of the Student Loan Marketing Association to enhance liquidity for guaranteed student loans through providing a warehousing and secondary marketing mechanism—Senator Dominick.

Third, establishment of a program to stimulate innovation in postsecondary education—Senators Javits, Beall, Dominick, Griffin, Prouty, Schweiker, and Scott.

Fourth, establishment of ethnic heritage studies centers for study of the contributions of the cultural heritage of ethnic groups of the Nation—Senator Schweiker.

Fifth, program of emergency assistance for institutions of higher education experiencing serious financial stress—Senators Beall and Dominick.

Sixth, authorization of matching grants to States for State scholarship incentives—Senator Javits.

Seventh, requirement of a comprehensive report by the Secretary of Health, Education, and Welfare on the financing of post-secondary education—Senator Javits.

Eighth, inclusion in definition of developing institutions of junior and community colleges located in or near Indian reservations—Senator Dominick.

Ninth, inclusion of special problems of career education in National Institute of Education—Senator Schweiker.

Tenth, authorization of grants to improve planning and management capability of higher education institutions—Senator Beall.

Eleventh, inclusion of half-time students in Educational Opportunity Grant Program—Senator Javits.

Twelfth, establishment of Educational Opportunity Centers to counsel poor and others on entering college—Senator Javits.

Thirteenth, establishment of a new academic facilities loan insurance program for non-profit, private institutions of post-secondary education—Senator Prouty.

Fourteenth, requirement for study to result in specific recommendations on a na-

*Deceased September 10, 1971.

tionwide cost-of-education cost-accounting methodology—Senator Schweiker.

Fifteenth, inclusion of young delinquents in adult correctional institutions in Title I, Elementary and Secondary Education Act, on same basis as delinquents in juvenile institutions—Senator Beall.

Sixteenth, requirement that student aid programs receive priority in funding—Senator Prouty.

Seventeenth, establishment of a Bureau of Occupational and Adult Education within the U.S. Office of Education—Senators Javits, Beall, Dominick, Prouty, Schweiker, and Taft.

Eighteenth, provision for employment of high school and college students as tutors or instructional assistants for educationally disadvantaged children—Senator Prouty.

Nineteenth, amendment to meet problems of discrimination against particular categories of students in guaranteed loan program—Senator Javits.

Twentieth, provision for the retraining of teachers to enable them to teach other grades or subjects in which teacher shortages exist—Senator Prouty.

Twenty-first, authorization of construction grants for removal of architectural barriers to handicapped persons—Senator Javits.

Twenty-second, expansion of program of improving training opportunities for elementary and secondary education personnel to encourage persons to serve as tutors in pre-school, elementary and secondary classes—Senator Prouty.

Twenty-third, consolidation of certain higher education programs—Senator Javits.

Twenty-fourth, authorizing use of Education Professions Development Act funds to train teachers of American Indian children—Senator Prouty.

Twenty-fifth, increasing to 5% or $20,000, whichever is greater, the amount which a State may expend for administration of its plan for attracting and qualifying teachers to meet critical teacher shortages—Senator Prouty.

Twenty-sixth, provision for uniform application requirements under several categorical programs—Senator Prouty.

Twenty-seventh, inclusion of volunteer firemen in vocational education programs—Senator Boggs.

Amendment to Guaranteed Student Loan Program

(Public Law 92-391)

This bill was sponsored by Senator Dominick and cosponsored by Senators, Beall, Boggs, Case, Cook, Griffin, Javits, Scott and Young.

EMPLOYMENT, MANPOWER AND POVERTY

The Manpower Development and Training Act Amendment of 1972

(Public Law 92-277)

S. 3054, which was the basis for this measure, was developed jointly by Senator Javits and the Chairman of the Subcommittee, who introduced the bill on January 21, 1972.

The Act extends the Manpower Development and Training Act of 1962 through fiscal year 1973.

The Economic Opportunity Amendments of 1972

(Public Law 92-424)

S. 3010, which was the basis for this measure, was developed jointly by Senator Javits and the Chairman of the Subcommittee, who introduced the bill on December 13, 1971.

The Act extends the Economic Opportunity Act of 1964 through fiscal year 1974.

The Economic Opportunity Amendments of 1972 add to the Act a new title for Community Economic Development, co-authored by Senator Javits, as well as other provisions included by Senator Javits, increasing assistance to elderly and other low-income persons not now fully covered and for increased anti-poverty efforts in Puerto Rico.

VOCATIONAL REHABALITATION

Rehabilitation Act of 1972

(Public Law 92-)

First, requirement for an individualized written rehabilitation program to serve as blueprint for rehabilitation of handicapped client and as a means of assessing progress and allowing client participation—Senator Stafford.

Second, provision for nondiscrimination in hiring of handicapped under Federal grants—Senator Javits.

Third, in order to encourage hiring of handicapped, provision that unpaid work experience of an individual within a Federal agency shall not be considered Federal employment for purposes of Federal personnel laws and regulations—Senator Taft.

Fourth, requirement that in filling positions of the newly-created Office for the Handicapped, special emphasis is to be given to handicapped individuals—Senator Stafford.

Fifth, inclusion of the homebound in State plans, research and training—Senator Javits.

Sixth, requirement that the Secretary of Health, Education, and Welfare shall include in his annual report a report on research and training activities under the Act—Senator Stafford.

Seventh, establishment of National Advisory Council on Rehabilitation of the Handicapped and State Advisory Councils—Senator Javits.

Eighth, require the Secretary to conduct a study of the role of sheltered workshops in rehabilitation and employment of handicapped individuals—Senator Stafford.

Ninth, provision defining eligibility for participation in services of rehabilitation center for deaf individuals—Senator Javits.

Tenth, provide a statutory basis for the Rehabilitation Services Administration to administer Act—Senator Stafford.

Eleventh, requirement that no funds for nonvocational-goal rehabilitation services shall be expended unless maximum efforts have been made to secure assistance from other sources—Senator Javits.

Twelfth, provision for special consideration to qualified handicapped individuals in filling positions on the President's Committee on Employment of the Handicapped—Senator Stafford.

Thirteenth, inclusion of "acquisition" in the definition of "construction"—Senator Javits.

Fourteenth, provision for consultation with State rehabilitation agencies in establishment and support of Rehabilitation Engineering Research Centers, in evaluation of programs and projects, and in study on sheltered workshops—Senator Javits.

Fifteenth, require the Secretary to report on evaluation of use of funds for individuals with severe handicaps—Senator Javits.

Sixteenth, provide for study of architectural designs to assist handicapped persons—Senator Percy.

Comprehensive Older Americans Services Amendments of 1972

(Public Law 92-)

The Administration bill, S. 3391, introduced by Senator Beall and cosponsored by Senators Javits, Schweiker, Packwood and Taft, together with legislation introduced by the Chairman of the Aging Subcommittee, Senator Eagleton, provided the basis for this Act.

Other Minority provisions written into law are as follows:

First, provision for establishing an Information and Resources Clearinghouse for the Aging—Senator Beall.

Second, coordination and consolidation in anticipation of comprehensive manpower legislation relative to Older Americans Community Service Employment provisions—Senator Javits.

Third, special provision authorizing services to assist older persons to avoid institutionalization—Senator Packwood.

Fourth, special provision for study and demonstration projects on the transportation problems of older Americans—Senator Stafford.

Fifth, special provision to authorize area agencies on aging to provide opportunities for older citizens to assist in the delivery of day care services to children—Senator Beall.

Sixth, preference to existing offices on aging of local governmental units in the targeting of planning and service grants—Senator Javits.

Seventh, the inclusion of language authorizing the hiring of older Americans to fill staff positions in the administrative structure responsible for older American projects—Senator Beall.

Eighth, postponement until 1974, of consolidation of administration provisions concerning nutrition programs with other older American programs—Senator Javits.

SCIENCE

National Science Foundation Authorization Act of 1973 (Public Law 92-372)

The Administration bill, introduced by Senator Dominick, together with the bill introduced by the chairman of the Special Subcommittee on the National Science Foundation, formed the basis for this Act.

KILLING AT A DISTANCE

Mr. CRANSTON. Mr. President, I was struck by the article inserted in the RECORD of October 12 by the distinguished Senator from Idaho, Mr. CHURCH. The article, entitled "Our Airmen in Thailand—Professionalizing the War," stressed the attitude of detachment and remoteness shared by the professional pilots conducting Vietnam bombing raids from Thailand.

In today's New York Times there is a similar article about pilots flying B-52 missions from Guam. An electronic-warfare officer aboard one of the giant bombers said:

We're so far away. It's an impersonal war for us.

A crewman remarked that bombing Vietnam from a B-52 was like "delivering the mail." A pilot said:

For all you know, you could be bombing New York City.

Mr. President, these men are professionals trained to do their job efficiently and unquestioningly. But the American public should not forget that these men and their fighter-bomber colleagues are dropping 2 tons of bombs every minute. Those who have survived B-52 raids have recounted that the world around them suddenly and terrifyingly explodes and turns to fire. So I think that the pilots' sense of detachment about bombing should not prevail in the minds of the American people.

I ask unanimous consent that the article from the New York Times be printed in the RECORD.

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

ABOARD A B-52 BOMBER HIGH OVER VIETNAM A CREW TAKES PART IN AN "IMPERSONAL WAR"

(By Joseph B. Treaster)

ANDERSEN AIR FORCE BASE, GUAM, October 4.—Six hours and 14 minutes after taking off from this Pacific island base, Capt. Terry Jennings' B-52 shuddered and 32,500 pounds

of high-explosive bombs plummeted toward South Vietnam.

A few seconds later a ground controller radioed, "good jobs,"—the bombs were right on target.

There was not a flicker of reaction from any of the six crewmen, no sign of satisfaction or any trace of excitement—an attitude, of cause, that has been common in bomber crews for years.

For the crewmen, sitting in their air-conditioned compartments more than five miles above the steamy jungle of South Vietnam, the bomb run had been merely another familiar technical exercise. The crew knew virtually nothing about their target and they showed no curiosity.

Only the radar-navigator, who in earlier wars would have been called the bombardier, saw the bombs exploding, and those distant flashes gave no hint of the awesome eruption of flames and steel on the ground. No one in the plane, including this correspondent, heard the deafening blast.

200 B–52'S IN THEATER

In many ways, Captain Jennings and his men are typical of the scores of crews that have been sent to Guam since February in a build-up that has brought the number of B–52's bombing Indochina to about 200—four times more than were in the theater at the close of last year. Some of the big bombers are based at Utapao, Thailand.

They are intelligent, steady, family men doing a job they've been told to do. Because they are professionals, they take pride in doing their work well. But neither Captain Jennings' crew nor any of the numerous other pilots and crewmen interviewed displayed the kind of enthusiasm for their assignment that bubbles through conversations with fighter pilots. "It's a job," the bomber men often say.

The huge, eight-engine planes that they fly are dropping more bombs in South Vietnam than any other kind of aircraft and they have been credited with having played a major role in blunting the North Vietnamese offensive.

On the ground a B–52 strike—or "arclight," as they are commonly called—is a chillingly spectacular event, sometimes electric with excitement. Tremendous clouds of smoke and dust boil up and a thunder of kettle drums splits the ears. People in the "impact" area are killed or sent reeling in shock. Allied troops sometimes cheer or just sigh in amazement.

But none of this feeling reaches the B–52 crews. "We're so far away," said Capt. Gordon Crook, the 34-year-old electronic-warfare officer on Captain Jennings' bomber. "It's an impersonal war for us."

The crewmen are highly skilled technicians trained primarily for missions with nuclear weapons. What they are doing in Vietnam demands precision, but only a fraction of their skill. The routine seldom varies and they say they are bored.

NO THREAT FROM FLAK

On most raids, clouds or darkness make it impossible for anyone in the plane to see South Vietnam. At best the country looks like a neatly painted relief map, mostly mottled green ridges and valleys streaked with winding streams and red laterite trails and airstrips, set-off from the sea by a thin strip of white beach. The people are always invisible.

There is no antiaircraft fire in South Vietnam that threatens the high-flying B–52's and so far none of the bombers have been reported lost to surface-to-air missile or enemy fighter planes in the North.

"Essentially I feel like I'm a nonparticipant in the war," Captain Jennings said after the flight. "I'm intelligent and I know I'm in it, but I don't feel it."

"To me," continued Captain Jennings, who is 29 years old and comes from Aurora, Ill., "flying this kind of mission—actually flying the mission and dropping the bombs and anything that leads up to it—is very similar to a training run in the United States."

The United States Military Assistance Command in Vietnam selects B–52 targets, takes responsibility for insuring they are clear of civilians and decides how many planes are needed and what combination of bombs they should carry. So the big bombers, their crews and commanders on the ground here are all part of a highly specialized delivery system.

One pilot said that he often thought of himself as a long-distance truck driver. A crewman said that bombing South Vietnam from a B–52 was like "delivering the mail."

The maps used by the crews show almost no place names. One general said that kept the maps uncluttered. It also keeps them impersonal. The targets are given code numbers and are marked by intersecting map coordinates.

"For all you know," one pilot said, "you could be bombing New York City."

The pilot was joking. But he and his colleagues are disciplined men who have taken an oath of service in the Air Force and they regard themselves foremost as professionals. Several crewmen were asked what they would do if they were ordered to "take out Hanoi—not just the military installations, but the whole city." All answered that they would "jump in our planes and go." Their only concern, they said would be for personal safety.

Whether the war is right or wrong is not an issue with the crews, they say. They do not make policy, but are instruments of policy. They have been trained to operate the machinery of the B–52 and that is what they do. Where they put the bombs is someone else's decision and someone else's responsibility, they feel.

"As far as losing any sleep over what we're doing, how many people we kill . . . we never get to see the damage," said Captain Crook, whose home is in Memphis.

At another point he said, "if we were killing anybody down there with our bombs I have to think we were bombing the enemy and not civilians. I feel quite sure about our targeting."

A pilot in another crew put it this way: "You don't consider that you're going out and killing somebody. You say, 'we've got a job to do and let's go out and do it.' The other part isn't considered."

The B–52's in Southeast Asia usually carry 20,000 to 43,500 pounds of bombs, compared to 6,000 pounds for the most common fighter-bomber.

A CARPET OF BOMBS

They usually fly in formations of three and lay down a carpet of bombs roughly a half mile wide and a mile and a half long. The bombers are at their best against large supply dumps and troop concentrations.

So the North Vietnamese created an ideal situation for the B–52's when they launched their current offensive on March 30th and shifted into full-scale conventional war, massing thousands of troops for frontal assaults with dozens of tanks and heavy artillery.

Increasingly, the B–52's are being used to provide close air support for the South Vietnamese. In the battle to retake the Citadel in Quangtri, for example, South Vietnamese paratroopers, who were having difficulty clearing an area, backed-off several hundred yards, called in the B–52's, then moved ahead without opposition.

The missions themselves are exhausting. Captain Jennings and his crew began studying their mission plans at 7:35 A.M. and dragged through their final debriefing nearly 17 hours later at 12:30 A.M. the next day.

The tour of duty for B–52 crewmen is four to six months. It is shorter than the standard one year in Vietnam. But crews can be reassigned in the area as often as the Air Force feels is necessary and some have already had five or six tours. Staff officers say the crews here now are scheduled to have a month at home in the United States after they finish their current stint, then return immediately for more arclight duty.

Many men say they see no end to the cycle and this is hard on morale. For almost all of the crewmen the worst part of the assignment is the separation from their families and not knowing when it will all end.

THE B–52—LAST CHOICE

They laugh when you ask if they volunteered to fly B–52's. No one seems to like the plane. It is an unmaneuverable monster and the last choice of flight-school graduates. B–52's are uncomfortable to ride in and some crewmen say they are afraid of serious mechanical or structural failure in the complicated and nearly 20-year-old planes.

Some of the men wonder if they're accomplished anything. They've heard the praise from Saigon. But some still say: "It must not be too effective. We keep bombing the same targets."

The pilots say the most difficult part of a mission to South Vietnam is the mid-air refueling that usually takes place over the Philippines. Most of the planes here can make the round trip without taking on gas, though, so that leaves take-off and landing to challenge the fliers.

Ten minutes after take-off, Captain Jennings put the plane on automatic pilot and relaxed as it continued to climb, then leveled off, cruising at 450 knots. He was number two in the flight of three.

In the next two and a half hours he drank two cups of coffee, flipped through the Pacific Stars and Stripes newspaper, cat-napped and mechanically ran through a number of check lists with the other crew members.

Capt. Mark Wiley, the 26-year-old co-pilot from Concord, N.H., filled out some reports, went through some more check lists and asked Capt. Jim Shima, the navigator, who is also 26, and from Cleveland, whether he had any Oreos in his box lunch. "No," said Captain Shima, "I got orange slice."

Maj. Orbert Marrs, the radar-navigator or bombardier, who is 42 years old and has a family in Welch, W. Va., was busy checking his equipment. Captain Crook, the electronic warfare officer whose job is to block enemy radar so that it cannot direct antiaircraft fire or surface-to-air missiles at the plane, had opened a paperback. In a bubble on the end of the aircraft, M. Sgt. Clyde [Ed] Edwin Going, 39, of Shreveport, La., was keeping his vigil as tail-gunner.

As the big plane neared the Philippines the crew began to prepare for refueling. The three aircraft had slowed to about 400 knots. They were side by side now, well apart, and each was coming up under the tail of a KC-135 tanker.

The pilots were trying to put their bombers about 20 feet below the tankers so that a sergeant riding in the belly of the higher plane could slip a fuel nozzle into a receptacle on top of their aircraft.

Captain Jennings tensed in his seat as the refueling boom grew larger in his windshield, then passed overhead. His left hand rode the black steering yoke, the fingers of his right were twined around the eight throttles, delicately feeding the engines. With a clank, the boom slid into place.

But the system that helps the pilot guide the plane seemed to be running a bit ragged and in the next 22 minutes the bomber and the tanker drifted apart seven times. Finally, with 90 percent of the designated fuel in his tanks, Captain Jennings pulled away from the tanker. Beads of sweat were rolling down his face. He let out a deep breath, lit a cigarette and turned over the controls to Captain Wiley.

Less than an hour later, Captain Shima,

the navigator, began reviewing bomb procedures over the interphone.

A ground controller picked up the three bombers on radar as they neared South Vietnam and began guiding them toward the target—a "suspected enemy troop concentration south of Danang." No one on the plane knew that the specific location was the embattled lower tip of Quangngai Province and the men had to think a minute when they were asked what they were supposed to be hitting.

Sixty seconds out, Major Marrs, the radar-navigator or bombardier, opened the bomb-bay doors and armed the bombs.

The ground controller started a countdown. He spoke to the lead aircraft and the two other crews monitored. At the precise moment that the bombs had to leave the first plane in order to hit the target, the controller gave the signal to release, one crip word: "hack."

With that, Major Marrs and Captain Shima squeezed stop watches and the navigator started his own count-down. The two had calculated their drop time at 15 seconds after lead. Captain Shima's voice rose with the only detectable excitement of the entire flight as he cried out, "hack."

Major Marrs pressed a small button and the plane trembled. A lighted sign on the dash-board in front of the pilot and copilot flashed "bomb released," "bomb released," "bomb released" as the bomb bay and the wing racks emptied.

The plane swung north up the coast of South Vietnam for a practice run without bombs. The crew settled in for an uneventful six-hour flight home.

HUD JOINS ADMINISTRATION CAMPAIGN FOR REELECTION

Mr. SYMINGTON. Mr. President, last week some 28 million Americans received a little hope and a litle hokum. Those Americans, representing most of our Nation's senior citizens, opened an envelope which contained the first social security check reflecting the 20-percent increase in benefits approved by the Congress last June. Appropriate to this election year, however, the envelope also contained a little electioneering—a statement which would lead the recipient to believe that President Nixon had brought him his additional benefits, benefits which, in fact, the President strongly opposed when considered by the Congress.

Not to be outdone by the Social Security Administration, we now learn from a constituent that the Department of Housing and Urban Development has joined in producing presidential campaign literature, this one entitled "A Report to Older Americans."

This HUD brochure attempts to give the impression that during the last 4 years, Mr. Nixon has been the champion of the senior citizens.

It would have its reader believe that enough housing specially equipped for the elderly is being constructed, even though production this year is expected to fall almost 54,000 units short of the estimated need.

It would have its reader believe that homes are available to meet any income level, although the one program specifically designed to meet the housing needs of low-income senior citizens has been virtually eliminated by low budget requests and impounded funds.

Finally, it would have its reader believe that private ownership of homes by older Americans has been facilitated during the past 4 years, when in fact the cost of such ownership has become prohibitive under the 32-percent jump in property taxes while nothing but rhetoric has gone toward providing relief.

Our constituent wrote:

I resent very much the unfair political advantage the Administration is taking at this time, just prior to election, by publishing such literature with the President's name shown thereon, when we taxpayers bear the cost of composing, publishing and mailing this stuff.

Mr. President, we often hear reports about the bulging bank accounts of the Republican Party. Under such circumstances, if the American people must receive misleading information from the Republican candidate, why should the American people be forced to pay for it?

I ask unanimous consent that the letter from Mr. Virgil Duvall be printed in the RECORD.

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

Hon. STUART SYMINGTON,
U.S. Senate Building,
Washington, D.C.

DEAR SIR: I have just received a bulletin issued by the U.S. Dept. of Housing and Urban Development, entitled "A Report to Older Americans" with a quotation by President Richard Nixon, and I resent very much the unfair political advantage the Administration is taking at this time, just prior to the election, by publishing such literature with the President's name shown thereon when we taxpayers bear the cost of composing, publishing and mailing this stuff.

I think such tactics on the part of the Republicans should be a political issue, and I also think a law against showing an individual's name on such publications, when the individual is a candidate for high office should be enacted by Congress. My permanent address is 5804 Harvard, Raytown, Missouri 64133 but my present temporary address is as shown above.

I hope that many other recipients of this, or any other literature will react toward this injustice in low political practice with the same resentment that I feel.

Yours truly,

VIRGIL W. DUVALL.

JOHN SHERMAN COOPER

Mrs. SMITH. Mr. President, it is with deep regret and concern that I view the retirement of JOHN SHERMAN COOPER from the U.S. Senate.

His has been a desperately needed voice of calm and reason in these very turbulent times. Repeatedly in times of crisis in the Senate, he has cleared the heated atmosphere of emotional, and too often regrettable, polemics that have not reflected well on the Senate as an institution and as a deliberative body.

We will sorely miss his wise counsel and reasoned judgment. We wish him well—and we expect to see him continue in a role of great and official importance in the service of his country.

VIETNAM PEACE NEGOTIATION

Mr. PELL. Mr. President, there has been a great deal of speculation about the possibilities of peace in Southeast Asia in recent days Mr. Kissinger's 4 days of secret negotiations in Paris received wide attention.

So did the extension of the most recent talks with the North Vietnamese from 2 days to 4 days.

We hear rumors that a peace settlement, a cease-fire, is just around the corner.

But we have heard this before.

We have heard an official "no comment" before—and now we hear it again from the White House on this latest in a long series of 19 secret negotiations begun more than 3 years ago.

Meanwhile, the bombing continues with increasingly tragic results.

A great confusion exists in our people's minds.

Will there soon be peace in Southeast Asia?

Or is peace the same will-o'-the-wisp it was 4 years ago when this administration announced its secret "peace plan"?

Secrecy still seems to be the order of the day. A measure of secrecy is understandable in international negotiations. But this secrecy is compounding the confusion, the frustration our people feel. We have witnessed the delay and failure of this administration's so-called peace plan time and time again.

I have long believed in the value of a negotiated peace settlement for Southeast Asia. As a member of the Senate Foreign Relations Committee, I have long believed that negotiations provide the best way out of this war and the American tragedy it has brought upon our people. My own record on this most crucial issue is as clear as it is consistent.

I find the record of my opponent on this crucial issue clearly inconsistent. Indeed, at a time such as 7 years ago when I advocated a negotiated settlement—at a time when the whole question of escalation of the war was being debated—my opponent said that any hope for negotiations was merely a dream.

The agony of this war has been prolonged for 7 years. We all know the dreadful loss of life involved, the suffering, the disorder to national priorities, the evils of inflation which escalation of the war has brought to our economy.

And now the belated promise of a negotiated settlement is front page news once more. And we are led to believe that perhaps the light at the end of this long and terrible tunnel is brighter than ever before.

If it is so bright, let us not lose sight of it again.

In the past, when there has been a national emergency affecting all our citizens, our Presidents have acted. When there has been a major dispute in one vital sector of our economy which causes emergency hardships on all of us—and when final agreement may depend on a few remaining details—our Presidents have acted to keep both opposing sides at the conference table, night and day, until a solution was reached.

If we are that close to a settlement in Southeast Asia, then I believe it is high time for the President we now have to exert his efforts so that the leading negotiators of both sides sit at that peace conference table—day and night—until

a final agreement is hammered out, until peace is achieved. Not for 2 days, not for 4 days—but day and night.

I urge him to take that kind of action.

And if, after all these years of escalation and agony, we are not that close to agreement, then I believe we should be told—clearly and precisely and openly—just where we do stand.

MORE MISSOURI FARMERS SUFFER FROM SECRECY IN GRAIN DEAL—GETTING CLIPPED COMING AND GOING

Mr. SYMINGTON. Mr. President, last week I inserted in the RECORD the story of a west-central Missouri farmer, who after 2 bad crop years and a third year of low wheat prices, was waiting out the foreclosure of the loan on his farm.

The article stated that this Missouri farmer believed he could have saved his farm if he had known that the United States was going to sell wheat to the Soviet Union—but he did not know. Instead, he sold his harvest from this year on July 7 for an average price of about $1.31 a bushel—only 1 day before the Department of Agriculture announced that the United States was planning to sell 400 million bushels of wheat to the Soviet Union.

Unfortunately, the story does not stop there. As described by Mr. Severin Poirot of Golden City, Mo., in a recent letter to our office:

It appears that a large number of farmers are getting clipped coming and going.

Mr. Poirot goes on in his letter to state:

In my case I sold our farm wheat at harvest time since according to our USDA there was such a huge carry-over. We received $1.29 per bushel. We received $1.28 preliminary payment on our small and "domestic" allotment, and were scheduled to receive the final payment in December. It appears now that there will be no final payment due to the unexpected large rise in the price of wheat.

As Mr. Poirot points out, the Department of Agriculture worked quickly to assure grain exporters that they would receive a large export subsidy to cover the difference between the price at which they had sold wheat to the Soviet Union and the then rising world price of wheat. At the same time, the rising price for wheat—which those who sold early could not benefit from—was driving down the amount of the final wheat subsidy payment to the farmers. As Mr. Poirot described:

In view of the fact that the USDA subsidy paid on wheat for export contributed no doubt in part at least for the large rise in the price, it appears that the USDA was taking an easy road, using the subsidy to help the grain exporters and saving the money that would have been used as final payment to farmers.

As the price rose, it eliminated the final payment to farmers. The subsidy at the end of August was 45 cents.

Mr. June A. Sifferman writes:

This Russian grain agreement may be a good deal on the long haul, but it sure caught a lot of the small wheat producers up short this year.

Mr. Sifferman goes on to explain in his letter that he has been advised by the county ASCS that he will not receive his final wheat payment this year for signing up for the set-aside program and not raising any wheat because of the sudden increase in the wheat market price.

Mr. Sifferman explains:

The news came out too late for me to get out of the program and to get any value out of the orchard grass that I took out of production. So I am stuck with a short payment and a smaller wheat allotment for next year.

Another southwest Missouri wheat farmer, Mrs. Pauline Murray, also wrote that:

It now looks as if there will be no December payment in the 1972 wheat program.

Mr. President, not only does the present wheat program work against the interests of the very farmers who made the sale to the Soviet Union possible, they are being hit from all directions.

For those who sold their wheat early, they are getting a lower price than they would have if the Department of Agriculture had fully apprised them of the potential market for their wheat, permitting them to hold out for a better price. The grain companies had their intelligence sources out advising them of the world wheat needs, but the farmers' adviser—the U.S. Department of Agriculture—was not doing its job.

Because of the rise in wheat prices after these farmers had sold their crops, most will receive no wheat subsidy at the end of this year.

And finally, money from the taxes these same farmers pay, will be handed over to the grain export companies whose profits were protected by the Department of Agriculture through export subsidy payments.

The Department of Agriculture announced the Soviet wheat sale too late to give many winter wheat farmers an opportunity to participate in the higher prices. Yet, they gave the grain export companies a full week to take advantage of the higher export subsidy on wheat purchases.

Again, Mr. President, I would hope that the investigations now being conducted by the Government Accounting Office and the Federal Bureau of Investigation would shed some light on the still secret aspects of the Soviet grain deal, and that the results of these investigations can be published before the November election.

I ask that the letters from Messrs. Poirot and Sifferman, and Mrs. Murray, be printed in the RECORD.

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

POIROT FARMS, INC.,
September 30, 1972.

Senator STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: In regard to the large sale of U.S. wheat to the Russians, it appears that a large number of farmers are getting clipped coming and going.

In my case I sold our farm wheat at harvest time since according to our U.S.D.A. there was such a huge carryover. We received $1.29 per bushel. We received the $1.28 preliminary payment on our small "domestic" allotment and were scheduled to receive the final payment in Dec. It appears now there will be no final payment due to the unexpected large rise in the price of wheat.

In view of the fact that the U.S.D.A. subsidy paid on wheat for export contributed no doubt in part at least for the large rise in the price it appears that U.S.D.A. was taking the easy road, using the subsidy to help the grain exporters and saving the money that would have been used as final payment to farmers. (as the price rose it eliminated the final payment to farmers) The subsidy at the end of August was 45c.

As the purpose of the farm program was to assure parity of $2.96 to producers for their "domestic" allotment it seems unfair that we should be expected to take the loss inflicted by manuevers in the world market made by our great white fathers in the U.S.D.A. In our case we will have received $2.57 for our "domestic" wheat compared to $2.96 parity price. In our case the total involved is $530.00 on 32 acres.

In passing it also appears these have been attempts to manipulate the prices of cattle and hogs by issuing reports of questionable veracity regarding cattle on feed and hogs on farm and in storage.

In short it appears that when someone has to take the rap, the farmers get it; after all there are only 6% left in the total population. If they can help the balance of payments and some buddies, or keep the price of meat down well after all there are only 6% left.

We appreciate your efforts on our behalf.

Yours Very Truly,

SEVERIN POIROT.

GOLDEN CITY, MO.,
September 29, 1972.

Senator STUART SYMINGTON.

DEAR SIR: My ASCS Office tells me that it now looks as if there will be no December payment in the 1972 wheat program. So, I have done some figuring to see if I received parity for my domestic wheat.

On the 16th of June, I sold my wheat for $1.29 per bushel. The ASCS Office said that my preliminary wheat payment amounted to $1.28. This adds up to $2.57 per bushel. As I understand it, parity for domestic wheat is $2.96 per bushel.

Could you please tell me where my other 39 cents per bushel went?

Sincerely,

Mrs. PAULINE MURRAY.

Senators STUART SYMINGTON and THOMAS EAGLETON.

GENTLEMEN: The Russian grain agreement may be a good deal on the long haul but it sure caught a lot of us small wheat producers up short this year.

I signed up in the 1972 wheat program and did not raise any wheat. My County ASCS Office people explained that I would lose 20 percent of my allotment but that I would get a $205 payment in July and that prospects for another $70.00 in December were pretty good.

In order to earn my payment I had to take 4.2 acres of good orchard grass out of production, as well as agree to the 20 percent cut in allotment.

Right after July 1, I got my first wheat payment of $206.34 and was feeling pretty good about being in the program. Just recently the County ASCS people told me that I will not get the final wheat payment because of a sudden increase in wheat market price. The news came out too late for me to get out of the program and get any value out of the orchard grass that I took out of production. So, I am stuck with a short payment and a smaller wheat allotment.

I feel that farmers who signed in the program and did not raise wheat are entitled to

this final payment. Would you gentlemen please look into this matter for me?

Sincerely,

JUNE A. SIFFERMAN.

SENATOR MUNDT

Mr. DOLE. Mr. President, I wish to join my colleagues on both sides of the aisle in paying a sincere and heartfelt tribute to the senior Senator from South Dakota.

Senator KARL MUNDT has compiled one of the outstanding American public service records in his 34 years in Congress. As a Congressman for five terms and a Senator for four terms, he has been the foremost spokesman for the State of South Dakota and on behalf of responsible, commonsense government.

When the Senator from Kansas came to Congress nearly 12 years ago, Senator MUNDT's reputation as one of the Senate's most conscientious and diligent leaders was firmly established. And throughout my service in both the House and Senate it has been clear that Senator MUNDT's high standing among his colleagues and in the hearts of the people of South Dakota has been richly deserved and based on the deepest feelings of respect and admiration.

His interests as a legislator have been wide and varied, but I believe that there are two abiding concerns for which he will be long remembered. The first is a strong desire to see government at home work better, at lower cost to the taxpayers and with as little centralized, bureaucratic intrusion into the lives of our citizens as possible.

Second, is a never-flagging commitment to the strength and security of the United States and the maintenance of its position of preeminence in the difficult and often dangerous arena of international relations. Senator MUNDT in his devotion to these two concerns has established a record which few Senators will ever approach; and, because of his tireless efforts, we live under a better and more responsive government here at home, and we live in a nation which is strong, secure and respected by the other powers of the world.

As Senator MUNDT retires from the Senate I wish to express my thanks and appreciation, both as a colleague and on behalf of the people of my State, for his outstanding career in service to the America he so deeply cherishes.

HAWAII'S ROLE IN INTERNATIONAL BUSINESS AND TRADE

Mr. INOUYE. Mr. President, it has become commonplace to deplore the grave problems which afflict our international trade position. In 1971 the United States suffered its first merchandise trade deficit since 1893. This year the deficit could very easily be two or three times the trade gap incurred in 1971.

As serious as this problem is, many individuals are taking steps to boost American exports. In recent months several States and municipalities have shown an increased interest in the potential offered by exports. I am pleased that the State of Hawaii has taken a lead in this development and that the State government is actively encouraging Hawaiian businessmen to engage in exporting. Gov. John Burns and Dr. Shelley Mark, director of the department of planning and economic development recently delivered perceptive analyses of the opportunities that exist in this field. I ask unanimous consent that their remarks be printed in the RECORD.

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

HAWAII'S ROLE IN INTERNATIONAL BUSINESS AND TRADE

(By Dr. Shelley M. Mark)

You may be certain that Hawaii is very pleased to be a co-sponsor of this Conference on Exporting and Export Financing. For many decades, the people of Hawaii have recognized the unique potential of our Islands in Pacific trade and commerce. We have also established a tradition of hosting international meetings, especially those dealing with interests and concerns common to the peoples and nations of Asia and the Pacific. The most recent example, of course, being the meeting between President Nixon and Prime Minister Tanaka in Honolulu. We have always felt Hawaii to be not only a geographical crossroads for trade and transportation, but also a common meeting ground for the exchange of ideas, knowledge, and amity.

The importance of the Pacific Basin is evident to businessmen in Hawaii. Others may not realize that the Pacific Ocean is a common boundary to six continents and more than twenty countries, with well over half of the world's population. Among those countries are some of the world's most advanced, as well as some of its most poor. The natural resources of the lands and the ocean itself are enormous and in many developing areas are only now beginning to be tapped. Trade, shipping, and travel across the Pacific have increased substantially in recent years. The trade volume among the five advanced Pacific countries—the U.S.A., Canada, Japan, Australia and New Zealand—ranked along side that of Western Europe.

Dramatic economic progress is being made in a number of other Asian and Pacific areas, particularly Taiwan, Hong Kong, Korea, Singapore, Malaysia, and Thailand. It is estimated that these so-called developing countries will have per capita incomes exceeding U.S. $1000 by the year 2000, still much less than the richer countries but enough to indicate sustained growth.

The consequences of these impending developments in the Pacific Basin can readily be seen. With continued economic growth will come a wider international specialization of labor and resources. With specialization will come further increases in productivity and trade. Not only will there be increases in the volume of trade, but also increases in the variety and quality of goods and services traded. And with this will come more competition in international markets, and better prices to consumer and higher incomes to producers.

Admittedly this is a most optimistic outlook. It implies peace in our time, solution of the population and food problem, and cooperative efforts not only among the advanced countries, but also between the advanced and developing countries. If, for example, the advanced Pacific nations were to view the growth and diversification of developing nations as a threat to existing markets and not as an opportunity for further growth, and if they were to adopt more restrictive trade policies in the process, then the potentials we have cited will never be realized. Then the latter third of the 20th century will be a period of stagnation and despair and not one of expansion and hope.

It is clear that freer trade among the advanced Pacific countries will not be *sufficient* to capitalize on the opportunities for future growth and progress in the Pacific area. Trade liberalization, in one form or another among the advanced nations will be *necessary*. But it has to be accompanied by a clear recognition of the aspirations of developing countries and the formulation of trade policies and trading relationships that will enhance and not retard their potentials for growth. And it requires a strong positive commitment by the advanced countries to provide increasing economic and technical assistance for directly productive (possibly export-oriented) activities in the developing countries. Without this positive commitment, all that is said will only be rhetoric.

In a practical sense, we are at that critical stage now where shippers are studying new forms and techniques and methods and routes for trade and commerce between East and West, and Hawaii is again looked at for what it may be able to provide in services related to these new methods and modes. Our new Foreign Trade Sub-Zone 9–A, where foreign crude oils are refined, offers tremendous potentials for fueling ships and planes. And only this week it was officially announced that through direct action by Governor Burns, Hawaii has been able to secure a major change in the tariff of the Trans Pacific Conference in Hong Kong, so that our State is now on a par with West Coast States in certain important rate concessions from which we were previously excluded. This is expected to have important implications for transshipment of goods by surface and air, particularly the latter, with Hawaii as the transshipment center.

Our State's fundamental trade policy is influenced by a phrase found in our State Constitution: "With an understanding heart towards all the peoples of the earth . . .". We want to do business with other people, and we promote in a sophiscated fashion a proper commerce and trade. We are not after money and growth and bigness and expansion just for their own sake. We want to establish in Hawaii a solid, thriving world trade base which will help support our people—complementing agriculture, diversified manufacturing, tourism and Federal spending.

We have been pleased to note the steady growth of our foreign-trade exports and imports. In 1959, our imports totaled $34 million, and our exports, $18 million. This increased to $175 million in imports and $51 million in exports in 1970. The latest figures, for 1971, show a total of $224 million in imports and $46 million in exports, reflecting in part the effects of the West Coast Dock Strike. Although we are not too pleased with this large imbalance between our commodity imports and exports, we do not view the situation with any grave concern. We hope to improve our trade balance in the next few years, with the assistance of the various Federal programs that our distinguished speakers will describe during the rest of the conference. We're also "doing our own thing" to boost exports. Our new Foreign Trade Sub-Zone 9–A, which sells fuels to foreign-flag vessels and aircraft, is only one example. Overall, we have consistently promoted what may be the most fundamental means of improving our foreign trade picture—the sale of technical services to foreign governments and business and promotion of scenic amenities to foreign visitors. We do this on the Government level with a quiet aggressiveness and persistence, through the Hawaii International Services Agency of our Department of Planning and Economic Development; through our Hawaiian products promotional ventures and campaigns; through official and business trade missions to the Far East, through trade conferences and seminars in Hawaii, and through welcoming varieties of trade groups from foreign countries. I was pleased to learn only this week that Australia may open a Consulate in Hawaii soon in view of the increasing business between

our two areas. Also this week the Queen of Tonga is in Hawaii to study tourism development. Our Island business leaders are sophisticated veterans in international finance, and our science-based agricultural industries provide skilled services to underdeveloped lands.

In 1970, Hawaii was one of only two States in the Nation to build its own Pavilion at Japan's Expo '70, the first World's Fair in Asia. More than 5 million persons learned of Hawaii's interest in promoting trade, commerce and tourism; our Islands have since become a focal point of interest for Japanese investors and for increasing numbers of Japanese tourists.

We also have held seminars and luncheons to spur trade relationships with Taiwan, Thailand, Korea, the Trust Territory of the Pacific Islands, and we hope to expand these. We have sent a Hawaii Business Mission to Korea; we have met with executives of Japan's Keidanren in co-sponsored trade talks; we have promoted business relationships with the Philippines and Indonesia, Micronesia, Australia and New Zealand. Despite our limited resources, we reach out across these vast expanses of ocean to communicate directly with the individuals who are as anxious as we are to increase mutually profitable relationships. Earlier this year, for example, our Department's Economic Development Division invited a group of Japanese women business writers to Hawaii to survey Island products available to Japanese visitors. The result was widespread information about Hawaii's products among Japanese consumers.

Our Hawaii International Services Agency keeps tabs, through its research, library and publications functions, on how our trade is growing. A recent study, for example, shows that in the area of architecture, engineering and construction, more than 50 Hawaii firms have managed to sell their expert services overseas in the Pacific Basin, with more than 250 contracts signed. Many of these are with American and military areas, of course, but many others are with foreign lands seeking to bolster their tourism through resort construction, for example, or to improve their basic facilities through American skills. Hawaii's multi-lingual, multi-racial population is an asset here, but it is only one of many assets, and I believe it takes second place to the primary asset of having the saleable knowledge and skills to do a job well.

We have long-range goals of developing in Hawaii greatly improved facilities for centralization of Pacific trade facilities, product exhibition halls and services, international training resources and certain refinements in the art and practice of managing international conferences. Hawaii, however, has an "image" problem. It is, for some, a giant center for military activities centered at Pearl Harbor and in the office of the Commander in Chief Pacific. It is, for many millions of others, a garden spot for tourists. For knowledgeable business leaders, it is an enormously prosperous American community with superior accommodations for business, trade and finance. For educators, it is the location of the East-West Center, the only Federal institution of its kind, and of our University of Hawaii, with its specialized programs realted to Pacific and Asian interests.

We are many things to many people. But we want to be better known as a center for trade, for transshipment of goods by ship and jet plane to all parts of the world. It is in this area that we would welcome the advice and assistance of the Federal agencies whose task it is to promote exports. By showing American businessmen the potentials for profit through the use of Hawaii as a trade center, the whole nation can benefit from our well-cultivated links with foreign areas and peoples, and the respected image which Hawaii has abroad. One of our most recent conferences, on Doing Business With the People's Republic of China, is an example of the expectations we have for extending trade with the Far East. But fundamental to all our work in this area is the deeper realization that through foreign trade, through importing and exporting of goods and services, through continuing close relationships with people of other lands, we contribute in a very real way to world peace. There can be no nobler work than that.

Thank you.

Mr. Chairman, distinguished guests, ladies and gentlemen:

Aloha, and welcome to this, Hawaii's first Presidential Conference on Exporting and Export Financing.

We are indeed honored and pleased to have the prestige of the presidency in support of our endeavor here today.

And we are honored to have with us several ranking U.S. Government officials from Washington, including Mr. J. Patrick Dugan and his associate, Mrs. Nancy S. Pigman of the U.S. Export-Import Bank; Mr. Marshall T. Mays of the Overseas Private Investment Corporation; Mr. John J. Whalen of the U.S. Department of Commerce; and Mr. Fritz M. Schmitz of the U.S. Travel Service.

They are here to better acquaint you with the assistance programs in export promotion and financing available to you at the Federal level.

We also have key personnel from the State to tell you of a few international business programs sponsored by this administration.

Of course, we should bear in mind that Hawaii is no babe-in-the-woods when it comes to international trade and travel.

We have been a trans-Pacific destination area ever since the 8th century, when paddlers from Marquesas and Tahiti caught a good northerly wind and landed down the beach aways.

And we have been participating in foreign trade ever since 1778, when Captain Cook first came to these islands and, in exchange for some hogs, taro, potatoes, yams and other foodstuffs, left us some iron, a ram goat and two ewes, a boar, a sow, and a few seeds.

Today, we have somewhat expanded our import-export visions.

Last year, our total foreign trade with countries of Asia and the Pacific alone stood at $175 million, a four-fold increase over 1962.

In tandem with this growth has come an overwhelming increase in the number of local firms involved in overseas business.

Ten years ago, they could probably have been named in one breath.

Today, I would need the rest of my allotted speech time to rattle off their names.

They include firms involved in the export of services, in the merchandising of goods, in overseas investments, in agribusiness, and in tourism—all told, over 200 of them.

These firms were partly responsible for the post-statehood economic boom that Hawaii enjoyed for an unprecedented 10 years or so.

Our growth here, in fact must closely parallel that of the countries in Asia and the Pacific.

Today many of these countries are burgeoning economic powers, and Japan is a superstate in that respect.

Who would have thought, ten years ago, Japan, would offer us the greatest potential for the continued growth of our tourist industry?

In the first seven months of this year alone, an estimated 125,000 Japanese—20–25 percent more than in the first seven months of last year—flocked to these islands to spend a few days in the sun, as well as a few dollars.

So far this year, those "few" dollars have amounted to approximately $25 million.

As Asia grows, then, so must we.

The expansion of our business trade and investment interests overseas requires our corollary development of resources and physical facilities, as well as the safeguarding of the total environment.

Our visitor industry, for instance, we are already accommodating foreign visitors with bilingual signs, brochures, personnel and advertising.

In the near future, we hope to have an even greater reservoir of such multi-lingual resources.

As a matter of fact, Hawaii is only now beginning to make full use of her properties as a unique medium for cross-cultural exchange by exporting those services in the form of international training programs to students and businessmen in transit between Asia and the Pacific and the mainland.

Hawaii, in fact, may prove to be the most fertile cross-pollination center in the Pacific, especially to trade and finance.

Both foreign and American nationals may acquire expertise here in trade and marketing—the foreign national to be trained in American methods and vice versa.

I firmly believe we have barely skimmed the surface of the sea of opportunities that await us during the next decade.

To take advantage of these, and thus broaden our economic base, we should be well-apprised of certain promotion and assistance programs that are designed to facilitate the sale if American products and services in overseas markets.

In addition to several Federal programs, there are a number of state-sponsored agencies and activities designed to help in this regard.

The state's foreign-trade zone No. 9, for one, provides several convenient ways for you to save money on duties, quotas, taxes and other costs.

And the Hawaii International Services Agency (or HISA, as we call it) assists and promotes Hawaii's participation in overseas business and international activities, including the training programs I mentioned earlier.

But you will be hearing more of such programs in detail later on in the day.

For now, I would like to remind you that these are activities whose primary purpose is to help us grow and flourish in trade with foreign countries, especially our neighbors in Asia and the Pacific.

We must look westward, as much as to the mainland, for future markets for our goods and services, for possible overseas investment sites and for a source of future visitors to these islands.

In ancient times, when the Hawaiians traveled by sail and paddle, our affiliations *were* more to the west, with the Pacific Islands and Asia.

While we are still very much an American state, the rich mix of our own traditions and cultural ties gives us a natural entré to the West.

To pursue this is a matter of national interest as well as in our own interest.

I hope this conference will be particularly successful in suggesting ways that we can maintain and enlarge on those ties; perhaps we can even forge new ones.

Thank you and I hope you enjoy, as well as benefit from, today's meeting.

REVENUE SHARING

Mr. TUNNEY. Mr. President, this session's most historic legislation, unquestionably, is revenue sharing.

Revenue sharing, at long last, will give back to our cities and counties some of the revenues collected by the Federal Government.

The bill that passed Congress will return $556 million in the first year to

California. The conference committee on the bill reconciled the differences between the House and Senate versions of the two bills by allocating to the States the highest amount distributable under either the Senate or House formula. For California, the House formula yielded a greater amount. The allocation within the State itself is based upon a formula in which the population is multiplied by the general tax effort and then by inverse income levels. Thus, there is a reward for those governments which have the largest populations and relative numbers of poor people as well as those governments which have made a real effort to help themselves by their tax efforts.

Within a county, the funds available are divided between the county government and the aggregate of the municipalities in the county, based on the amount of revenues raised by each, excluding revenues for educational purposes.

Clearly, revenue sharing is a major breakthrough toward relieving the insufferable burden of local taxes. Here is how the money will be distributed in California:

Revenue sharing funds for California

[In dollars]

Total State grant to all locals	370,733,160
Amount returned to California State government is	0
Alameda County area	19,125,575
Alameda County government	8,777,964
Total to all cities over 2,500	10,347,611
Total to all cities under 2,500	0
Total to all townships	0
Alameda City	424,816
Albany City	127,510
Berkeley City	1,171,613
Emeryville Town	13,402
Fremont City	604,963
Hayward City	922,936
Livermore City	204,078
Newark City	229,570
Oakland City	5,775,003
Piedmont City	40,559
Pleasanton City	60,092
San Leandro City	641,493
City of Union City	123,577
Alpine County area	13,037
Alpine County government	6,518
Total to all cities over 2,500	0
Total to all cities under 2,500	6,518
Total to all townships	0
Amador County area	318,400
Amador County government	265,213
Total to all cities over 2,500	0
Total to all cities under 2,500	53,187
Total to all townships	0
Butte County area	2,725,497
Butte County government	2,023,083
Total to all cities over 2,500	684,884
Total to all cities under 2,500	17,531
Total to all townships	0
Chico City	413,325
City of Gridley	68,576
Oroville City	202,983
Calaveras County area	276,594
Calaveras County government	262,991
Total to all cities over 2,500	0
Total to all cities under 2,500	13,603
Total to all townships	0
Colusa County area	334,803
Colusa County government	288,051
Total to all cities over 2,500	33,183
Total to all cities under 2,500	13,569
Total to all townships	0
Colusa City	33,183
Contra Costa County area	8,306,347
Contra Costa County government	5,453,454
Total to all cities over 2,500	2,841,215
Total to all cities under 2,500	11,678
Total to all townships	0
Antioch City	185,277
Brentwood City	22,709
Concord City	361,189
El Cerrito City	97,702
Martinez City	120,218
Pinole City	58,885
Pittsburg City	216,918
Richmond City	1,409,758
San Pablo City	129,099
Walnut Creek City	148,028
Pleasant Hill City	91,431
Del Norte County area	392,714
Del Norte County government	323,060
Total to all cities over 2,500	69,654
Total to all cities under 2,500	0
Total to all townships	0
Crescent City (city)	69,654
El Dorado County area	1,148,797
El Dorado County government	898,228
Total to all cities over 2,500	250,569
Total to all cities under 2,500	0
Total to all townships	0
Placerville City	112,264
South Lake Tahoe City	138,305
Fresno County area	11,133,058
Fresno County government	7,098,195
Total to all cities over 2,500	3,911,917
Total to all cities under 2,500	122,946
Total to all townships	0
Clovis City	113,218
City of Coalinga	58,168
Firebaugh City	58,057
Fresno City	3,127,036
Kerman City	50,478
Kingsbury city hall	41,724
Mendota City	72,859
Orange Cove City	58,540
Reedley City	81,715
Sanger City	136,925
Selma City	113,778
Glenn County area	471,930
Glenn County government	367,957
Total to all cities over 2,500	103,973
Total to all cities under 2,500	0
Total to all townships	0
Orland City	46,224
Willows City	57,749
Humboldt County area	2,631,554
Humboldt County government	1,975,095
Total to all cities over 2,500	614,366
Total to all cities under 2,500	42,093
Total to all townships	0
Arcata City	86,417
Eureka City	461,998
Rio Dell City	21,121
Imperial County area	2,006,450
Imperial County government	1,172,361
Total to all cities over 2,500	803,220
Total to all cities under 2,500	30,868
Total to all townships	0
Brawley City	223,078
Calexico City	286,185
El Centro City	232,468
Holtville City	44,748
Imperial City	16,740
Inyo County area	343,345
Inyo County government	292,436
Total to all cities over 2,500	50,908
Total to all cities under 2,500	0
Total to all townships	0
Bishop City	50,908
Kern County area	8,868,947
Kern County government	6,840,244
Total to all cities over 2,500	1,997,349
Total to all cities under 2,500	31,355
Total to all townships	0
Bakersfield City	1,331,285
Delano City	240,716
Shafter City	54,971
Taft City	50,423
Tehachapi City	32,884
Wasco City	91,230
McFarland City	112,508
Arvin City	48,013
Ridgecrest City	135,320
Kings County area	1,797,029
Kings County government	1,346,148
Total to all cities over 2,500	450,881
Total to all cities under 2,500	0
Total to all townships	0
Corcoran City	92,607
Hanford City	307,929
Lemoore City	50,345
Lake County area	373,743
Lake County government	309,345
Total to all cities over 2,500	64,398
Total to all cities under 2,500	0
Total to all townships	0
Lakeport City	64,398
Lassen County area	366,092
Lassen County government	202,445
Total to all cities over 2,500	85,646
Total to all townships	0
Total to all cities under 2,500	0
Susanville City	85,646
Los Angeles County area	132,659,331
Los Angeles County government	71,911,015
Total to all cities over 2,500	60,669,605
Total to all cities under 2,500	78,711
Total to all townships	0
Alhambra City	527,535
Arcadia City	177,825
Azusa City	350,639
Baldwin Park City	293,001
Bell City	169,905
Beverly Hills City	124,147
Burbank City	886,160
Claremont City	108,449
Compton City	1,358,660
Covina City	354,888
Culver City City	440,472
Cerriios City	58,908
El Monte City	714,930
El Segundo City	303,663
Gardena City	354,171
Glendale City	821,657
Glendora City	201,167
Hawthorne City	377,152
Hermosa Beach City	96,566
Huntington Park City	416,918
Inglewood City	667,004
City of Lakewood	359,935
La Puente City	181,017
La Verne City	85,689
Long Beach City	3,746,725
Los Angeles City	35,442,819
Lynwood City	229,823
Manhattan Beach City	160,150
Maywood City	130,934
Monrovia City	375,512
Montebello City	437,724
Monterey Park City	301,682
Palos Verdes Estates City	50,679
Pasadena City	1,088,116
Pomona City	1,367,975
Redondo Beach City	649,765
San Fernando City	298,550
San Gabriel City	212,058
San Marino City	52,670
Santa Monica City	746,774
Sierra Madre City	45,102
Signal Hill City	122,885
South Gate City	408,460
South Pasadena City	85,371
Torrance City	1,014,095
West Covina City	421,649
Whittier City	430,052
Downey City	436,401
Bellflower City	191,161

Duarte City	55,657
Norwalk City	362,375
Paramount City	203,748
Pico Rivera City	272,003
Rolling Hills Est City	25,022
Santa Fe Springs City	397,293
South El Monte City	205,394
Walnut City	22,261
Artesia City	58,376
City of Commerce	283,788
Lawndale City	92,230
Bell Gardens City	140,822
Cudaly City	63,151
La Mirada City	114,457
San Dimas City	58,299
Temple City	110,241
City of Rosemead	152,219
Hawaiian Gardens	65,349
Lomita City	73,501
Palmdale City	35,834
Madera County area	1,118,318
Madera County government	915,864
Total to all cities over 2,500	202,454
Total to all cities under 2,500	0
Total to all townships	0
Chowchilla City	35,923
Madera City	166,531
Marin County area	1,760,010
Marin County government	1,175,551
Total to all cities over 2,500	584,459
Total to all cities under 2,500	0
Total to all townships	0
Belvedere City	9,656
Corte Madera Town	39,850
Fairfax Town	36,747
Larkspur City	38,961
Mill Valley City	48,082
Ross Town	10,167
San Anselmo City	68,277
San Rafael City	171,560
Sausalito City	22,878
City of Navato	115,193
Tiburon City	23,068
Mariposa County area	162,015
Mariposa County government	162,015
Total to all cities over 2,500	0
Total to all cities under 2,500	0
Total to all townships	0
Mendocino County area	1,199,625
Mendocino County government	949,248
Total to all cities over 2,500	244,501
Total to all cities under 2,500	5,877
Total to all townships	0
Fort Bragg City	68,618
Ukiah City	114,044
Willtis City	61,839
Merced County area	2,818,193
Merced County government	2,103,586
Total to all cities over 2,500	679,888
Total to all cities under 2,500	34,718
Total to all townships	0
Atwater City	99,923
Gustine City	30,828
Livingston City	48,451
Los Banos City	120,120
Merced City	380,567
Modoc County area	201,178
Modoc County government	172,164
Total to all cities over 2,500	29,014
Total to all cities under 2,500	0
Total to all townships	0
Alturas City	29,014
Mono County area	138,171
Mono County government	108,171
Total to all cities over 2,500	0
Total to all cities under 2,500	0
Total to all townships	0
Monterey County area	4,640,431
Monterey County government	2,720,937
Total to all cities over 2,500	1,886,287
Total to all cities under 2,500	25,207
Total to all townships	0
City of Carmel-by-the-Sea	53,904
Gonzales City	28,396
Greenfield City	29,932
King City City	68,946
Monterey City	394,480
Pacific Grove City	118,975
Salinas City	787,174
Seaside City	335,746
Soledad City	68,733
Napa County area	1,311,470
Napa County Govt	911,275
Total to all cities over 2,500	361,306
Total to all cities under 2,500	38,889
Total to all townships	0
Napa City	321,577
St. Helena City	39,729
Nevada County area	585,460
Nevada County Govt	477,315
Total to all cities over 2,500	74,614
Total to all cities under 2,500	33,532
Total to all townships	0
Grass Valley City	74,614
Orange County area	16,752,277
Orange County Govt	8,970,734
Total to all cities over 2,500	7,781,543
Total to all cities under 2,500	0
Total to all townships	0
Anaheim City	1,170,136
Brea City	103,226
Buena Park City	526,120
Costa Mesa City	506,491
La Palma City	35,989
Fullerton City	493,869
Garden Grove City	682,937
Huntington Beach City	614,000
Laguna Beach City	91,279
La Habra City	282,037
Newport Beach City	183,612
Orange City	474,947
Placentia City	88,995
San Clemente City	128,826
Santa Ana City	1,517,129
Seal Beach City	90,803
Stanton City	82,532
Tustin City	78,680
Fountain Valley City	116,845
Cypress City	115,267
Los Alamitos City	86,286
Westminster City	284,167
San Juan Caspistrano City	18,934
Villa Park City	10,116
Placer County area	2,091,026
Placer County government	1,663,490
Total to all cities over 2,500	416,808
Total to all cities under 2,500	10,727
Total to all townships	0
Auburn City	112,437
Lincoln City	60,624
Rocklin City	22,052
Roseville City	221,694
Plumas County area	315,329
Plumas County government	302,825
Total to all cities over 2,500	0
Total to all cities under 2,500	12,504
Total to all townships	0
Riverside County area	9,392,898
Riverside County government	6,393,541
Total to all cities over 2,500	2,993,025
Total to all cities under 2,500	6,332
Total to all townships	0
Banning City	165,950
Beaumont City	75,452
Blythe City	129,518
Coachella City	116,215
Corona City	221,627
Elsinore City	72,273
Hemet City	196,418
Indio City	256,475
Palm Springs City	327,753
Perris City	57,321
Riverside City	1,236,199
San Jacinto City	48,006
Desert Hot Springs City	35,906
Norco City	53,911
Sacramento County area	11,455,543
Sacramento County government	8,066,686
Total to all cities over 2,500	3,377,321
Total to all cities under 2,500	11,536
Total to all townships	0
Folsom City	55,755
Galt City	33,339
Sacramento City	3,288,226
San Benito County area	487,255
San Benito County government	378,360
Total to all cities over 2,500	94,535
Total to all cities under 2,500	14,360
Total to all townships	0
Hollister City	94,535
San Bernardino County area	14,457,438
San Bernardino County government	9,995,776
Total to all cities over 2,500	4,461,662
Total to all cities under 2,500	0
Total to all townships	0
Barstow City	179,198
Chino City	180,846
Colton City	322,434
Fontana City	181,418
Needles City	52,326
Ontario City	681,114
Redlands City	339,384
Rialto City	208,889
San Bernardino City	1,814,475
Upland City	207,218
Montclair City	212,234
Victorville City	82,125
San Diego County area	19,901,577
San Diego County Government	9,881,564
Total to all cities over 2,500	10,020,013
Total to all cities under 2,500	0
Total to all townships	0
Carlsbad City	143,363
Chula Vista City	641,144
Coronado City	77,685
El Cajon City	451,710
Escondido City	416,222
Imperial Beach City	201,104
La Mesa City	300,331
National City city	534,420
Oceanside City	519,660
San Diego City	6,527,384
Del Mar City	19,753
San Marcos City	46,462
Vista City	140,776
San Francisco County area	19,276,751
San Francisco County government	0
Total to all cities over 2,500	19,276,751
Total to all cities under 2,500	0
Total to all townships	0
San Francisco City	19,276,751
San Joaquin County area	7,512,789
San Joaquin County government	5,000,970
Total to all cities over 2,500	2,477,320
Total to all cities under 2,500	34,496
Total to all townships	0
Lodi City	281,627
Manieca City	150,279
Ripon City	40,509
Stockton City	1,833,885
Tracy City	171,020
San Luis Obi County area	2,646,771
San Luis Obi County government	1,035,495
Total to all cities over 2,500	1,011,275
Total to all cities under 2,500	0
Total to all townships	0
Arroyo Grande City	76,404
El Paso De Robles City	156,055
Pismo Beach City	37,268
San Luis Obispo City	476,170
Grover City	136,664
Morro Bay City	128,715
San Mateo County area	5,134,121
San Mateo County government	2,522,378
Total to all cities over 2,500	2,609,113

Revenue sharing funds for California—Cont.

[In dollars]

Total to all cities under 2,500	2,631
Total to all townships	0
Atherton Town	30,037
Belmont City	87,927
Burlingame City	178,023
City of Daly City	292,199
Hillsborough Town	32,519
Menlo Park City	94,370
Millbrae City	77,205
Redwood City	398,730
San Bruno City	165,359
San Carlos City	101,208
San Mateo City	415,617
So San Francisco City	453,135
City of Pacifica	189,764
Town of Woodside	17,577
Half Moon Bay City	24,158
Brisbane City	32,923
Portola Valley Town	18,364
Santa Barbara County area	4,143,701
Santa Barbara County government	2,766,575
Total to all cities over 2,500	1,377,186
Total to all cities under 2,500	0
Total to all townships	0
Guadalupe City	31,809
Lompoc City	237,767
Santa Barbara City	787,359
Santa Maria City	147,912
Carpinieria City	172,338
Santa Clara County area	15,105,583
Santa Clara County government	8,198,592
Total to all cities over 2,500	6,906,990
Total to all cities under 2,500	0
Total to all townships	0
Campbell City	172,117
Cupertino City	67,676
Gilroy City	132,410
Los Alios City	92,716
Town of Los Altos Hills	25,505
Los Gatos Town	115,091
Milpitas City	199,373
Morgan Hill City	57,775
Mountain View City	327,515
Palo Alto City	310,110
San Jose City	4,033,206
Santa Clara City	689,179
Sunnyvale City	572,124
Saratoga City	100,719
Monte Serona City	11,476
Santa Cruz County area	2,768,684
Santa Cruz County government	1,968,157
Total to all cities over 2,500	800,527
Total to all cities under 2,500	0
Total to all townships	0
Capitola City	33,919
Santa Cruz City	532,868
Watsonville City	220,287
Scotts Valley City	13,453
Shasta County area	2,091,241
Shasta County government	1,681,519
Total to all cities over 2,500	409,722
Total to all cities under 2,500	0
Total to all townships	0
Redding City	361,602
Anderson City	48,120
Sierra County area	61,005
Sierra County government	55,974
Total to all cities over 2,500	0
Total to all cities under 2,500	5,031
Total to all townships	0
Siskiyou County area	826,220
Siskiyou County government	602,281
Total to all cities over 2,500	112,899
Total to all cities under 2,500	111,039
Total to all townships	0
Yreka City Town	75,499
Weed City	37,400
Solano County area	2,799,120
Solano County government	1,542,950
Total to all cities over 2,500	1,256,170
Total to all cities under 2,500	0
Total to all townships	0
Benicia City	85,743
City of Dixon	56,440
Fairfield City	321,959
Rio Vista Town	27,633
Suisun City (city)	68,294
Vacaville City	194,654
Vallejo City	502,047
Sonoma County area	4,248,221
Sonoma County government	1,145,255
Total to all cities over 2,500	1,087,751
Total to all cities under 2,500	15,215
Total to all townships	0
Cloverdale City	44,733
Healdsburg City	82,295
Petaluma City	240,567
Santa Rosa City	578,867
Sebastopol City	52,770
City of Sonoma	54,715
Rohnert Park City	33,805
Stanislaus County area	459,247
Stanislaus County government	3,320,237
Total to all cities over 2,500	1,365,010
Total to all cities under 2,500	0
Total to all townships	0
Ceres City	94,577
Modesto City	793,008
Newman City	52,514
Oakdale City	92,863
Patterson City	70,081
Riverbank City	86,000
Turlock City	175,967
Sutter County area	942,351
Sutter County government	722,605
Total to all cities over 2,500	219,746
Total to all cities under 2,500	0
Total to all townships	0
Live Oak City	25,119
Yuba City	194,627
Tehama County area	795,043
Tehama County government	621,898
Total to all cities over 2,500	168,400
Total to all cities under 2,500	4,746
Total to all townships	0
Corning City	46,048
Red Bluff City	122,351
Trinity County area	194,735
Trinity County government	194,735
Total to all cities over 2,500	0
Total to all cities under 2,500	0
Total to all townships	0
Tulare County area	5,072,472
Tulare County government	3,870,074
Total to all cities over 2,500	1,202,398
Total to all cities under 2,500	0
Total to all townships	0
Dinuba City	72,568
Exeter City	47,140
Lindsay City	95,857
Porterville City	280,956
Tulare City	279,997
Visalia City	359,368
Woodlake City	33,761
Farmersville City	32,752
Tuolumne County area	549,482
Tuolumne County government	506,611
Total to all cities over 2,500	42,871
Total to all cities under 2,500	0
Total to all townships	0
Sonora City	42,871
Ventura County area	6,487,846
Ventura County government	4,652,550
Total to all cities over 2,500	1,835,296
Total to all cities under 2,500	0
Total to all townships	0
Fillmore City	40,700
Ojai City	63,173
Oxnard City	826,151
Port Hueneme City	58,473
San Buenaventura City	430,512
Santa Paula City	209,695
Camarillo City	71,402
Thousand Oaks City	134,988
Volo County area	2,023,425
Volo County government	1,450,214
Total to all cities over 2,500	543,446
Total to all cities under 2,500	29,766
Total to all townships	0
Davis City	245,218
Woodland City	298,228
Yuba County area	1,204,969
Yuba County government	953,045
Total to all cities over 2,500	251,924
Total to all cities under 2,500	0
Total to all townships	0
Marsville City	251,924

TECHNOLOGY, NATIONAL GOALS, AEROSPACE, AND OUR SOCIETY

Mr. GOLDWATER. Mr. President, on September 28, Mr. William M. Magruder addressed the Society of Experimental Test Pilots on "Technology, National Goals, Aerospace, and Our Society." This paper contains a lot of information and suggestions that I think my colleagues should know about; therefore, I ask unanimous consent that it be printed in the RECORD.

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

TECHNOLOGY, NATIONAL GOALS, AEROSPACE, AND OUR SOCIETY

(By W. M. Magruder)

I. INTRODUCTION

Many of you have heard me emphasize, in previous discussions, that 1972 is a year of opportunity for technology. It is an election year. The domestic and international issues will be thoroughly debated. We can establish priorities and, most importantly, we can try to understand how to apply our not unlimited resources.

One of the campaign's themes is already becoming clear—"A Clear Choice." As technologists, industry leaders, businessmen and concerned citizens, we should have no interest, at a conference such as this one, with the typical political cliché such as the one I heard recently proposing that the adoption of one candidate's plan "would guarantee every worker an above average wage." What the talent gathered here today can do is apply the expertise of the aerospace management system to a set of logical recommendations that will help to keep that industry strong, able to compete internationally—in a position of leadership in aerospace products—and sufficiently strong economically to seek new markets on a sound management and business basis.

II. ADMINISTRATION FOUNDATION FOR A HEALTHY AEROSPACE INDUSTRY

A great deal has been written, and said, about the "changing of priorities" regarding the U.S. domestic scene. One crucial aerospace program was terminated last year, primarily because certain political elements wished to stress the "either/or" nature of this priorities issue. A Senate filibuster and a vote switch of some forty aggregate Democratic Senate votes from supporting to opposing the United States Supersonic Transport effectively killed that experiment. This action, after ten years of Democratic support, an expenditure of $1.1 billion by a Democratic-controlled Congress, after the careful emplacement of almost 15,000 workers, and at a cost of some $100 million more to cancel than to complete the experiment according to Department of Commerce testimony), has removed our industry from its position of leadership in advanced civil air transport manufacturing. Our two California

Democratic Senators led that fight. One, only days after having campaigned for election on the basis of supporting the SST, and the other on the basis that the money should be used for domestic programs—what money? It cost us more to quit than to "find out" the answers we still need.

Now there should be some fundamental lessons for all of us in that great SST debate.

First, to communicate better to our elected officials so that they have the best available facts upon which to base their decisions.

Second, to make it abundantly clear that we will not forget, in the election process, their political opportunism, failure to properly assess costs and their failure to understand that precipitous termination of programs such as the SST do not automatically bring forth social reform; in fact, just the opposite impact can be expected. Let's make our "choice clear."

A healthy aerospace industry, one that can be available to help in the domestic areas needing high technology-skilled technicians, well developed systems management techniques and program definition capabilities, can only come about as an evolutionary process. It will only come from an industry that keeps healthy doing its own thing", making the best and most competitive aerospace products in the world.

Here are some of the more important activities that have been initiated by Mr. Nixon which will directly affect the health of this industry:

(1) The war appears to be headed for a proper conclusion. We are moving, as President Nixon has said, "from an era of confrontation to one of negotiation." It would be a delusion to claim that extensive savings from the defense budget would be possible right now as a result of the war situation or the arms limitation talks. However, what has been achieved is a solid foundation to save, not so much on what we have been spending, and must spend in order to achieve a real arms agreement, but in what we will not have to spend in the future. This future saving can be substantial and real! Defense expenditures have remained about level over the past five years at $75/80 billion, primarily as a result of a reduced force structure of roughly one million men. The percentage distribution of the total Federal budget has been altered from 45% defense and 35% domestic, to just the reverse.

(2) The Phase I and II Economic Policies, in effect since August 15, 1971, have decreased the growth of inflation and reduced its level from over 6% to less than 3%. The states and municipalities were especially hurt by inflationary impacts because wage rates went up faster and at an earlier time period than revenue from taxes, starting in 1968. With price stability, local government will be better able to make investments in modernizing urban technology.

(3) In the area of international agreements, real progress has been realized by the Administration in the realignment of monetary exchange rates which has improved U.S. international competitiveness, increased jobs and exports, increased corporate profits, increased our tax base and lowered the social costs of unemployment. The most likely beneficiaries of the new monetary order are the high technology industries represented here at this conference. They will be able to make efforts to seek technological improvements with some of their benefits. Also, agreements to share in such social programs as those of health care, environmental control, space exploration and certain research activities will help to spread the costs of these programs.

(4) The upturn in the economy is very strong. The revived economy, with spending to the full employment level, is hoped, and expected, to produce full employment soon. The Government budget will be balanced when full employment is reached, Government borrowing will be less, and private sector investment can be larger. They will be better able to invest in new technology.

(5) Revenue sharing will provide a new source of revenue for states and municipalities not previously available. It will put the management of the resources in the hands of citizens close to domestic problems and most cognizant of local requirements. This is, in one form, a means of increasing productivity for, in the final analysis, the urban officials are best equipped to deal efficiently with their own challenges and opportunities.

In addition, the Federal Government has taken several steps to promote more rapid technological change. In no minor way, the 7 per cent investment tax credit has stimulated new investment in industrial plant and equipment incorporating best practice techniques. Moreover, the Administration's Technology Opportunities Program initiated three efforts aimed at the stimulation of innovation and productivity:

(a) $40 million worth of experiments will be conducted under the auspices of the National Bureau of Standards, directly with industry, to develop controlled programs for evaluating methods of stimulating inventions, innovations, productivity and technology transfer. The National Science Foundation will perform the same type of programs through the universities.

(b) The Commerce and State Departments are coordinating a survey of five nations—Japan, Canada, France, West Germany, and England—to understand their techniques for stimulating innovation, inventions, productivity, technical transfer, and exports and to evaluate and quantify their return on investments.

(c) The Administration, this year, will be announcing National Presidential prizes awarded for socially beneficial technological innovation in areas of public concern, including environmental quality, energy, housing and community development, transportation, health care and safety, education, natural resources, food and nutrition, communications and information processing, and productivity and international trade.

Some facts are available that can help us to evaluate the effectiveness of these programs in promoting a healthy economy and, in turn, a strong aerospace industry.

Employment: A historic high of 81.7 million jobs includes 2.2 million new jobs since August of 1971, the largest annual increase since World War II. 4.7 million new jobs have been created since November of 1969. The 5.5% unemployment figure is still too high, but the expanding economy indicates possibilities of greatly reduced unemployment in the near future, in spite of the 2.5 million defense-related jobs terminated since 1969 during the wind-down of the war.

Inflation: With inflation now down to 2.7%, this combination with 5.5% unemployment, has occurred less than six years out of the past 40 years. Also, our 2.7% inflation compares with an average of 6% of our major international partners.

Productivity: A relatively stagnant U.S. productivity has been replaced by the greatest growth in the free world. Six per cent in the second quarter of 1972, and 4.5 per cent in the first half of 1972. This averages almost double the 1950/1970 long-term average of 2.5 per cent. The 7 per cent investment tax credit will continue to help modernize our industrial plant equipment. Last quarter's GNP grew at 9.4 per cent, the greatest increase in 7 years.

Real Earnings: Which were relatively constant from 1965 to 1970, due to almost runaway inflation, have increased 3.8 per cent since August 1971. Buying power is up about 6 per cent since August, the greatest increase since 1949.

Industrial Peace: With real earnings rising, historic highs in jobs, inflation cooling and industrial productivity increasing, an 8 year low has been attained in industrial work stoppages, and the average days per stoppage have decreased from 42 days in 1970 to 18 days in 1972.

Simultaneously with the domestic economic activities which recognized that a strong dollar needed good growth and reasonable price stability, we had substantial increasing difficulties in our international balance of payments and international trade situation reflecting upon our ability to compete in world markets. It was the recognition, by the President, that there was an inter-related set of problems, domestic and international, that led to new policies in the trade area:

Closing the gold window and the initiation of efforts to develop a more equitable international monetary system.

The Smithsonian agreements which helped to realign exchange rates and ease trade barriers.

The temporary ten per cent surcharge upon imports.

Improved tax treatment of exporters and export credit facilities.

All of this activity in the economic area was accompanied by an increasing awareness of the value of the so-called "technology intensive" industries to our international competitiveness. Aerospace, naturally, ranks at the top of the export list. In the current atmosphere of international competition and economic opportunity, 1972 should be a year of opportunity for aerospace. The question is—how do we direct our capabilities and resources?

III. ECONOMIC JUSTIFICATION FOR GOVERNMENT INVESTMENT IN URBAN R. & D.

Having broached the subject of how the revenues might be made available, it is only natural to speculate how the Federal Government would participate in such technology programs. Consider the following "endorsements" of the value of research and development to our society:

(a) The Economic Report of the President, transmitted to the Congress in January 1972. "It is widely agreed that the group of activities called research and development plays a central role in our economy. It has led to new products and industries; and it can contribute in important ways to solving today's complex economic and social problems. . . . The nature of R&D activities will help determine tomorrow's cooperative cost conditions and the patterns of world trade."

(b) *Business Economics*, September 1971. "The Productivity Slowdown" by John W. Kendrick, Professor of Economics, The George Washington University. "If productivity had continued to rise at its average rate after 1966, the GNP in 1970 would have been $60 billion higher than it was. Instead, the loss in GNP from 1969 through 1970, because of the productivity slowdown, was close to $120 billion. This sum could have made a big contribution toward reversing deterioration of the environment, financing the income maintenance program to overcome poverty and still had enough left over to finance the SST development! . . . All available evidence indictates that research and development is an important contribution to economic growth and productivity."

(c) National Science Foundation "A Review of the Relationship Between R. & D. and Economic Growth/Productivity," February 1971. "Research to date seeking to measure this relationship points in a single direction —the contribution of R. & D. to economic growth/productivity is positive, significant and high."

In spite of many published reports about the ills of economic growth, and technology, it is my perception that the vast majority of Americans desire a rising real income. The evidence from union demands, individual

search for opportunities, better pay and improved living conditions, the saving habits of those who seek to better their property incomes, and the continual pressure on government, at all levels, to provide better and more effective services, is overwhelming evidence of our population's desire to help eliminate poverty, broaden our national security base, improve our international competitiveness and to ease inflationary pressures. In spite of this apparent support for technology, an important aspect of this conference should be to clearly identify, for our policymakers, those areas where the government should aid the private sector. To this end, the President's Council of Economic Advisers has offered some guidelines, at least for the Federal Government involvement in R. & D.:

(a) When institutional restrictions, such as anti-trust laws, result in a clear restriction and government action is required to reduce friction or barriers.

(b) When externalities occur which are beyond an individual firm's control, such as the transition from peace to war and vice-versa.

(c) It is the position of the government that a surplus in the balance of trade account is necessary now and for future years if the United States is to finance its aid programs to other nations and to meet its world commitments without a further increase in its short term obligations to official foreigners. The government has, through the Domestic International Sales Corp. (DISC) made available to exporters somewhat more favorable tax treatment, and the Ex-Im Bank has increased its export financing facilities. Generally, however, the government opposes direct or indirect subsidies to specific industries for two reasons:

(1) It is unwise to distort the national economy to change the trade balance.

(2) It is difficult to identify the specific industries which should be subsidized.

(d) When the welfare of all the citizens of the United States is affected and no one segment of society provides the right type of service, then Federal involvement is appropriate. An example of these conditions would be governmental provisions of national defense.

I would hope that one aspect of future technical conferences will be to gather the policy-making disciplines together and to examine such criteria. Certainly, such an examination should produce guidelines that do as an Administration ad hoc advisory committee, chaired by Mr. Pat Haggerty of Texas Instruments, advised two years ago:

(a) Assist in providing for a more consistent approach to the support of science and technology among agencies and programs.

(b) Make the decision-making process more rational, orderly and traceable.

(c) Assist in identifying alternative courses of action; and

(d) Uncover those factors which decision-makers consider relevant and important.

We should examine if the criteria for budget outlays for all levels of government are adequate. Do they properly respond to exploratory requirements, defense and security needs, domestic requirements, impacts of the size of initial investment, regulatory friction or barriers, international competitiveness, etc.? No set criteria can replace the policy and decision making process, but a multi-disciplined set of criteria will provide a framework within which we can rationally discuss our allocation of limited resources.

IV. TECHNOLOGICAL TRENDS

Since the end of World War II, this nation has spent about $200 billion in research and development. About 80 per cent of this effort was expended upon efforts aimed at space, atomic research and defense. Even as recently as three years ago, 45 per cent of our national budget went for non-social programs, and 35 per cent for socially oriented projects. In 1972, that ratio has been reversed. Hopefully, without compromise upon our national security defense against a surprise. In the budget just submitted to the Congress, some evidence of the trends is apparent:

A 65% increase since 1969 in civilian research.

A $700 million increase since FY 1972 in civilian research.

A total U.S. Federal research and development budget of $17.8 billion (up $1.4 billion from 1972) for fiscal year 1973, including:

$451 million in safe, clean transportation research and development (up 46% since fiscal year 1972).

$136 million in research and development to reduce loss of life and property from fires, earthquakes, storm, floods and other natural disasters (up 42%).

$197 million to advance educational research and development (up 39%).

$430 million for cancer research (up 22%).

$393 million for clean energy research (up 22%).

And, $2.56 billion (up 12% since 1972) for university and non-profit research and development in the basic sciences—the "Fountain of Youth" for our technology.

This is an impressive emphasis for our future; however, if we are going to realize the opportunities we can recognize, then we must resist what I consider the greatest political temptation of an election year. We hear about the war—that it is ending—but not fast enough. That the economy is turning around—but not fast enough. That the minority rights are being adjusted—but not fast enough. We can learn and even grow stronger from constructive criticism. However, the precipitous dismantling of our technical teams in the uninformed and ill-advised notion that by so doing we will automatically hasten the application of science to our social ills is little short of suicidal. Such a transition, already well into its third year, will be evolutionary or it will be counter-productive. It is simply not practicable, or possible, to man up efficiently and effectively the necessary teams of specialists, managers, and technicians needed to attack our social problems as quickly as we can dismantle programs such as the SST. It took less than one week to completely scatter the 15,000 workers who were carefully trained and emplaced over a ten-year period in forty states, at a cost of $1.1 billion.

The President has called for 1972 to be a year of action. One such action, building upon the foundation which I have already described in balancing our national research and development, was a study by the Domestic Council, sometimes called the New Technology Opportunities Program, which Mr. Nixon asked me to assist in August of 1971. The purpose was to examine the means whereby our scientific and technical resources could help to stimulate innovation in the civil sector aimed at urgent national problems and/or economic opportunities. It was a unique program in several ways:

It made use of the systems management talent of NASA in order to coordinate the functions of other departments, the Office of Management and Budget, the Office of Science and Technology, and the Council of Economic Advisers, as well as the private sector.

It called for a broad response from the civilian technical community, including universities, industry, associations, financial institutions, businesses, labor unions, citizens groups and private individuals. More than one thousand voluntary studies were received from these sources.

And, it made a concentrated, across-the-board effort to identify those national areas of opportunity where our technical resources could make a positive impact.

Every Department and Agency played a role, and the private sector contributed voluntarily.

During the Domestic Council study of new technology opportunities, a survey was conducted of Congressional leaders to determine what, in their judgment, as the elected representatives of our citizenry, were the highest priority domestic or social areas wherein our national technological resources could have a beneficial impact when applied in a timely and appropriate fashion. The agreement among these leaders in Congress was almost unanimous as they listed:

Low cost health care.
Environmental control.
Law enforcement and drug abuse.
Mass urban transportation.
Low cost education.
Conservation of natural resources and adequate energy.
Employment.
Industrial productivity.
Urban planning and development.
Balance of trade.

Virtually all of these "priority" programs have been addressed in the FY 1973 R & D budget within the criteria for Federal involvement previously discussed. For this conference, whose theme is "Report to Aerospace Industry", it is worth putting some detailed emphasis upon the aerospace programs.

Here we clearly see the campaign theme of a "Clear Choice". The Administration is strongly supporting a cost effective space shuttle, a B–1 Bomber and the F–14 and F–15 fighter programs. The opposition would delete most and perhaps all of these vital defense programs. An equally important challenge which our aerospace industry must face is the European effort to penetrate the U.S. dominated civil air transport manufacturing market. This market has been estimated by the Aerospace Industries Association to involve, from 1972 through 1985:

$148 billion in sales.
$77 billion in exports.
$30 billion in wages.
$13 billion in Federal tax revenues.

Following the SST termination, many people assumed that the U.S. Government had turned its back upon civil aviation. Aviation has much to be proud of. Since 1938, when I was in high school, our civil aviation has offered, in equivalent dollars, a reduction of from $900 to $302 for a round-trip transcontinental trip, while reducing transcontinental travel time from 16½ to 4½ hours; while improving its safety record by a factor of 100-to-1 to one of the safest modes of travel in the history of man. Aviation has provided a means of travel that has unshackled our families and business people from any restriction of movement anywhere on our earth. A communication and travel system so extensive, so safe, economical and reliable that we may look back someday to realize that it was this single capability, more than any other, that made a peaceful world a reality.

After the noise had died away from the SST debate, I had serious apprehensions that the Federal Government and private industry "marriage" in aviation had been dissolved—a divorce, if you will. I was concerned that such a vote by the 92nd Congress, which stopped a program in its tenth year, after $1 billion of our money had been spent and at a cost of at least $100 million more to quit than it was estimated to complete the experiment—meant that the Government was turning its back upon civil aviation.

I can say now that this new experience within the Administration has encouraged me to believe that we are well along in effecting a "reconciliation."

We still need to face the judge (Congress), but let me explain how the technology opportunities program, with the outstanding cooperation of the Defense Department, has at least started to mend the fabric of our eminently successful aviation partnership of the past.

While research and development programs funded by the Department of Defense are aimed primarily at satisfying military needs, some Defense programs have potential long-

term civilian benefits. For example, subject to Congressional approval, Defense will increase efforts on the following programs which are directly applicable to civil air transport needs and will support on-going NASA and DOT research without duplication:

Short take off and landing (STOL) prototype aircraft which is planned for first flight in the mid-seventies. Supporting this development is a new advanced turbo fan engine in the 20,000 pound thrust class. Flight clearance of the engine would occur in the mid to late seventies. The basic engine core could have application to quiet, emission-free engines suitable for civil use—the technology evolved from the prototype aircraft could aid in providing a sound basis for commercial short haul systems.

VTOL tilt rotor prototype aircraft, developed jointly with NASA, combines vertical take off with highly efficient cruise speed. First flight could occur in the mid-seventies. A new 1500-horsepower turbo-shaft engine is being developed that could offer significant operational advantages for VTOL aircraft in the late seventies, or early eighties. The VTOL program, if successful, could provide the technology base for the design of a new class of inter-city transports.

A prototype heavy lift helicopter which will demonstrate a 22.5-ton lift capacity for first flight in the mid-seventies. This type machine can have civil application to construction, logging, fire-fighting and even the building industries.

A Navy logistic support air transport, called COD (for "Carry-on-Deck"), that may have the potential for a successful local service carrier aircraft as a dual purpose. This could give the United States a competitor in this civil market in the late seventies and offer local service carriers a low-cost jet transport.

A joint DOD/FAA microwave landing system for an advanced technology all-weather landing system validation in 1973. This system could combine current all weather systems in operation for wide-body jets to offer certified blind landing throughout the latter part of the seventies for U.S. civil air transport.

These programs could do much to restore our aviation leadership in critical areas for the future. You are probably wondering "Where is the airbus?" Or, "Where is the U.S. SST?" The answer is simple—these are essentially financing problems. Today, it is reported that eleven U.S. insurance companies have $123 billion in assets, of which ten to fifteen per cent are reinvested each year. In 1961, these same eleven companies committed to lend $415 million to U.S. carriers. At the end of 1970, this commitment had dropped to $105 million. 1971 estimates are for about $20 million. The same financial problems exist in the civil aviation manufacturing business. The reasons, while fairly obvious, are not well understood among our decision-makers in the Congress, nor by the public. They include:

The nature of the development base applicability of military programs to civil transports has been altered drastically since the propeller transports and early jets. Those civil transports enjoyed literally "off-the-shelf" engines, tires, brakes, instruments, hydraulic, electrical and air conditioning systems and nearly exact aerodynamics and controls. The cost of a civil transport development project under those conditions was about one times the manufacturers net worth, or about $300 million. During this period, it was not unusual for the military to be developing as many as one or two dozen related bombers and transports of equal size and technology. Today, a single civil air transport development program, such as the B–747, DC–10 or L–1011, will cost from three to five times the net worth of the manufacturer, or nearly $1.5 billion. At the same time, the Defense Department has only the F–14, F–15 and B–1A in development, with little direct or "off-the-shelf" fallout into the civil programs.

Simultaneously with the onset of skyrocketing civil transport development costs, foreign nations have noticed that it takes a family of transports to dominate the marketplace. Where the U.S. offered twenty or thirty different models and captured 85 per cent of the civil transport market, we now are isolated to the trijets and the B–747, while Europe offers Concordes, A–300 airbuses, Mercures for short range; VFW–614s and Falcon 20Ts for commuter traffic, and have started their STOL projects for urban traffic. To do this, they have used multi-national treasuries for subsidized financing. It is not hard to see why they have adopted this extraordinary arrangement—on February 15 of this year, the Aerospace Industries Association published its estimated total aircraft market through 1985 as $148 billion! That's a lot of jobs, a lot of taxes and a lot of favorable trade balance, since almost half is in exports. This is what moved Mr. George Meany, President of the AFL/CIO to state in last year's SST testimony that the impact of the U.S. not competing for the SST market could cost the U.S. industry 500,000 jobs. The AIA estimates our failure to compete effectively in the civil market will cost an estimated $77 billion in export sales, 1,479,000 man-years of lost employment, $29.6 billion lost in payrolls and $13 billion less in Federal income taxes.

As if this challenge was not enough, each new civil transport represents a step forward in some major area of the state of the art. At the same time, the manufacturers must guarantee performance, maintenance, reliability and a ten-year structural life! No other industry has ever faced such challenges. Small wonder one industry leader typifies his colleagues as "racing swiftly from disaster to disaster with unbounded enthusiasm."

This combination of increasing cost/risk, decreasing government support and international subsidized multiple model competition has simply dried up the private venture capital sources for new aviation development programs. And, still, the health of this industry undergirds a major portion of our national security system. We must find a way!

V. WHAT THE AEROSPACE INDUSTRY CAN DO

The most important priority for this essential industry is to keep itself healthy. In the months and years ahead, our most valuable programs will become vulnerable to forces that would weaken our defense and space programs. Successful completion of the space shuttle, the B–1A bomber, the F–14 and F–15 fighters, the Air Force AMST, VTOL research, heavy lift helicopters and the Navy Carry-on-Deck programs will need more support than was evident for the SST. They will be needed for our security and for future SALT successes.

Our second priority will be to find the resources, the institutional arrangements and the national determination to enter the airbus competition, the second generation SST and the advanced transonic transport when the proper market demands dictate their need in the civil air transport fleets.

In these areas, a "clear choice" is not hard to find. Senator McGovern's plans for "taking the pain out of peace" would delete the ABM, the space shuttle, the B–1, the F–14 and others. An estimated 1.7 million direct jobs would be terminated. The issue of "spending priorities" which cost this nation its SST experiment will be used time and again to terminate defense and exploratory research. Fortunately, the balance of trade situation is beginning to sink in with our average citizen. Fortunately, our international competitiveness is beginning to be understood by our citizens and our labor leaders in terms of jobs. The happy notion that we can become a "service oriented" society without our advanced technology industries is not being borne out by economic fact. But those of us who are a part of this discipline must become better spokesmen, indeed, better at understanding what we have to offer and how to make these benefits clear to the public, the news media and, especially, to our policy-makers.

The idea is being espoused today, by some political elements, that we can:

Reduce our defense budget by $30 billion.

Cancel the Shuttle, B–1, ABM, F–14 and related projects.

And then add:

$10 billion to social programs.

Underwrite the nation's medical care with ultimate costs reaching $60 billion per year.

Raise research and technology to a Cabinet position.

Undertake a $3 billion urban technology program using aerospace personnel dispersed from deleted defense programs.

All of this simply ignores the basic need for a healthy industry and the timing for an evolutionary increase in emphasis toward what this industry can do for:

Health care.

Low cost education.

Environmental control.

Law enforcement and drug abuse.

Urban development.

Mass urban transit.

Conservation of natural resources and energy.

And so on. From a healthy and forward-looking aerospace industry, I believe we can do the following things which can benefit these areas of domestic opportunity if we want to and, most importantly, if we are economically and technically healthy to accept the challenges:

(1) We can analyze the market carefully in these social areas, using the program definition, program analysis, system management and market assessment skills which are more highly developed in aerospace than perhaps any other U.S. industry. These markets and programs must be defined and terested before the billions of Federal and/or private resources are committed. Our not unlimited resources should not be committed until we have established our national priorities.

(2) We can, by a multi-disciplined analysis, help to make the establishment of national priorities and national goals acceptable to our policy-makers. Dr. Moynihan in his introductory remarks to the National Goals Report of 1969, pointed out the difficulty of goal setting by stating "that they too rapidly become standards by which to judge the present, not the future—in a sense, they institutionalize discontent." By including into our technical considerations the search for new institutions, economic impacts, the means for developing financing and the social impacts, we can, at conferences such as this, provide the depth of analysis and facts required to allow our policy-makers the necessary confidence and alternate choices that will make the establishment of national priorities an act of anticipation instead of reaction to crisis which has been characteristic of much of our domestic progress through the sixties.

(3) We can examine the Federal criteria being used for resource allocation in the research fields. We can also look ahead to the potential Federal government plans for revenue sharing, the new organization of the Federal Government, and welfare reform, to examine what these potential actions could mean to the economics of large-scale domestic program evolutions. Recommendations associated with these activities could be of great aid to our policy-makers.

(4) We can, by a multi-disciplined examination of our national priorities, provide a voice of technology that would be heard and respected by our policy-makers in Washing-

ton, D.C. One outgrowth of the SST debate was the legislation forming the Technology Assessment Organization in the U.S. Congress. Our elected officials were so overwhelmed by the overstatements, on both sides of the SST controversy, that they have come to feel no organization in the technical community offers a calm and dispassionate pro and con analysis of the facts. We should, by all means, correct this condemnation of our discipline. We cannot do it by complaining that Congress is technically illiterate. We might be able to do it if we admit that we are policy-making illiterate and set about the task of understanding where our technology fits into our political priorities.

(5) We need to better coordinate with our institutions of learning. We teach art appreciation, music appreciation, etc., but who teaches technology appreciation. Certainly not our present curricula. Certainly not today's news media. Where will it come from if not the skills represented at this conference?

(6) And, finally, we must learn to communicate outside of our own industry—with economists, legislators, labor leaders, social reformers, consumer advocates, the news media, and with the average citizen. At the recent Second Annual Urban Technology Conference in San Francisco, Don Elliott, City Planner for New York City, delivered a very knowledgeable and stimulating paper on the subject of the problems of the large city; however, I was appalled when he said New York City would stick to "Modern 1920 Technology", subways, to solve its transportation problems because "politicians have learned that they cannot *trust* the technologist." What bothered Mr. Elliott was the result of a recent contract to provide computerized traffic signals in the city. The analysis did not work properly. It did not matter that the second or third effort worked and produced the desired results. The fact that 100 per cent success was not realized on the first attempt led the New York policy-makers to feel distrust for the technologists. Comparisons to perfection can be constructive; however, we must learn to communicate that the attainment of any seriously difficult goal is going to take place by increments. We need to help our policy-makers to be realistic about what technology can and cannot do. Like medicine, it must be applied wisely, in the right amounts and at the right time.

John Emery, President of McGraw Hill Publishing Company, recently published an editorial in which he points out that there are no simple answers to these complex social problems; there are no easy paths—the easy paths lead backwards. There is no way to produce less and have more. There is no way to do less and accomplish more. There is no way to give less and to get more And, there is no way to sit on your aspirations and expect things to take care of themselves. Someone has to do the conserving, the protecting, the restoring, the preserving, the cleaning, the rebuilding, the reordering, the educating and the cherishing.

Someone also has to do the producing, the competing, the inventing and the earning in order to afford the giving. In other words, there is a "social overhead" that must be paid for. There is no easy way and no one way. There is no exclusive formula. There is no liberal way and no conservative way. No Democratic way. No Republican way. No labor way. No business way. No government way and no private way. But, there are two ways—the productive way and the non-productive way. The productive way will mean that we pull together. We cannot legislate or proclaim these goals. They will only happen when we examine the enormity of our challenges and compare them with the pettiness of our squabbles.

In 1972, I believe the technical community will have a "clear choice." Our success in taking advantage of the opportunities to make our quality of life richer will, to a great extent, depend upon making our *"choices clear."*

A WHITE HOUSE CONFERENCE ON LIBRARIES—OVERDUE, URGENTLY NEEDED

Mr. PELL. Mr. President, Congress, which has been extending certain forms of aid to libraries for more than a century, has been relatively generous in recent years. For decades, Federal assistance was limited to the bibliographic and other services of the Library of Congress, the depositary library program, talking books and a few other programs that were severely restricted in scope. This pattern was broken in 1956 with the first Federal legislation providing grants to States for the expansion of public library services.

Although limited at first only to support of library services in rural areas, the law was broadened by successive enactments, the most recent of which, the Library Services and Construction Amendments of 1970, I authored to encompass construction as well as library services, urban as well as rural areas, and research, training and interlibrary cooperation.

The annual appropriation of funds for the Library Services and Construction Act may be taken as an index of congressional support for public libraries. From an initial appropriation of $2.5 million, congressional appreciation of the vital part libraries play in community life can be shown by its present appropriation level of more than $80 million.

Nor has Congress neglected libraries in the historic laws extending very substantial aid to education that have been enacted in the past decade and a half. Title III of the National Defense Education Act represented a breakthrough by authorizing Federal grants to public schools for purchase of classroom instructional equipment and loans to private schools for the same purpose. This provision of the NDEA permitted many schools to institute instructional media centers, while title XI of the act supported short-term and regular session institutes attended by many school librarians.

Enactment of the National Defense Education Act in 1958 was followed in 1963 by passage of the Higher Education Facilities Act which, when signed by President Johnson, extended construction grants to build libraries in institutions of higher education. The Elementary and Secondary Education Act of 1965 then provided substantial assistance for school libraries, both public and private, and the Higher Education Act that became law the same year provided grants for acquisition of materials by libraries in institutions of higher education, supported graduate training in librarianship and information science, and financed many research and demonstration projects.

These laws, and several others aiding libraries, were the handiwork, in part, of the Senate Subcommittee on Education, of which I am chairman. I am particularly proud of the important role I played in securing enactment of the Education Amendments of 1972. This legislation reaffirmed congressional support of title III of the NDEA and of library construction grants and loans to institutions of higher education.

The 1972 amendments also expanded and improved the college library programs for training, research, and acquisition of materials. In addition, the new law assures that library programs will be included in vocational education at the elementary and secondary level, in occupational preparation programs offered by 2-year postsecondary institutions, in the education of American Indians, and in several other vital provisions of the statute.

We have made remarkable progress with the assistance authorized by the laws I have enumerated. Last year, for example, 15 million books, filmstrips, and other instructional materials were provided to over 43 million students in public and private elementary and secondary schools. Grants for acquisition of books and other materials were made to more than 700 institutions of higher education. A promising start was made in the effort to extend public library services to remote communities lacking them, to disadvantaged persons in urban ghettos and elsewhere, and to physically handicapped persons and those living in institutions, which all too often lack library facilities, staff, or services.

In Rhode Island alone, we now have an impressive variety of library services throughout our State. For example, Westerly Regional Library Center runs a program on drug abuse for youth, and Providence Public Library's Fox Point Branch provides assistance to cities and towns for library service to Portuguese-speaking and other bilingual Rhode Islanders. We have a statewide network for interlibrary loans, which enables anyone in the State to receive from his or her local library whatever materials he or she needs. Our libraries all over the State are providing both traditional and innovative library services of high quality to better serve the people of Rhode Island.

Despite this progress, many needs for library service remain unmet, in Rhode Island and in the Nation as a whole. There are still an estimated 20 million Americans without access to libraries. Almost 34,000 elementary schools lack libraries. Less than half the Nation's institutions of higher education received Federal grants last year to permit them to expand their library resources. Far too many Americans are living in residential schools, hospitals, homes for the elderly, reformatories and other institutions and without access to libraries where they could bolster their morale, self-respect, dignity, and skills.

Concerned about these problems, Congress has established the National Commission on Libraries and Information Science, which was established by my first bill as chairman of the Subcommittee on Education. This 15-member independent agency, five members of which are professional librarians or information specialists, is reviewing the situation confronting libraries and developing recommendations that can as-

sure, at last, universal access to library services by all Americans.

The Commission is giving special attention to relationships among libraries, present and potential, that can expand their services through greater cooperation and clearer delineation of function. It is drawing up authoritative estimates of the funds that will be required by local governments, school systems, and institutions of higher education in order to enable their libraries to meet the growing needs of their many users.

As the National Commission produces its various analyses and recommendations, I believe these should receive the attention of the tens of thousands of public-spirited citizens and professional librarians who are primarily responsible for the support and guidance of American libraries. To assure widespread and thorough consideration of the recommendations of the National Commission, I am preparing legislation that would authorize the President of the United States to call a White House Conference on Library and Information Services—the first in our history—to be held in Washington in 1976, the centennial anniversary of the American Library Association as well as the bicentennial of the United States of America.

This legislation is responsive to a resolution adopted by the Council of the American Library Association at the 1972 midwinter meeting. I agree fully with the position of the Council that the White House Conference should "be based upon conferences in every State and territory which involve the lay leadership of the States' communities and the library leadership from their libraries of all types." It is essential that there be the widest possible base of support for the continued growth and further development of all types of libraries and this can be achieved only through the understanding and endorsement of representative citizens throughout the entire country.

I am confident that a White House Conference on Library and Information Services will promote greater appreciation and support for libraries. It will forcefully acquaint legislators, public officials, the news media, and the public with the abiding concerns of librarians, educators, library trustees, and the governing boards of school systems and institutions of higher education. A White House Conference can review the accomplishments, the unmet needs, and, above, all, the magnificent potentialities of our libraries, and I am sure that, once they are made aware of the facts, the American people will see the wisdom of enlarging their support for their libraries.

NEGOTIATION FOR PROFESSIONAL SERVICES

Mr. DOLE. Mr. President, along with many other Senators on both sides of the aisle I have been kept advised by many of my constituents of the status and progress of the legislation to clarify the statutes dealing with the selection of architects and engineers for Federal construction projects. I am pleased that this legislation has been approved by the Committee on Government Operations and placed on the calendar.

This bill will resolve a serious uncertainty which, for the past 5 years, has confronted the Federal agencies and officals responsible for the design and construction of Federal facilities. It arose from a 1967 General Accounting Office report to the Congress in which it was questioned whether Congress intended that the selection of architects and engineers for Federal contracts should be continued on the traditional basis in which emphasis was placed on professional qualifications, subject to negotiation of a fair and equitable fee.

It is a basic tenet of the various professions that professional services, being of a unique nature, should not be subject to competitive bidding or price competition and should be obtained by a client on the basis of seeking the most qualified individual or organization to apply the specialized knowledge, experience, and skill to fill the particular need.

It seems particularly important that this standard be applied in the selection of engineers and architects for Federal projects, because a professional effort of less than the highest quality probably will result in a higher total cost to the Government through increased expenses for construction, maintenance and operation of the facility.

We are all aware of the need for economy and improved efficiency in Government operations, and I submit that the bill before us, H.R. 12807, is in full accord with that need. Under the traditional professional selection and negotiation procedures employed by Federal agencies for architect-engineer services the selection of the best qualified individual or firm for a particular project is always subject to the negotiation of a fair and reasonable compensation acceptable to the Government. And it should be emphasized that during the time that this matter has been under study by the Congress, there has never been any suggestion that the professional selection and negotiation procedure has resulted in excessive or improper fee arrangements. This record is a tribute to these professions and to the experienced contracting officers of the Federal construction agencies who are responsible for the negotiation of these professional service contracts.

I am pleased to support this bill and hope that it will be adopted, so we may remove any doubt of Congress' intent to favor the continuation of a procedure which has stood the test of experience and has been demonstrated to be sound public policy for the development of Federal projects on an efficient and economical basis.

DESEGREGATION AND "WHITE STUDENT FLIGHT"

Mr. TALMADGE. Mr. President, in the October 10 issue of the Atlanta Constitution there appears an editorial which I commend to the attention of every Member of the U.S. Senate.

It puts in clear perspective the problem which we are facing in the South. I quote from the editorial:

Roughly 30 schools in this city have gone from segregation through desegregation to resegregation. In most instances, a previously all-white school becomes increasingly black, reflecting not only pupil assignments but usually changing residential patterns near the school. At some point, called the "tipping point" by Atlanta school officials, many of the remaining white parents decide that the school is on its way to becoming all-black. At that point, they begin to move to other neighborhoods. It is not long before the school, indeed, becomes all-black.

In its recent decision on the Atlanta school system, the U.S. Fifth Circuit Court of Appeals stated:

The fear of white student flight shall not be utilized as a factor in imposing this plan.

Mr. President, this "white student flight" is not the result of State action. It represents individual choices by Atlanta families to move to other neighborhoods.

The 14th amendment guarantees equal protection to all Americans from State action. There is no State action here. This is just as surely an example of random housing patterns as any which can be found in the North.

But the Federal courts have taken the attitude, "Once de jure—always de jure."

This attitude reflects a clear denial of equal protection to the parents and schoolchildren of the South. It was situations such as the one described in the editorial which we were attempting to remedy through the enactment of the Equal Educational Opportunities Act which was filibustered to death this week.

Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

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

DESEGREGATION

The fear of white student flight shall not be utilized as a factor in composing this plan—U.S. Fifth Circuit Court of Appeals.

The new Fifth Circuit Court of Appeals desegregation decision on Atlanta schools represents a fleeing from reality just as serious as the fleeing to the suburbs by white parents, a factor the court recognized by urging Atlanta school board members to pretend it doesn't exist.

The decision very directly affects a substantial number of school children, white and black, so there is no way to dismiss the decision as judicial foolishness. But the decision indicates a determined know-nothing approach to more than a decade of history of school desegregation in Atlanta that borders on the irresponsible.

The Fifth Circuit Court ruling in effect reverses a lower district court declaring the Atlanta school system "unitary." That single word has been a troublesome one throughout the entire process of court decisions and legislation aimed at eliminating the old dual, racially segregated school systems of the South. The U.S. Supreme Court has never given an adequate definition. But supposedly a "unitary" system is one which has in assorted ways moved to eliminate completely the deliberate racial discrimination and segregation-by-law affecting pupils in the public schools.

Atlanta school officials are human and undoubtedly have made mistakes in the long tortuous process of bringing the dual system to an end. But they have moved to follow in detail court order after court order. They have more than once been commended by the federal courts for their cooperation in complying with the law. The lower court ruling that Atlanta had become a "unitary" system meant that, in the court's judgment, school officials had done about everything literally

that could be done to eliminate any vestiges of the deliberate segregation of the past.

The Fifth Circuit has now thrown that out the window, the reasoning being that fully 106 of 153 schools in Atlanta are either predominantly white or predominantly black, which by the court's definition means that these schools have 10 percent or less of the minority group (white or black).

The weakness of this reasoning, and we confess to believeing it near-bubbleheaded, is that it totally ignores the history of school desegregation in Atlanta.

Roughly 30 schools in this city have gone from segregation through desegregation to resegregation. In most instances, the pattern has been identical: a previously all-white school becomes increasingly black, reflecting not only pupil assignments but usually changing residential patterns near the school. At some point, called the "tipping point" by Atlanta school officials many of the remaining white parents decide that the school is on its way to becoming all-black. At that point, they begin to move to other neighborhoods. It isn't long before the school, indeed, becomes all black.

These same 30 schools, which have gone through every stage of desegregation possible, are now most of them presumably among the 106 mentioned in the court's decision as being "totally or virtually totally segregated."

The truth is, and it is a hard truth, there is only a limited amount which either court decisions or school officials can do to maintain the atmosphere and conditions for genuinely integrated public schools.

We are proud of the 47 schools in Atlanta, slightly more than 30 per cent, which have stabilized with relatively sizable percentages of both black and white students. We are proud that dozens of other Atlanta schools have white and black pupils who seem to get along well (though fewer of the minority group than that magical 10 per cent used by the Fifth Circuit). We are proud that all of Atlanta schools have both black and white teachers, and that they have worked with each other and their pupils to achieve educational goals, not by any means without problems sometimes but with surprisingly little friction in what involves major cultural and social change.

Existing school segregation in Atlanta is based on residential patterns. There are "open housing laws against racial discrimination in selling or renting homes. But there is no law, no court decision, which forces any particular family to continue to live in a given neighborhood if they don't like the school or want to move for any reason at all. And, that's why the Fifth Circuit's new ruling has an almost unreal head-in-the-sand quality in stating that the "fear of white student flight" should not be a factor in preparing a new student assignment plan.

But that potential white flight ought to be a factor in any plan. To pretend it isn't is the moral equivalent of pretending that deliberate segregation of the past had no detrimental effect on black school children.

To use the Fifth Circuit's figures, there are now 73,129 black pupils and 21,850 white pupils in Atlanta schools. Only a few years ago, there were more white pupils in Atlanta schools than black pupils.

We don't know how the Atlanta school board will move to try to comply with the court order to come up with a new student assignment plan, effective this November 27. Having read the Fifth Circuit's decision and tried to make sense out of it, we sympathize with those who must do so officially.

But it is clear that, in some fashion, the board must move to reassign both white and black pupils who are already three months into a school year. We take small comfort in the thought that our school board members may show more wisdom in dealing with a new Fifth Circuit court order than the distinguished judges did in writing it.

GENERAL DISORDERS

Mr. HUGHES. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "General Disorders," published in the New York Times of October 13, 1972.

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

GENERAL DISORDERS

Judging by statistics extracted from the Pentagon by Senator Harry F. Byrd, Jr., of Virginia the United States armed forces are being led by the lame and the halt.

Senator Byrd's curiosity was aroused by the disclosure that Maj. Gen. John D. Lavelle had been retired on 70 per cent disability as part of his "punishment" for allegedly ordering non-authorized bombing strikes against North Vietnam. The disability allowance entitles the general to tax exemption on a comparable proportion or his retirement pay of some $27,000 annually. A medical evaluation board found that the former commander of the Seventh Air Force in Indochina was suffering from a heart murmur, emphysema and a slipped disc although only a short time before he had passed another medical examination qualifying him for flight pay.

In response to the Senator's inquiry, the Pentagon reported that General Lavelle was no exception—that 53 per cent of all Air Force generals who retired between Jan. 1, 1964, and last July 31 received at least 30 per cent disability. Of these 77 per cent had qualified for hazardous flight pay within six months of retirement. In addition, 40 per cent of all retiring Army and Marine Corps generals and 30 per cent of the retiring admirals qualified for disability during the same period.

Two conclusions are possible: either the nation's armed services are being led by a large number of general officers whose physical fitness for duty is questionable or generous retirement benefits and tax exemptions designed to aid the truly disabled are being scandalously abused. Either way the public is being bilked and the integrity of the armed services once more is called into question. Senator Byrd's demand for an inquiry is very much in order.

SURFACE MINING LEGISLATION

Mr. HARRY F. BYRD, JR. Mr. President, the Senate is now considering some very important legislative proposals in regard to surface mining.

I support S. 630 as reported by the Interior Committee. But the adverse economic effects of other proposals now before the Senate could be catastrophic. Thousands upon thousands of employees directly associated with the mining of minerals would be put out of work if some of the proposals now pending are approved.

Thousands of people in allied fields would be unemployed. Our balance of payments would be reduced at a time in which the deficits in this area are of great cause for concern.

The coal reserve would be reduced materially, with much of the reserve being taken from the supply, legislatively.

Mr. President, I am in accord with the objective of S. 630, the committee-approved surface mining bill.

This objective is well stated by Senator LEN B. JORDAN in the Senate report, wherein he said that—

S. 630 is a reasonable, effective measure designed to promote the environment without adversely affecting essential mining activity and conforming to the now generally accepted policy that the costs of the mineral developed should reflect the cost of adequate reclamation.

In the past, when we were not so ecologically aware, many acres were turned into wastelands. However, I think that today vast improvements have been made in our thinking and in our regulation of mining activities.

I believe that S. 630, as reported by the Senate Committee on Interior and Insular Affairs, is another step in the right direction. It is a sound, forward-looking proposal.

I do not totally agree with its provisions—for example, in my view the bond requirements are excessively high for small, independent operators. Nevertheless, it is a bill which I can support, as reported.

It has the advantage of applying to all minerals.

However, there are other proposals which I cannot support.

The House-passed bill—H.R. 6482—as I see it, has a number of major defects, including its limitation to coal mining only; its strict slope requirements; its prohibition of spoil banks upon a slope in excess of 14 degrees; and its narrow application which would not equally apply to all areas of coal production.

Mr. President, in my view, the substitute of the distinguished Senator from Washington, Mr. JACKSON, is very similar to H.R. 6482 in its application to coal mining, and would be subject to many of the criticisms of that bill.

In my State of Virginia there is much coal production in the southwestern areas. Coal production, together with its allied industries, is the major industry and the major sources of income.

In 1966, the Virginia General Assembly enacted a surface mining law to regulate the industry. It was modified and strengthened as late as the session of 1972. And there is an ongoing study program in the Virginia General Assembly to propose legislation to further upgrade surface mining regulation.

Mr. President, I believe that Virginia has a sound law.

It requires that a permit be obtained from the division of mines of the Commonwealth of Virginia to enable an operator to retrieve, by surface mining methods, coal from any land within the State. This law is rigidly applied and in numerous instances permits have been denied because it is unrealistic or destructive to mine a certain site or because it would not be feasible to "reclaim" the site.

It requires that all areas that are mined by surface mining methods be reclaimed and that such reclamation process be maintained within 700 feet of the site of actual mining.

The Virginia law requires that reclaimed areas must be seeded with legumes and/or trees at no less than 6-month intervals—spring and fall.

Virginia requires a bonding fee of $200 per acre, and, incidentally, less than six bonds have been forfeited since the inception of the law in 1966.

There are adequate fines for violation of the strip mining law and the State is

required to reclaim any area for which an operator forfeits bond.

We have found in Virginia not only that newly mined areas are reclaimed but that, because of new and larger equipment, operators are "remining" orphan lands and consequently, reclaiming old mine sites.

Mr. President, I would like to provide some facts concerning the effect on Virginia, and particularly southwest Virginia, if either H.R. 6482 or the Jackson substitute were to be passed in their present forms.

I would remind my colleagues that the coal mining areas of Virginia are in the Appalachian region of southwest Virginia. An area that is already severely depressed economically.

We have done much in the Congress to aid this depressed area. Lets not put them further backward in the late hours of this session.

The region is one of steep, mountainous terrain with virtually no level, flat land.

I am furnished with the information concerning surface mining in Virginia that:

First. There were, in 1971, more than 1,300 persons directly employed by surface mining companies. These employees provide direct support for an estimated 5,000 people in Virginia.

Second. Nearly $10 million in direct wages went to surface mine employees in 1971. These wages resulted in circulation of an estimated $35 million in southwest Virginia's economy.

Third. If surface mining were banned in Virginia, numerous retail stores and service industries would also collapse. Mass unemployment would result, and an estimated 25,000 persons throughout the State—including railroad employees and east coast shipping employees—would lose their means of support.

Fourth. When all factors are considered, reliable estimates place the surface mining industry's contribution to Virginia's economy at $125 million annually.

Fifth. Coal-bearing lands are subjected to a triple tax burden in southwest Virginia; a property tax, a mineral rights tax, and, during the year coal is mined, a so-called development tax. This latter tax amounts to nearly $100 per acre for the average coal lands.

Sixth. In southwest Virginia, where level land is rare, reclaimed surface mines, are being used for homesites, orchards, farms, schools, shopping centers, and recreation areas.

Seventh. There has been only one instance of acidity in a stream in southwest Virginia in recent years.

Eighth. A 14-degree slope limitation would eliminate 95 percent of current surface mining in Virginia. A 20-degree limitation would eliminate 60 percent of current production.

Ninth. The current production of coal from surface mining in Virginia exceeds 9 million tons per year. Total cost production in Virginia is approximately 33 million tons per year.

Tenth. About 15 percent of the production from surface mines in Virginia goes into the export market.

Mr. President, more than one-half of the Nation's 1971 coal production came from surface mines. Numerous large electric power companies rely entirely on coal from contour surface mines. This provided 9 percent of the total energy requirements of the United States. By comparison, only 4 percent of these requirements are met through hydrogeneration, and only 0.4 percent by nuclear production.

I submit that if surface mining were to be substantially curtailed, it would be virtually impossible to provide other energy sources on short notice. This would add to the critical energy shortages in major metropolitan areas.

Mr. President, I am well aware of the controversial nature of this legislation. I realize that the basic purpose is to insure that the environment be protected from damage by unchecked techniques. The record will show that I have supported every major piece of legislation the objective of which was conservation of our natural resources. And we have come far in that respect.

The people of southwest Virginia love their mountains, as does the senior Senator from Virginia. The people there are not isolated from current emphasis on environmental matters, nor are they naive. Certainly they, of all people, want their environment protected, as they must live in it. But they need a livelihood also.

I believe a better balance can be struck.

I am of the opinion that the Senate should not attempt to reconcile the differences between the three major surface mining proposals, with their far-reaching effects, at this late time as adjournment draws near.

I would recommend that the Senate heed the advice of the distinguished Senator from Utah, Mr. Moss, the able chairman of the Subcommittee on Minerals, Materials, and Fuels, who, on the floor of the Senate urged the leadership to make surface mining legislation its first priority in the next Congress.

Representatives WAYNE N. ASPINALL and JAMES KEE have viewed the House-passed bill with great perception. They say in separate views to the report of H.R. 6482 that the bill reflects "an unfortunate overreaction and lack of balance."

I agree with their opinion.

Mr. President, the statement of Messrs. ASPINALL and KEE is an excellent critique of the bill and the problems it would afford. I ask unanimous consent that the entire statement be printed at this point in the RECORD, and recommend highly to my colleagues in the Senate that they carefully study it.

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

SEPARATE VIEWS

I feel obligated to explain my position on H.R. 6482, as amended.

First of all I want to emphasize that I am in complete and full agreement with the general purpose and objective of this legislation. That purpose is to provide for the regulation of surface coal mining, and to provide for the conservation, acquisition and reclamation of surface areas affected by coal mining activities. No reasonable man can any longer condone or approve of the wanton destruction and totally unnecessary devastation caused by certain types of surface coal mining activities. While much of this damage occurred under mining practices no longer followed and at times when there was not the present awareness for the need to protect total surface resource values, this is not a justifiable excuse for inaction today. Today, we are aware of our past mistakes and we must take action to prevent any continuation of these abuses. We have the technology to do this.

Having said that, I now want to turn to some features of H.R. 6482 which in my opinion reflect an unfortunate over-reaction and lack of balance in the proposed legislation.

The Committee has voted to report out a bill which, in my view, does not represent a responsible or reasoned approach to the serious environmental problem which faces the mineral industry today. That problem is finding new ways to meet the legitimate and growing needs of the Country for minerals and fuels without inflicting unnecessary and unacceptable damage on the environment. We all know the types of pollution that can result from improper mining methods. We are all agreed that we can no longer tolerate the attitude which regards production of minerals as the only objective and disregards the consequences to human health or the environment. But rather than blaming technology for our problems, we should put technology to work to find the answers. We need legislation that will stimulate creative thinking by making reclamation a requirement of all mining operations and by relying on the ingenuity of American industry to find the most efficient means of accomplishing it. The legislation should be goal oriented, giving sufficient flexibility to the administering agency to apply the goal to a wide variety of diverse situations.

The approach taken by the bill which the Committee has reported is too narrow. Instead of focusing on the end result of reclamation, it focuses on the specifics of the mining operation, imposing absolute and arbitrary prohibitions on certain types of operations in areas which the drafters feel cannot adequately be reclaimed.

An example is section 9(b) which may well prohibit mining on slopes greater than 20 degrees. This section, as recently amended, prohibits mining on slopes exceeding 20 degrees "unless the operator can affirmatively demonstrate that sedimentation, landslides, or acid or mineralized water pollution can be feasibly prevented and that the areas can be reclaimed." I recognize that there may be situations in which reclamation of such slopes would not be feasible or would be so costly in relation to the value of the coal as to be prohibitive. This also could be true of slopes less than 20 degrees. Where it is, mining should not occur. Since there are methods of reclaiming surface mined areas on slopes in excess of 20 degrees, we need to make sure these methods are used. I question whether this can best be done by placing the burden of "affirmatively demonstrating" such methods on the operator. I believe the Secretary ought to have a wider range of options in such cases.

To the extent that this provision becomes a flat, arbitrary prohibition against surface mining on slopes exceeding 20 degrees, the principal result will be to shut down about half of the surface coal mines in the Appalachian Region and to reduce the total coal production from Appalachia by about 20 percent. This represents about 85 million tons of coal a year (one-seventh the total United States production) that will have to be made up with energy from other sources, probably the western coal fields. It could, according to an estimate by the Bureau of Mines in the Department of the Interior, put about 20,000 men out of work in the Appalachian region, an area already suffering severe economic hardships.

Two points must be made here with respect to this possibility and its impact on coal

production. First, while the possible prohibitive features of this bill will not have the same immediate, widespread and disastrous impact on the west that it will have on the eastern coal production, it could mean that millions of tons of western coal reserves will be made unavailable for mining in the future. The reason is simple: contour and auger mining on steep slopes are not now as common in the west as in the east. It is expected, however, that as future needs for energy increase the need for this type of coal extraction will also increase, even in the west.

The second point that should be emphasized is simply that the 20 percent loss of coal production from Appalachia cannot be immediately made up by increased coal production from the western fields or from any other area. A minimum period of three to seven years must be expected to elapse before this lost production can be replaced. In this period of critical energy supply it is inconceivable to me that this Body would knowingly and unnecessarily make possible the elimination of about one-seventh of the total coal production in this country. If it does it should also now determine where and how that loss will be made up. This can't be left to chance or good luck.

Another provision which I consider equally arbitrary and unjustified is section 18(c) which would prevent "the creation of a permanent spoil bank upon a natural downslope in excess of 14 degrees from the horizontal adjacent to the outcropping of a seam of coal." If the objective of this provision is, as I assume it is, to prevent landslides, the bill already contains numerous provisions regarding the stabilization of slopes. Properly constructed waste banks can be stabilized on slopes in excess of 14 degrees. There is no reason for an absolute prohibition.

I cite these two situations merely as examples of the type of problems that I see with this legislation. There are many others, but the most important, in my view, is the failure to give the Secretary of the Interior the necessary discretion to tailor the legislation to meet local conditions. This legislation reads more like a detailed Departmental regulation for a particular area rather than general legislation that must be applied across the entire sweep of this nation. Mining conditions vary from state to state. There is little similarity between coal mining surface operations in Appalachia, with its relatively narrow seams of coal, high rainfall, and steep and mountainous terrain, and coal mining in many of the Western states where rainfall is much less, where slopes may be more moderate, and where coal seams may exceed 100 feet in thickness. These variations demand flexibility to meet local conditions. In my opinion, H.R. 6482 does not provide that flexibility.

The restrictions and limitations of H.R. 6482 will fall most heavily upon the small operator. I do not anticipate that any of the major coal producers will be put out of business. Curtailed yes, but not completely destroyed. The reasons for this are simple. Most of the major coal producers operate across the country in many states and under a variety of conditions, including the steepness of the slope. Therefore, it is unlikely that all of the production from any one major company would be completely eliminated. Operations in one or two states could well be eliminated but others would likely survive. The small operator, however, operating from one or possibly two locations could very well be eliminated, and certainly if he is operating a surface coal mine in the Appalachia region his operations appear to me to be numbered. He does not have the flexibility of the larger producer and his future depends on his ability to continue production from within a restricted area. There is little doubt in my mind that the small operator will be severely injured and most likely put out of business in the Appalachia area where he now produces coal. He may fare somewhat better in the west but even there he will be in a very precarious situation. Besides this unfortunate situation his elimination will certainly tend to further concentrate coal production in the hands of a few major companies. This further concentration of energy production is not in the best interest of this nation.

Let's look briefly at the present surface coal mining industry and attempt to determine the possible impact of this proposal. The following are estimates and projections only but they are based upon the best available data that could be obtained from the Bureau of Mines. I want to emphasize that while they are estimates I feel they are realistic. They are intended to slow a range of values and possible consequences of this proposal. I believe they do this.

Production of bituminous coal and lignite by surface mining methods totaled 264 million tons in 1970. This was 44 percent of the total output of bituminous coal and lignite, and the use of this coal provided the United States with an estimated 9 percent of its total energy requirement.

By way of comparison all hydro generation produced only 4 percent and all nuclear generation only 0.4 percent of our total energy requirement.

Of the total production by surface methods, 92 percent was produced by strip mining and 8 percent by auger mining. The Bureau of Mines has no further breakdown of strip-mine production by specific method of recovery, but it is estimated that about 60 percent of the total output of the United States was produced by area stripping methods and 40 percent by contour stripping.

Area stripping is the production method normally used on relatively flat terrain, and the proposed legislation allowing recovery almost entirely in areas where the slope of the terrain does not exceed 20 degrees would have little or no effect upon area stripping operations. It would have a profound effect however, upon most operations employing contour stripping methods and, in some States, would virtually eliminate the production of coal by stripping. It would also practically eliminate coal production by auger mining.

Available data show that production by contour stripping and auger mining accounted for about forty-five percent of the total surface mine output in 1970. Virtually all was produced in the Appalachian Region and the bulk, 99 million tons, came from East Kentucky, Ohio, Pennsylvania and West Virginia.

An estimated total of 19,079 men, about 60 percent of the total employed at all surface operations, were employed at contour-strip and auger mines in 1970. Of this number, 4,329 men were employed in East Kentucky, 2,419 in Ohio, 4,209 in Pennsylvania, and 5,396 in West Virginia.

If these estimates on production and employment on steep slopes are realistic, the proposed legislation could effect the following changes:

(1) Virtually eliminate auger mining as a production method.

(2) Decrease production by stripping by nearly 30 percent.

(3) Decrease surface-mine production in the Appalachian Region by 50 percent.

(4) Decrease surface-mine production in the United States by about one-third.

(5) Decrease the total bituminous coal and lignite output of the Appalachian Region by nearly 20 percent.

(6) Decrease the total bituminous coal and lignite output of the United States by about 15 percent.

(7) Decrease employment at stripping operations by 38 percent.

(8) Decrease employment at all surface mines in the Appalachian Region by 60 percent.

(9) Decrease employment at all surface mines in the United States by about 45 percent.

(10) Decrease total employment at bituminous coal mines in the Appalachian Region by 12 percent.

(11) Decrease total employment at bituminous coal and lignite mines in the United States by about 10 percent.

With respect to mine size, the legislation could force the closing of 513 auger mines, each producing less than 100,000 tons per year, and 40 auger mines, each producing more than 100,000 tons per year. Data on the size of contour-stripping operations are not available, but the possible ban on steep-slope mining would affect virtually all contour operations in East Kentucky, Tennessee, Virginia and West Virginia and force 877 operations with annual production of less than 100,000 tons each and 124 operations with output greater than 100,000 tons each in these States to abandon their operations. It is estimated that in the State of Alabama, Maryland, Ohio, and Pennsylvania, an additional 250 contour strip mines, each with annual output of less than 100,000 tons and 55 mines with greater output could be affected by the ban.

While this proposal purports to regulate and control rather than prohibit and eliminate it is, in fact, prohibitive in many of its provisions. In all too many instances it arbitrarily imposes mandatory and inflexible rules that will make its administration and enforcement a burden on the producer and consumer alike. It stifles technological innovation by freezing industry in narrow channels. It does not focus on end results, that is good reclamation and preservation of the environment that we all agree are desirable, but rather it eliminates and prohibits certain types of mining operation. In many cases this arbitrary prohibition is entirely unnecessary. Again may I say that I am in complete agreement with the stated objective of this proposal. I cannot, however, accept its unnecessary mandatory and arbitrary prohibitions against classes of mining operations.

For these reasons I regret that I cannot support this legislation in the form it has been reported out of the Committee on Interior and Insular Affairs.

OUTSTANDING WORK OF BISHOP HUGH A. DONOHOE, CATHOLIC BISHOP OF FRESNO, CALIF.

Mr. TUNNEY. Mr. President, I should like to call attention to the outstanding work of a Catholic bishop in California. He is Bishop Hugh A. Donohoe of Fresno. His work on behalf of the rights of farmworkers is heralded throughout California and is commended in a special letter from Pope Paul VI. I should like to add my voice of tribute, and ask unanimous consent to have printed in the RECORD an article published in the Monitor, of San Francisco, about this outstanding religious leader.

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

POPE LAUDS FRESNO BISHOP'S STAND

Pope Paul VI has praised Bishop Hugh A. Donohoe of Fresno for his defense of the rights of farm workers in San Joaquin Valley.

The praise was contained in a personal letter from Pope Paul marking Bishop Donohoe's silver jubilee (October 7) as a bishop. The Pontiff said:

"Besides your other accomplishments of evangelical justice, whose reputation is so well known, you have striven to protect the rights of farm workers, indeed most vigorously and without compromise. Because of

this, you have shown yourself to be admirably imbued with the social teachings.

"Moreover, we zealously encourage you in these current activities, so that in these struggles and through your example you might lend even greater leadership; and also through your love for truth and excellence, you will continue to overcome obstacles which lie in your path. Therefore, to the very boundaries of our earthly dwelling, remaining strong in undiminished faith, rejoicing in hope, be an extraordinary lover and cultivator of the sacred scriptures, in which the covenant of peace and of life are so forcefully expounded."

A native of San Francisco, Bishop Donohoe was consecrated by Archbishop John J. Mitty on Oct. 7, 1947. This coming Sunday, Oct. 8, he will mark his 25th anniversary with a concelebrated Mass at 4 p.m. in St. John's cathedral, Fresno, followed by a public reception to which all the people of God in the area are invited.

The concelebrants with Bishop Donohoe will be two of his brothers, the Jesuit Fathers Patrick Donohoe, chancellor of the University of Santa Clara, and Joseph Donohoe, a missionary in Taiwan; Msgr. William M. Burke, Vicar General of Stockton; Msgr. James E. Cain, chancellor of Stockton; Msgr. Dennis Doherty, Vicar General of Fresno, and Msgr. Seamus O. McMullan, pastor of St. Joseph's parish, Selma, and president of the Fresno Diocesan Priests' Senate.

Among the prelates attending the Mass will be Archbishops Joseph T. McGucken of San Francisco; Timothy Manning of Los Angeles, and Thomas A. Connolly of Seattle; Bishops Alden Bell of Sacramento, Merlin J. Guilfoyle of Stockton, Mark T. Hurley of Santa Rosa, Felixberto C. Flores of Guam and Harry A. Clinch of Monterey; Auxiliary Bishops William J. McDonald and Norman F. McFarland of San Francisco, and Msgr. George G. Higgins, Director of the Department of Research, United States Catholic Conference.

Bishop Donohoe was ordained to the priesthood in 1930, served briefly as assistant at St. Anselm's parish, San Anselmo, and then taught for two years in St. Joseph's preparatory seminary, Mountain View. In 1932 he went to Catholic University of America in Washington D.C. completing his doctorate in 1935.

Thereafter he taught industrial ethics at St. Patrick's major seminary, Menlo Park, until 1942, when he was appointed editor of The Monitor, a post he held until his elevation to the episcopacy.

He became Vicar General of the San Francisco Archdiocese in 1956, and upon the death of Archbishop Mitty in 1961 was elected archdiocesan administrator. In 1962 he was named the first bishop of Stockton and in August of 1969 was transferred to the See of Fresno.

Bishop Donohoe is recognized as an authority in labor-management relations and was founder of the San Francisco chapter of the Association of Catholic Trade Unionists. He is also a member of the U.S. Bishops' Ad Hoc Committee on Farm Labor and was prominent in the mediation efforts of that committee in solving the Delano grape dispute.

AMICUS CURIAE BRIEF ON BEHALF OF OVERSEAS VOTERS

Mr. GOLDWATER. Mr. President, yesterday U.S. District Judge John M. Cannella kindly permitted me to appear by counsel as amicus curiae, or "friend of the court," in the first test case brought on behalf of overseas voters under the 1970 voting statute that I authored.

This case, Hardy against Lomenzo, was filed in the name of Jack G. Hardy, a U.S. citizen who is temporarily absent from New York State and desires to vote in the presidential election by absentee means. Even though he still considers himself to be a voting resident of that State and intends to return there, New York has rejected his application for absentee registration and absentee voting. The grounds given by his State is that Mr. Hardy lacks a "fixed residence" in New York State that he currently occupies.

Mr. President, the experience of Mr. Hardy and of a vast number of other citizens who share his plight is exactly the reason why I introduced amendment No. 503 in the 91st Congress, which has been enacted as section 202 of the Voting Rights Act of 1965. From my own experience as a presidential candidate in that "cliffhanger" of 1964, I had learned at firsthand about the large group of citizens who were disenfranchised from choosing their own President and Vice President for no more reason than outmoded and unneeded legal technicalities.

The durational waiting period was one such technicality. Some citizens had to live in a State for 2 years before they could vote there. The registration time was another. One State closed its registration books 9 months before the election. The lack of absentee rights was the third barrier, keeping fully qualified citizens from the polls.

Mr. President, the combination of these technicalities was making it impossible for over 10 million citizens to share a role in choosing the highest, and only nationwide officer in the land. This was nonsense to me, as it was to the 29 cosponsors who joined me in proposing an amendment that would wipe away these burdens on presidential voting. Happily, the Congress agreed with us and section 202 became a part of Public Law 91–285, thanks in great part, I might add, to the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), who agreed to incorporate our amendment into his own substitute bill that eventually became law.

This brings us up to 1972 and the first presidential election in which the new law applied. The portion relating to the durational waiting period was upheld almost immediately, for in December of 1970 the Supreme Court of the United States decided that Congress had ample power to pass this major part of section 202. Justice Black wrote the opinion of the Court in this decision, which was *Oregon* v. *Mitchell*, 400 U.S. 112. Thus, some 5 million citizens were given the full right to vote for President and Vice President without regard to how long they may have lived in a State.

Only 5 weeks ago, on September 7, a special three-judge Federal court for the eastern district of New York sustained the second part of my amendment, which allows citizens to have a reasonable opportunity to register up until at least 30 days before the election. The name of this case is *Bishop* v. *Lomenzo*, 72 Civ. 1088. Again, millions of additional Americans were given an opportunity to qualify for voting at a time when their interest is reaching its peak.

Finally, there is the matter of absentee rights for the approximately 5 million qualified voters who will be away from the polls on election day for one reason or another. Fortunately, I can report that nearly every State across the Nation is coming into compliance with the absentee privileges extended by section 202, with merely isolated instances of voter rejections in a few, scattered counties where news about the new law simply has not filtered down.

There is one striking holdout, however, against this voluntary implementation of expanded voting rights for U.S. citizens, and it is New York State which appears to make the surprising conclusion that persons overseas who are not wealthy enough to own two homes, one here and one over there, are not bona fide residents because they lack a "fixed" residence in the State.

The nub of the case now pending in the U.S. District Court for the Southern District of New York is whether or not New York can apply its residence rule in this fashion to national citizens who want to vote for their national Presidency; and in view of its direct bearing on my purposes in sponsoring the new voting law, I asked leave of the court to file a brief as amicus curiae. It is my belief that the right to vote for the Presidency is a basic and personal right of national citizenship that is inherent in the very nature of our National Government. All U.S. citizens are affected equally by the choice of the President and by the actions he takes after his election, and to the broadest possible extent consistent with the Constitution, I want to help our citizens protect their stake in this election by being allowed to vote without regard to where they may be in the world on election day.

Mr. President, my arguments on matters of law and cases are spelled out in the brief which was filed for me with the court, and because it touches on a subject that is important to all Americans, I ask unanimous consent that an edited copy of the brief shall be printed in the RECORD. While this kind of fact can never be run down completely, I am advised by the Library of Congress that this may be the first time in history that the primary author of a law has appeared as amicus curiae in a Federal court case interpreting his law.

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

[U.S. District Court, Southern District of New York, 72 Civ. 3965]

AMICUS CURIAE BRIEF OF UNITED STATES SENATOR BARRY GOLDWATER

(Jack G. Hardy and Ralph S. Von Kohorn, on behalf of each and on behalf of all others similarly situated, Plaintiffs; against John P. Lomenzo, Secretary of State of the State of New York; Nelson A. Rockefeller, Governor of the State of New York; William J. Van Wart and Albert T. Hayduk, Commissioners of the Westchester County Board of Elections; Defendants)

Comes now Senator Barry Goldwater as *amicus curiae*, by his counsel, J. Terry Emerson, and states:

I. ISSUES DISCUSSED

This brief is limited to a discussion of three issues, which United States Senator Barry Goldwater is specially qualified to discus. As author of section 202 of the Voting Rights Act of 1965, relating to expanding the electorate for Presidential voting, and as a

former Presidential candidate of a major United States political party, Senator Goldwater is uniquely situated to discuss the claims that defendants' refusal to allow plaintiff, Hardy, to register and vote in the Presidential election is (1) a denial of the Equal Protection Clause, (2) an abridgement of the Privileges and Immunities Clause, and (3) a violation of section 202 of the Voting Rights Act of 1965.

II. DEFENDENTS' DENIAL OF THE FRANCHISE IS VIOLATIVE OF THE EQUAL PROTECTION CLAUSE

A. The right to vote for Federal officers is an inherent right of national citizenship

Defendants' refusal to register plaintiff, Jack G. Hardy, to vote for Presidential electors on the ground that plaintiff and all others similarly situated, who are outside the United States with no fixed address that they currently maintain in New York State, are not bona fide residents, constitutes an invidious discrimination violative of the personal, fundamental right of each United States citizen to vote for the United States Presidency.

In decision after decision, the Supreme Court has made it clear that "the right of suffrage is a fundamental matter in a free and democratic society" and "is preservative of other basic civil and political rights." *Reynolds* v. *Sims*, 377 U.S. 533, 561, 562 (1964); *Kramer* v. *Union Free School District*, 395 U.S. 621, 626 (1969); *Dunn* v. *Blumstein*, 405 U.S. 330, 336 (1972).

The Court has even gone so far as to state that "[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live." *Wesberry* v. *Sanders*, 376 U.S. 1, 17 (1964). However much truer is this admonition in the case of casting ballots for the highest office in the land, the Presidency.

The right to vote for Federal officers is a fundamental, personal right of national citizenship. *Ex parte Yarbrough*, 110 U.S. 651, 663 (1884), is one of many decisions in which the right to vote for national officers has been raised to the rank of a right directly dependent on and secured by the Constitution, these offices being created by the Constitution and by that alone. Also see *United States* v. *Classic*, 313 U.S. 299, 314–315 (1941).

Without these basic, implied rights there would be no meaning to United States citizenship. This is why the Supreme Court has held again and again that the rights of national citizenship "arise from the relationship of the individual with the Federal Government" and "are dependent upon citizenship of the United States, and not citizenship of a State." *United States* v. *Williams*, 341 U.S. 70, 78 (1951); *Slaughter-House Cases*, 16 Wallace 36, 80 (1872). Thus, while the States have long been held to enjoy broad powers in determining voter qualifications, classifications which might infringe upon the exercise by national citizens of one of their fundamental, personal rights of national citizenship must be closely scrutinized under the most exacting judicial standard and found necessary to promote a compelling State interest. See *Dunn* v. *Blumstein, supra*, striking down Tennessee's durational residence requirement for all elections, State, local and congressional.

B. Defendants' use of a "Fixed Residence" test absolutely precludes plaintiff from voting on the basis of his wealth

Defendants have in fact precluded plaintiff and others in his class from exercising their fundamental and personal right of voting since it is unchallenged that no one overseas who is determined to have lost his residence is allowed to vote. Unlike *McDonald* v. *Board of Election*, 394 U.S. 802, 808 (1969), where the record was barren of any indication that the State might not provide some means for pretrial detainees to get to the polls, here plaintiff and citizens similarly situated are totally shut off from the polls. This restriction is particularly indefensible since it results from a classification of overseas citizens drawn on the basis of their personal wealth.

Had plaintiff and others similarly situated been affluent enough to own or rent two homes, one abroad and one in New York State, it appears they would be treated as bona fide residents. In their letter of March 24, 1972, to the U.S. Chamber of Commerce, defendants Van Wart and Hayduk revealed that their refusal to register plaintiff was based upon the fact that plaintiff does not have an actual home at a specific address to which he could return. No mention was made that plaintiff's absence by itself controlled defendants' determination, but rather the fact that he had sold his former private home to another individual, whose family was presently occupying it, made it "obvious' 'that plaintiff did not and could not return to this same home.

In fact, plaintiff Hardy currently maintains a telephone business listing in Westchester County at a fixed address, which is the home of his mother. Defendants have not challenged that this fact is an indication of plaintiff's true intent to maintain a residence in New York State; nor does the record show that defendants challenge plaintiff's intention to return to New York State. Rather, the sole basis on which plaintiff and others in his class are rejected as residents is the fact that they do not personally maintain a fixed home in the State, which they themselves own, or perhaps rent.

Curiously, it appears that under New York State law plaintiff could be sued because he maintains a business address and dealings in the State. The so called "long arm statute," Article 3 of New York Civil Practice Law and Rules, particularly section 302(a)(1), would appear to impose on plaintiff a liability to suit in the State. And yet defendants refuse to accept the same nexus as a reason for affording plaintiff his most fundamental civil right, the franchise.

In other words, it appears that two different standards are being applied to discriminate among citizens who are overseas. If plaintiff and other persons formerly living in New York State possess the resources to still own or rent a home there at the same time they are temporarily located abroad, they may be qualified as a resident for voting purposes because they personally maintain a fixed residence to which they could intend to return. But if plaintiff and other overseas citizens lack the financial wherewithal to maintain separate homes both in New York State and abroad, they are *automatically* excluded as non-residents.

Plaintiff and other overseas citizens are effectively precluded from voting not only by reason of not being considered to be residents, but also by reason of the failure of defendants to afford them with absentee privileges. Since plaintiff is situated outside the country at such a great distance from New York State, he is unable to return to the polls without bearing the expense of transportation to the election booth and back, something few citizens have the resources to do. Thus, plaintiff and others in his situation are at the least penalized on account of their travel outside of New York State, and for all intents and purposes effectively precluded from voting. Again, unlike *McDonald*, here there is no way defendants could possibly provide for voting by plaintiff other than by absentee means.

C. Defendants' "Fixed Residence" requirement must be necessary to promote a compelling State interest

Because defendants' application of the "fixed residence" test has the effect of absolutely prohibiting plaintiff and others in his class from exercising the franchise and because this impact is related to the resources of citizens overseas, defendants' automatic statutory classification of these citizens as non-residents must be closely scrutinized under the more exacting test "required for any statute that 'place[s] a condition on the exercise of the right to vote.' " *Dunn* v. *Blumstein, supra*, 405 U.S., at 337.

Thus, "the general presumption of constitutionality afforded state statutes and the traditional approval given state classifications if the Court can conceive of a 'rational basis' for the distinctions made are not applicable." *Kramer* v. *Union Free School District, supra*, 395 U.S., at 627–628 (1969). Instead, "the Court must determine whether the exclusions are necessary to promote a compelling state interest." *Id.*, at 627; cited approvingly in *Dunn* v. *Blumstein, supra*, 405 U.S., at 337, 342.

As in *Dunn*, this exacting test is appropriate for another reason. *Id.*, at 338. Defendants' residence laws classify bona fide residents on the basis of travel, penalizing only those persons who have temporarily gone outside the country and cannot afford to maintain a second, fixed home in New York State. Thus, defendants' interpretation of the residence laws directly impinges on the exercise of a second fundamental personal right, the right to travel.

Freedom to travel has been recognized over and over by the Supreme Court as a basic right protected under the Constitution. A long line of cases in which this right was reaffirmed is cited in *Dunn*, *id.*, at 338–339. Moreover, it is firmly cemented into judicial doctrine that the compelling state interest test is appropriate where the right to travel "is merely penalized," without any need for considering whether any person has in fact been deterred from moving. *Id.*, at 339–342. Thus, absent a compelling state interest, a State may not burden the right to travel by forcing upon a person, who wishes to travel and work or live abroad, the choice between travel and his basic right to vote.

D. Defendants' "Fixed Residence" requirement does not promote a compelling State interest in Presidential elections

Measured by the strict compelling state interest test, defendants' blanket exclusion from the franchise of all citizens overseas who lack a fixed, current home in New York State, except for the narrow class of persons allowed to vote by section 151(a) of the New York Election Law, impermissibly conditions the personal rights of national citizens to vote for the national Presidency and to enjoy their freedom to travel.

It is not sufficient for defendants to show that their interpretation of the New York State residence statute furthers "a very substantial state interest." *Dunn* makes evident that "[i]n pursuing that important interest, the State cannot choose means which unnecessarily burden or restrict constitutionally protected activity." *Dunn* v. *Blumstein, supra*, 405 U.S., at 343.

One interest which must be considered is the purpose of defendants to preserve the basic conception of their political communities through the application of a rule that voters shall be bona fide residents of New York State. This purpose must be examined, however, from the perspective that we are not dealing with congressional, state, or local elections in the present case. Whatever the interests of defendants in these types of elections, here we are faced with a denial by a State of the inherent right of each national citizen to vote solely for the national office of the Presidency.

Here there can be no plausible claim of a need to insure that voters are knowledgeable in all matters pertaining to the State and local community. Here the issues are national and international in scope and cut across all areas and regions of our country. Here each citizen is a member of the same political community, the United States as a nationally organized government. In the words of Chief Justice Taney, "[W]e are one people, with one common country. We are all

citizens of the United States; and . . . members of the same community. . . ." *Passenger Cases*, 7 Howard 283, 492 (1849).

It is admitted with great respect for the Federal system, that "[n]o function is more essential to the separate and independent existence of the States and their governments than the power to determine within the limits of the Constitution the qualifications of their own voters for state, county, and municipal offices and the nature of their own machinery for filling local public offices," as was stated by Justice Black speaking for the Court in *Oregon* v. *Mitchell*, 400 U.S. 112, 125 (1970). But it is equally true that implicit in the very concept of a supreme national government with national officers is an inherent right of voting for national officers as an attribute of national citizenship. The need of defendants to limit the definition of bona fide residence in the case of voters for the Presidency obviously is far less important than it might be in the case of voters for State, local, and even Congressional offices.

Accordingly, whatever test of residency defendants may choose to use in the latter case they have no compelling need for using a test in the former case more stringent than that of the usual domiciliary test of voting residence, which is known to every jurisdiction in the case of servicemen, i.e., that each voter shall have formerly lived in the State, shall possess a current state of mind as a voting resident thereof, and shall hold an honest intent to return to live in the State at some time in the future. Am. Jur. 2d, Elections, section 75. All 50 States and the District of Columbia apply this broad standard of residence to servicemen who have left the jurisdiction. (See compilation of State laws in Voting Information 1972, U.S. Dept. of Defense) Where a State and its subdivisions can assure themselves of this degree of past tie and enduring contact, it cannot be argued that stricter standards are needed to afford some surety that these voters for the Presidency are, in fact, members of the community who are qualified to vote for that national office in the State.

Nor can it be argued that the State has an absolute power to put any burden it pleases on the selection of Presidential electors within its borders, pursuant to Article II, § 1, of the Constitution. It is well settled that this provision does not give the States "power to impose burdens on the right to vote, where such burdens are expressly prohibited in other constitutional provisions." *Williams v. Rhodes*, 393 U.S. 23, 29 (1968). Thus, the Supreme Court has held that no State can pass a law regulating elections under color of Article II, § 1, that violates the Fourteenth Amendment's command that "no State shall . . . deny to any person . . . the equal protection of the laws." *Id.*

The use of a separate standard for voters who cast Presidential ballots will not diminish the State's rightful power to impose an appropriately defined and uniformly applied requirement of bona fide residence. The State and its subdivisions can still look behind the statements of fact and of intent made by an applicant overseas to test his truthfulness. For example, New York's election officials could check whether or not an overseas applicant did in fact maintain a home in New York State before going abroad. Or it could refer to contradictory statements which the applicant is known to have made on the application or elsewhere that cast doubt on his real intent to return as a proper ground for rejecting his status as a resident. It is still the State and its officials and no one else who shall have full power to make these initial determinations of the applicant's residence.

The State shall also retain power under this special standard to test whether an applicant for voting in a Presidential election (1) is of legal age, (2) is incapacitated by reason of insanity, (3) is disqualified as a convicted felon, and (4) has made application within the time and according to the procedures prescribed by State law and consistent with applicable Federal law. Retaining the power to make these several and controlling determinations relating to the qualifications of its voters, defendants' power to set its own standards for voting can hardly be argued to have been abrogated. Of course, the State and its subdivisions will retain total discretion, consistent with the Constitution, to determine the qualifications of its own voters for all congressional, county, and local public officers under this separate standard for overseas Presidential voters.

Nor can defendants seriously argue that it is necessary for overseas voters to maintain a fixed home in New York State in order to be minimally knowledgeable about the national election of the United States Presidency. It is common knowledge that Americans overseas now have wide and immediate access to English language newspapers, journals, and news programs circulated and broadcast in foreign areas. These private means of information are supplemented by the services of the Armed Forces Network, Voice of America, and USIA libraries which are well known to Americans abroad in even the most isolated of places.

The acute interest and awareness of Americans overseas in the Presidential election is visibly reflected in the numerous applications for absentee voting that have already been submitted to the defendants and, indeed, to every other State by these citizens. There is simply nothing in the record to support an assumption that citizens overseas are uninformed about Presidential elections and any such claim would crudely and impermissibly exclude large numbers of otherwise fully qualified citizens.

The argument that citizens overseas might hold a different viewpoint than voters who have not been absent from the State is also an invalid basis for excluding them from voting in Presidential elections. The Supreme Court has repeated in case after case in the last decade that differences of opinion may not be the basis for excluding any group of persons from the franchise. See discussion of cases in *Dunn v. Blumstein, supra*, 405 U.S., at 355–356.

Pertinent to an analysis of these arguments is the fact that defendants do not attempt to further either purpose in a universally applicable way. New York's Election Law specifically provides for voting, technically as residents, by various classes of overseas citizens, including servicemen, Federal employees, members of the Merchant Marine, and students. These individuals are just as likely to be cut off from relevant political information as any other American citizen who is abroad and the fact that defendants specifically permit voting by them, in all elections moreover, is not consistent with any claimed compelling interest in an informed use of the ballot. *Id.*, at 358–359.

Finally, defendants cannot justify a "fixed residence" requirement as necessary to stop fraud. As in *Dunn*, the qualifications of the voter can be established at the time of registration. *Id.*, at 346. It defendants accept written statements to establish the qualifications and requisite intent of citizens from abroad who are servicemen, Federal employees, students, or in the Merchant Marine, and who do not maintain a fixed home in New York State, obviously the same system would serve equally to verify the honesty of statements made by all other citizens abroad.

E. A presumption of nonresidence impermissibly creates a "Suspect" classification disenfranchising actual residents

In substance, defendants are committing the same kind of action that was held to be constitutionally impermissible in *Carrington v. Rash*, 380 U.S. 89 (1965). They are avoiding difficult factual determinations of intent by making a blanket exclusion of all citizens located overseas who do not maintain a fixed residence in New York State and who do not fall within one of the classes described in section 151 of the New York Election Law. The presumption of non-residence is conclusive, incapable of being overcome by any other proof, no matter how positive.

The use of an administratively convenient presumption of this kind, which deemed that servicemen in Texas were not bona fide residents, was rejected in *Carrington, id.*, and another that deemed that recent arrivals in Tennessee were not residents was similarly rejected in *Dunn v. Blumstein, supra*, 405 U.S., at 349–351.

One more recent case in which the Supreme Court has stricken down a State's own interpretation of who was not a bona fide resident is *Evans v. Cornman*, 398 U.S. 419 (1970), where the Court overturned Maryland's determination that persons living on a federal enclave did not meet the State's residency test. The Court in *Evans* placed heavy weight on the fact that there were "numerous and vital ways" in which these citizens were affected by electoral decisions. *Id.*, at 424.

Similarly, in the present case plaintiff and others of his class are affected in several, vital ways. Although they are outside the country they are nevertheless subject to the United States Internal Revenue Code, their children are subject to the compulsory draft laws, they are directly affected by trade and tariff measures, export controls, agency decisions on international air transportation rate proposals, and numerous foreign policy decisions, among many other actions and programs taken or administered by the Executive.

In the fullest sense of the word, plaintiff and others similarly situated overseas have a stake in the election of the Presidency equal to that of other national citizens. As in *Evans*, they are entitled to protect that stake by exercising the right to vote for Presidential electors and defendants may not deprive them of the vote because of administrative convenience to the State. *Id.*, at 426.

It is pertinent that at least three cases within the past seven years have been decided against the validity of State residence laws which were being interpreted to deprive an entire class of citizens of their right to vote. It may be that in general a State may require voters to be bona fide residents, but the High Court has now made it clear that the States may not use a test for bona fide residence as a technical device for sweeping a whole class of citizens off the voting rolls where the exclusions are not necessary to promote a compelling State interest.

In other words, a State may not mistakenly confuse other requirements with a bona fide residence requirement. This error on the part of defendants is why the "fixed residence" test of New York State in the present case is comparable in practice to the "durational residence" requirement of *Dunn* v. *Blumstein*, the "servicemen's non-residence presumption" of *Carrington* v. *Rash*, and the "Federal enclave nonresidence presumption" of *Evans* v. *Cornman*. The Court disallowed the use of the State standard in each case because it impermissibly created a "suspect" classification denying the vote to persons who the State had improperly determined were nonresidents, the same error that defendants have committed in the present case.

The decisions were not meant to cast doubt on the validity of appropriately defined and uniformly applied bona fide residence requirements in any of the three cases, but nevertheless the truth is that State determinations that certain classes of citizens were not residents actually were overturned in all three cases. If these decisions can be described as not removing the power of

States to set bona fide residence requirements because the rules under scrutiny imposed an *additional* requirement on top of the residency requirement, then it may with equal force be accepted that the "fixed residence" requirement of defendants similarly imposes a separate voting qualification on citizens who are bona fide residents for purposes of voting for Presidential electors.

This application of the "fixed residence" requirement to plaintiff and others of his class is clearly an unnecessary burden and restraint on the constitutionally protected, individual right of national citizens to vote for their President, and therefore is violative of the Equal Protection Clause of the Fourteenth Amendment.

III. DEFENDANTS' DENIAL OF THE FRANCHISE VIOLATES THE PRIVILEGES AND IMMUNITIES OF NATIONAL CITIZENSHIP

The reasoning presented in the last part, establishing a denial of the Equal Protection Clause, has equal bearing to establish a violation by defendants of the Privileges and Immunities Clause.

Section 1 of the Fourteenth Amendment provides that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." The right to vote for national officers has been often recognized as one of the privileges and immunities of national citizenship granted or secured by this clause. *Ex parte Yarbrough, supra,* 110 U.S., at 663, *In re Quarles,* 158 U.S. 532, 535 (1895); *Twining* v. *New Jersey,* 211 U.S. 78, 97 (1908); *United States* v. *Classic, supra,* 313 U.S. 299, at 314–315.

In his separate opinion, concurring in the Court's judgment in *Oregon* v. *Mitchell, supra,* as it sustained an extension of the right to vote by Congress in Federal elections, Justice Douglas unequivocally stated that the Court "need not rely on the power of Congress to declare the meaning of § 1 of the Fourteenth Amendment." 400 U.S., at 112, note 13. He explained:

"This court had determined that voting for national officers is a privilege and immunity of national citizenship. No Congressional declaration was necessary." *Id.*

Even if the right to vote in Federal elections is not by itself treated as a separate right of national citizenship, there can be no doubt that the right of free travel without loss of one's opportunity to vote is protected by the Fourteenth Amendment as a privilege of United States citizenship. See *Oregon* v. *Mitchell, supra,* 400 U.S., at 285–287, 292 (opinion of Stewart, J., with whom Burger, C. J., and Blackmun, J., joined).

Thus, by imposing a "fixed residence test" on citizens applying to vote from overseas, with only narrow exceptions, defendants have wrongly abridged a constitutional privilege which finds its protection in the Federal Government and is national in character. The "fixed residence" requirement impermissibly conditions and penalizes the right to travel by disenfranchising from Presidential elections qualified citizens of New York State who have moved in interstate commerce and are temporarily absent from the State.

This kind of burden on the personal right to travel is unconstitutional because it is in no way necessary to promote a compelling governmental interest, for the reasons discussed in part II of this brief.

IV. THE CONGRESSIONAL INTENT IS CLEAR THAT SECTION 202 OF THE VOTING RIGHTS ACT APPLIES TO THE PRESENT CASE

A. Section 202 and the legislative history show an intent to expand the franchise as broadly as possible in Presidential elections

It is axiomatic that no one knows more about the Congressional intent of a statute than its author. This is particularly true when the purpose of the statute has not been diluted or altered by subsequent modifications, as in the present case.

Section 202 of the Voting Rights Act of 1965 was drafted entirely by, and within, the Office of United States Senator Barry Goldwater. Each provision of the section was written in accordance with his expressed policy and each stage of the legislative history of the law was closely supervised by him so as to explain its purposes in a uniform and clear manner.

The section was not drafted by the Justice Department. It was not shaped by a Congressional Committee. It was approved by the Senate, and subsequently enacted into law, exactly as drafted by its author, with minor technical changes of non-substantive nature which simply conformed the style of the section to the overall legislation to which it was added.

The amendment was first proposed by Senator Goldwater for himself and 28 other Senators on February 19, 1970, during his testimony before the Senate Subcommittee on Constitutional Rights. See text in Hearings Before the Senate Subcomm. on Const. Rights (hereinafter referred to as Hearings), 91st Cong., 1st & 2d Sess. (1969–1970); 294–295. At this time Senator Goldwater discussed the purposes of his amendment, which was offered to the then pending Voting Rights Act Amendments of 1970 (H.R. 4249, 91st Cong., 2d Sess.), and explained in detail how his amendment differed from and expanded upon the House passed bill. *Id.,* at 277–306.

When the voting measure reached the Senate Floor without the inclusion of his amendment, Senator Goldwater successfully got his amendment incorporated into the Scott-Hart substitute measure which eventually was enacted into law as Public Law 91–285; H.R. 4249. It is pertinent that the Goldwater Amendment, once attached to H.R. 4249, was never changed in any way by the Senate or the Joint Conferees which resolved the differences between the Senate- and House-passed versions of the bill.

The essence of the Goldwater Amendment was succinctly described by Senator Scott at the moment he modified his original substitute bill so as to include the language of the former's Amendment. Senator Scott stated that "not only does Mr. Goldwater's amendment carry out the intent of the language contained in the original substitute, but, more importantly, it provides for voting rights to many citizens not otherwise covered by the original language." 116 Cong. Rec. 5690 (March 3, 1970).

The entire thrust of the Goldwater Amendment was to expand the franchise in Presidential elections so that the maximum number of citizens will be eligible to vote. As was correctly stated in *Bishop* v. *Lomenzo* (72 Civ. 1088), by a three judge panel of the United States District Court for the Eastern District of New York, only weeks ago:

"An analysis of the legislative history of the Voting Rights Act Amendments of 1970, including the debates in both houses of Congress, reveals a clear intent to provide the broadest possible opportunity to citizens to register to vote in a Presidential election." (*Id.* at 17.)

This broad purpose was also correctly identified by Justice Black, who wrote the judgment of the Court in *Oregon* v. *Mitchell, supra,* where he reviewed section 202 as follows:

"Furthermore, Congress provided uniform national rules for absentee voting in presidential and vice presidential elections. In enacting these regulations for national elections Congress was attempting to insure a fully effective voice to all citizens in national elections." 400 U.S., at 134.

Again, this broad purpose of the provision is spelled out in unmistakable terms by the sponsor, Senator Goldwater, who said, during debate on H.R. 4249, "that the entire thrust of my proposal is to provide for the widest possible participation by our citizens in the election of their President." 116 Cong. Rec. 6994 (Mar. 11, 1970.)

The actual text of section 202 plainly carries out this purpose on behalf of citizens overseas, which is the class involved in the present case. Subsection (c) of section 202 provides:

"Nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President . . . because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election."

Put simply, a citizen who is unable to be physically present in the State or political subdivision is not to be barred from voting for the Presidency because of his absence. A citizen who is overseas at the time of the election certainly fits this category as much as anyone possibly can and is definitely one of the kinds of absentee citizens who is meant to benefit from the provision. There is no language in subsection (c) that limits the reason why the citizen may fail to be present on election day, nor was any such limitation intended.

Nor is there any restrictive effect caused by the final words of section 202(c) which provide that a citizen shall satisfy the requirements of State and local law relating to the casting of absentee ballots. This language was drafted in connection with the provisions of section 202 (d), which specifies what it is States shall provide in their laws in order to meet the purposes of section 202. Thus, subsection (d) reads in pertinent part:

"For the purposes of this section [meaning the entire section 202] . . . each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President . . . by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held. . . ."

This provision is supplemented by subsection (f) of section 202, which reads in pertinent part:

"No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President . . . in such election because of any requirement of registration that does not include a provision for absentee registration."

Accordingly, the only limiting language on the class of absent citizens that is contained in the above cited subsections is the term "duly qualified residents." In arriving at a determination of what this term means, it is necessary to look at the section as a whole and the mass of the legislative history articulating its purposes. It was on this basis that the Supreme Court upheld the application of another provision of the Voting Rights Act to State voting regulations of a kind not specified in the law itself. *Allen v. Board of Elections,* 393 U.S. 544 (1969).

In reaching its conclusion, the Court made specific mention of (1) the fact that the language of the statute had been changed at one point so as to expand its original coverage, (2) the testimony of the proponent at House hearings that the provision was to have a broad scope and (3) the fact that Congress did not alter the language once it had been expanded, all of which criteria exist in the present case as well. These evidences of Congressional intent were held to overcome both the silence of the statute itself and a statement by an Assistant Attorney General during the same hearings that the section was *not* intended to apply to the situation in question. *Id.,* at 563–571.

The Court laid down the rule of statutory

interpretation that guided the case, as follows:

"In these cases, as in so many others that come before us, we are called upon to determine the applicability of a statute where the language of the statute does not make crystal clear its intended scope. In all such cases we are compelled to resort to the legislative history to determine whether, in light of the articulated purposes of the legislation, Congress intended that the statute apply to the particular cases in question." *Id.*, at 570.

So, too, in the present case one is compelled to examine the purposes of section 202 as a whole and to resort to the balance of legislative history to determine whether the section is intended to reach defendants' application of the New York State residency law. Like *Allen*, the exception of a single remark or, as here, a single term, cannot be given determinative weight. *Id.*, at 568.

The section as a whole clearly indicates a purpose that the broadest possible number of citizens should be granted the franchise. The entire purpose of the section was to correct the dismal impact which outmoded legal technicalities caused as a barrier to the free exercise of a citizen's franchise. In fact, subsection (a) of section 202 recites a declaration of findings among which is included the finding "that the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections" denies or abridges certain inherent constitutional rights of citizens and has the effect of denying to them the protections of the Fourteenth Amendment.

It was "in order to secure and protect the above stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment" that Congress declared, in subsection (b) of section 202, "it is necessary . . . to establish nationwide, uniform standards relative to absentee balloting in presidential elections."

Thus, section 202 contains several expressly pand voting for President and Vice Presistated indications of a broad purpose to exdent and to enable United States citizens to better enjoy the franchise. Admittedly, the language of the statute does not specify all the precise problems to which the section was meant to apply, but these were described in detail by the author of the law during its legislative history and must be resorted to in reading its purposes.

On at least three different occasions before Congress, Senator Goldwater announced his purpose of securing the right to vote for President and Vice President for every citizen of the United States without regard to where he may be in the world. For example, during his testimony before the Senate Committee when he first proposed his amendment, Senator Goldwater stated:

"In my opinion, every able-minded citizen of the several States should be entitled to participate in the choice of his President—period. A citizen should be able to exercise this right regardless of where he is in the world on election day. . . ." Hearings, at 281–282. And see 116 Cong. Rec. 5690 (Mar. 3, 1972); 116 Cong. Rec. 6990 (Mar. 11, 1970).

B. The term "Duly Qualified Residents" does not indicate a purpose to override the whole intent of section 202

In a colloquy with Senator Ervin at the same hearing, concerning the power of States to prescribe qualifications for voting, Senator Goldwater again repeated his purpose to protect the fundamental right to vote even though it touched on the separate powers of the States. He emphasized that the section "applies only to the presidential election" where "it does seem to me that the Congress should act to guarantee an American citizen the right to vote for President. . . ." And referring to the recent case of *Katzenback* v. *Morgan*, 384 U.S. 641 (1966), upholding a part of the Voting Rights Act of 1965, Senator Goldwater added that "I want to take advantage of that court decision and try to get all Americans the right to vote for President." Hearings, *supra*, at 287–288.

Thus, Senator Goldwater fully understood and intended that his amendment would affect State laws on the qualifications of voters. Precisely on point is his lengthy statement of March 11, 1970, before the Senate, when he devoted seven paragraphs to an explanation of the cases where he intended the absentee provisions to apply. 116 Cong. Rec. 6991–6992. Here he expressly declared that a "person's 'home' or domicile' should depend upon his true intent to return to that home." *Id.*, at 6992. What could be clearer of his intent?

25. Even so, Senator Goldwater did not leave it to this single remark to uphold his purpose, but described in detail his meaning. He added:

"Mr. President, allow me to describe the full scope of this provision. What I intend is that civilians should be granted the very same privileges of absentee registration and voting that are extended to members of our military service.

"As I have indicated, absentee registration is nothing novel in the case of servicemen. The general rule is as follows:

" 'The domicile of a person is not affected or changed by the mere fact that he has entered the military or naval service of his country. He does not thereby lose or abandon the domicile he had when he entered the service, nor does he acquire one at the place where he serves, irrespective of the duration of his actual residence at such place. His residence or domicile is a question of intent.' (American Jurisprudence 2nd, Elections, section 75)

"Thus, it seems entirely appropriate to ask that the same rule shall be applied on behalf of civilian citizens who are temporarily living away from their regular homes, whether they are visiting relatives or friends abroad, attending college outside their own State, working for a U.S. firms overseas, or serving as Federal employees away from their normal homes. Id."

In the presence of such a mass of clear legislative history, it is obvious the term "duly qualified residents," as used in section 202 (d), should not be given determinative weight. The words were written into the statute with meaning, but not with the meaning of overriding the primary intent of the section, which was to expand the franchise in Presidential voting as far as the Constitution would allow.

The true purpose of the words "duly qualified residents" was to permit each State to retain its needed power of determining whether an applicant for absentee voting is (1) of legal age, (2) is incapacitated by reason of insanity, (3) is disqualified as a convicted felon, (4) meets the appropriate time and procedure for applying, and (5) is honest in his statements of fact and intent. These reserved functions would allow the States to exercise ample discretion over the imposition and supervision of necessary voter qualifications and would assure that the power of the several States would not be abrogated in this area.

C. Congress has power to protect the franchise in national elections

It being clear that section 202 applies to extend the vote to citizens of New York who are overseas and who merely intend to return there, as distinguished from those who maintain a fixed home there, it becomes necessary to discuss the power which Congress has over the conduct of Presidential elections.

There are at least three separate grounds on which Congress may act to provide uniform national rules for absentee voting in Presidential elections:

(1) its power to protect a national right of United States citizenship,

(2) its power under the Constitution to regulate Federal elections, and

(3) its power to enforce and secure the guarantees of the Fourteenth Amendment.

First, having established in parts II and III that both the right to vote for President and Vice President and the right to travel without condition are basic, personal rights or immunities inherent in United States citizenship, it is clear Congress may act to protect these rights under the Necessary and Proper Clause. As it was stated by Chief Justice Waite in *United States* v. *Reese*, 92 U.S. 214, 217 (1875):

"Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and manner of the protection may be such as Congress, in the legitimate exercise of its legislative discretion, shall provide."

This doctrine was also followed in *Strauder* v. *West Virginia*, 100 U.S.. 303, 310 (1879), where the Court held that:

"A right or an immunity, whether created by the Constitution or only guaranteed by it, even without any express delegation of power, may be protected by Congress."

Second, Congress may act to protect the right of franchise pursuant to its authority over Federal elections. In the words of Justice Black, in a decision upholding a major portion of section 202, a long line of decisions of the Supreme Court have held "that Congress has ultimate supervisory power" over Federal elections. *Oregon* v. *Mitchell*, *supra*, 400 U.S., at 124.

Writing for the Court, Justice Black continued:

"Acting under its broad authority to create and maintain a national government, Congress unquestionably has power under the Constitution to regulate federal elections. The framers of our Constitution were vitally concerned with setting up a national government that could survive. Essential to the survival and to the growth of our national government is its power to fill its elective offices. And to insure that the officials who fill those offices are as responsive as possible to the will of the people whom they represent." *Id.*, at 134.

This is exactly the purpose from which Congress acted in enacting section 202.

Third, Congress may enforce the rights guaranteed by the Fourteenth Amendment. As Congress could override New York's English language literacy test by enacting an earlier provision of the Voting Rights Act, so Congress can affect New York's application of its "fixed residence" test by enacting section 202. *Katzenback* v. *Morgan*, *supra*, 384 U.S. 641.

All that is necessary is for Congress to enact "appropriate legislation" under section 5 of the Fourteenth Amendment. Section 5 empowers Congress to make its own determination that it is necessary to legislate for the protection of one of the Fourteenth Amendment's guarantees. *Id.*, at 653–656. And once it is determined by Congress that a burden has been placed upon a Fourteenth Amendment guarantee, the State or local governmental action in question "may withstand constitutional scrutiny only upon a clear showing that the burden imposed is necessary to protect a compelling and substantial governmental interest." *Oregon* v. *Mitchell*, *supra*, 400 U.S., at 238 (opinion of Brennan, White, and Marshall, J.J.).

As explained in part II, above, there is simply no compelling reason why a State should condition the right of a person to vote for President on his actual physical presence on election day or his showing of a "fixed residence" in the State, so long as the voter shares with other voters in the State national citizenship, combined with a past residence there and the enduring tie of an intent to return.

V. SUMMARY

Defendants' denial of the franchise to plaintiff and others similarly situated because they do not maintain a fixed home in New York State automatically places a large group of overseas citizens in a "suspect" classification which absolutely precludes their exercise of the franchise in Presidential elections.

Because defendants' rejection of plaintiff's application for registration is based on the lack of a fixed home, rather than his temporary absence itself, the "fixed residence" requirement is founded on the wealth of citizens, which is not permissible under the Equal Protection Clause of the Constitution. It is plaintiff's lack of two homes, one in New York State and one abroad, that is the basis of his classification as a non-resident, and not the fact of his absence itself.

Moreover, defendants' denial of the franchise in the present case to a large class of citizens overseas must be scrutinized under the strict "compelling State interest" test. It is conclusively settled now that any State statute that places a condition on the exercise of the right to vote must withstand this more exacting test.

Applying the test here, it is obvious the classification of plaintiff and others similarly situated into a class of citizens who are absolutely precluded from voting, unnecessarily burdens the constitutionally protected rights or privilege of many qualified national citizens to vote for the national office of the Presidency.

The right to vote for our only nation-wide office is dependent upon the Constitution itself and the national character of our form of government. It is not dependent upon citizenship of a State. Therefore, the same rules which the State might apply to test the residence of citizens for purposes of voting in its State, county, local, and even Congressional elections are not applicable to voting for the Presidency. There is a different way by which the State could assure itself that these voters are indeed members of a community who are qualified to vote in Presidential elections and who will not improperly dilute the electoral votes chosen in the State.

So long as the State and county can determine that its voters have a past nexus with the State (a former home there) and an enduring tie with the State (a present state of mind of being a voting resident of the State and an intent to return there), plaintiff and his class of citizens possess all the characteristics necessary for voters for the office of President and Vice President. These citizens are indeed qualified residents of New York State for purposes of voting in the Presidential election. The political community of the State and County will not be abrogated or unduly affected by this narrow application.

Not only does the "fixed residence" requirement of defendants impermissibly deny the right or privilege to vote, but it also abridges the right or privilege of free travel. The right to travel without condition outside a State, with the purpose of entering another State or of eventually returning to the same State, is protected as an inherent right or privilege of national citizenship.

Neither the denial of the right to vote, nor the abridgement of the right to travel, can be justified as necessary to assure defendants of an "informed electorate" or to preserve the parity of its votes. Defendants permit other overseas citizens to vote by absentee means, who are servicemen, Federal employees, students, or members of the Merchant Marine, on a basis of their written statements and there is no showing as to why the same system would not be appropriate in the case of plaintiff and others in his class.

Other statutes which have been traditionally treated as "residence" requirements have been stricken down recently in a case involving a presumption that military personnel were not residents, in one involving a presumption that citizens living on Federal enclaves were not residents, and in another involving a presumption that citizens who did not meet a waiting period were not residents. Similarly, defendants may not use a separate "fixed residence" requirement as a test for excluding a large group of otherwise fully qualified citizens from the Presidential voting rolls, without showing that is necessary to meet a compelling State interest.

Without regard to whether the judiciary would find that the Equal Protection and Privileges and Immunities Clauses nullify defendants' "fixed residence" requirement, as applied in the present case, Congress has acted to protect the rights to vote and travel of citizens in the same class as plaintiff. Section 202 of the Voting Rights Act of 1965 and its legislative history establish that Congress intended the section to provide for the widest possible participation by United States citizens in the election of their President.

The statute itself specifically provides that no citizen shall be denied the right to vote in this election because he is not physically present in a State or subdivision at the time of the election. Further, the statute requires that each State shall provide absentee registration and ballots for all qualified citizens who are absent on election day.

The single reference to "duly qualified residents" in subsection (d) should not be given determinative weight in light of the mass of the legislative history which indicates the statute is meant to permit all absentee citizens to vote on the basis of their former residence in, and present intent to return to, a State. When confronted at a Senate hearing with the very question of whether or not his amendment was meant to affect or supersede long-standing State and local voter qualification statutes, the author of section 202 testified that such was indeed his intent so that as many Americans as possible could gain the right to vote for their President. Who can possibly know more about the Congressional intent of a law than its author, particularly when the legislation did not undergo any significant changes?

Congress has ample authority to enact such a law. It may act under the Necessary and Proper Clause to secure a right or privilege of national citizenship; it may act under the same clause to regulate national elections; and it may act to enforce the guarantees of the Fourteenth Amendment.

This Court would be in complete conformity with the pertinent law and authorities by granting plaintiff's petition for such relief as will enable plaintiff and the class he represents to register and vote in the Presidential election.

STAX RECORD ORGANIZATION'S GIFT TO THE WATTS COMMUNITY

Mr. CRANSTON. Mr. President, a major American business has made a notable contribution to the people supporting it, a contribution worthy of recognition.

The Stax Organization, a leading black business in America, and the dedication of its leaders to the basic principles of American citizenship deserves our commendation.

Primarily involved in the production and distribution of musical records, for which they have been known as the "Memphis Sound," the Stax Organization, headed by a dynamic man named Al Bell, recognizes that its success depends upon the public. With this in mind, Al Bell and his associates recently began a program of giving back to the people some of the benefits the company has received from them.

A most significant example of this kind of corporate responsibility was displayed on August 20, 1972, in Los Angeles when Stax, a Memphis-based company, organized "Wattstax '72," a massive 6-hour musical spectacular that brought some 100,000 black citizens together at the Los Angeles Coliseum. The entire event was a gift from Stax to the community. Stax provided the entire list of top music stars, including Bill Eckstine, The Bar-Keys, Emotions, Luther Ingram, Albert King, Mel and Tim, David Porter, the Rance Allen Group, Soul Children, the Staple Singers, Tommy Tate, Johnnie Taylor, Carla Thomas, Rufus Thomas, Eddie Floys, Hot Buttered Soul, and the incomparable Isaac Hayes. Working with the Watts summer festival, Stax also provided much of the personnel staffing the event and underwrote most of the expenses.

Admission to "Wattstax '72" was $1, enabling all members of the community to attend and also giving them the opportunity of contributing to their community. The entire proceeds from the event have been distributed to the Watts summer festival, to enable them to carry out a year-long program of community support, the sickle cell anemia program, the Martin Luther King Hospital, and the Watts Labor Community Action Committee.

Al Bell and Stax are not planning to stop with the success of "Wattstax '72." The company has a plan to continue such events in major black areas throughout the country. Similarly, continuing the spirit of black corporate responsibility, Stax is presently involved in a major antidrug program in New Haven and intends to put much of its own successful gains into all areas that will aid fellow man. Stax feels this is a mission in life which has had many rewards—human rewards of the highest order.

I commend the Stax organization and those associated with them in this project. They are, indeed, inspirational examples of good citizenship to all Americans of every race, creed, and national origin.

ALEX HALEY'S FAMILY HISTORY STUDIES

Mr. DOLE. Mr. President, I recently called the Senate's attention to a brief newspaper article about the efforts of Alex Haley to trace the origins of his family back to its preslavery origins in tribal Africa. This project is an entirely new departure in the developing field of black history, and Mr. Haley is beginning to receive some well-deserved attention for his efforts. Perhaps the most detailed explanation of this project, outside the book Mr. Haley is writing, is contained in an article he wrote for the July 16 New York Times magazine, I believe the article would be of considerable interest to other Senators and the general public, and I ask unanimous consent that it be printed in the RECORD.

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

MY FURTHEST-BACK PERSON—"THE AFRICAN"

(By Alex Haley)

My Grandma Cynthia Murray Palmer lived in Henning, Tenn. (pop. 500), about 50 miles north of Memphis. Each summer as I grew up there, we would be visited by several women relatives who were mostly around Grandma's age, such as my Great Aunt Liz Murray who taught in Oklahoma, and Great Aunt Till Merriwether from Jackson, Tenn., or their considerably younger niece, Cousin Georgia Anderson from Kansas City, Kan., and some others. Always after the supper dishes had been washed, they would go out to take seats and talk in the rocking chairs on the front porch, and I would scrunch down, listening, behind Grandma's squeaky chair, with the dusk deepening into night and the lightning bugs flicking on and off above the now shadowy honeysuckles. Most often they talked about our family—the story had been passed down for generations—until the whistling blur of lights of the southbound Panama Limited train whooshing through Henning at 9:05 P.M. signaled our bedtime.

So much of their talking of people, places and events I didn't understand: For instance, what was an "Ol' Massa," an "Ol' Missus" or a "plantation"? But early I gathered that white folks had done lots of bad things to our folks though I couldn't figure out why. I guessed that all that they talked about had happened a long time ago, as now or then Grandma or another, speaking of someone in the past, would excitedly thrust a finger toward me, exclaiming. "Wasn't big as this young 'un!" And it would astound me that anyone as old and greyhaired as they could relate to my age. But in time my head began both a recording and picturing of the more graphic scenes they would describe, just as I also visualized David killing Goliath with his slingshot, Old Pharoah's army drowning, Noah and his ark, Jesus feeding that big multitude with nothing but five loaves and two fishes, and other wonders that I heard in my Sunday school lessons at our New Hope Methodist Church.

The furthest-back person Grandma and the others talked of—always in tones of awe, I noticed—they would call "The African." They said that some ship brought him to a place that they pronounced " 'Naplis." They said that then some "Mas' John Waller" bought him for his plantation in "Spotsylvania County, Va." This African kept on escaping, the fourth time trying to kill the "hateful po' cracker" slave-catcher, who gave him the punishment choice of castration or of losing one foot. This African took a foot being chopped off with an ax against a tree stump, they said, and he was about to die. But his life was saved by "Mas' John's" brother—"Mas' William Waller," a doctor, who was so furious about what had happened that he bought the African for himself and gave him the name "Toby."

Crippling about, working in "Mas' William's" house and yard, the African in time met and mated with "the big house cook named Bell," and there was born a girl named Kizzy. As she grew up her African daddy often showed her different kinds of things, telling her what they were in his native tongue. Pointing at a banjo, for example, the African uttered, *"ko";* or pointing at a river near the plantation, he would say, *"Kamby Bolong."* Many of his strange words started with a *"k"* sound, and the little, growing Kizzy learned gradually that they identified different things.

When addressed by other slaves as "Toby," the master's name for him, the African said angrily that his name was "Kin-tay." And as he gradually learned English, he told young Kizzy some things about himself—for instance, that he was not far from his village, chopping wood to make himself a drum, when four men had surprised, overwhelmed, and kidnaped him.

So Kizzy's head held much about her African daddy when at age 16 she was sold away onto a much smaller plantation in North Carolina. Her new "Mas' Tom Lea" fathered her first child, a boy she named George. And Kizzy told her boy all about his African grandfather. George grew up to be such a gamecock fighter that he was called "Chicken George," and people would come from all over and bet big money" on his cockfights. He mated with Matilda, another of Lea's slaves; they had seven children, and he told them the stories and strange sounds of their African great-grandfather. And one of those children, Tom, became a blacksmith who was bought away by a "Mas' Murray" for his tobacco plantation in Alamance County, N.C.

Tom mated there with Irene, a weaver on the plantation. She also bore seven children, and Tom now told them all about their African great-great-grandfather, the faithfully passed-down knowledge of his sounds and stories having become by now the family's prideful treasure.

The youngest of that second set of seven children was a girl, Cynthia, who became my maternal Grandma (which today I can only see as fated). Anyway, all of this is how I was growing up in Henning at Grandma's, listening from behind her rocking chair as she and the other visiting old women talked of that African (never then comprehended as my great-great-great-great-grandfather) who said his name was "Kin-tay," and said "ko" for banjo, "Kamby Bolong" for river, and a jumble of other "k"-beginning sounds that Grandma privately muttered, most often while making beds or cooking, and who also said that near his village he was kidnapped while chopping wood to make himself a drum.

The story had become nearly as fixed in my head as in Grandma's by the time Dad and Mama moved me and my two younger brothers, George and Julius, away from Henning to be with them at the small black agricultural and mechanical college in Normal, Ala., where Dad taught.

To compress my next 25 years: When I was 17 Dad let me enlist as a mess boy in the U.S. Coast Guard. I became a ship's cook out in the South Pacific during World War II, and at night down by my bunk I began trying to write sea adventure stories, mailing them off to magazines and collecting rejection slips for eight years before some editors began purchasing and publishing occasional stories. By 1949 the Coast Guard had made me its first "journalist"; finally with 20 years' service, I retired at the age of 37, determined to make a full time career of writing. I wrote mostly magazine articles; my first book was "The Autobiography of Malcolm X."

Then one Saturday in 1965 I happened to be walking past the National Archives building in Washington. Across the interim years I had thought of Grandma's old stories—otherwise I can't think what diverted me up the Archives' steps. And when a main reading room desk attendant asked if he could help me, I wouldn't have dreamed of admitting to him some curiosity hanging on from boyhood about my slave forebears. I kind of bumbled that I was interested in census records of Alamance County, North Carolina, just after the Civil War.

The microfilm rolls were delivered, and I turned them through the machine with a building sense of intrigue, viewing in different census takers' penmanship an endless parade of names. After about a dozen microfilmed rolls, I was beginning to tire, when in utter astonishment I looked upon the names of Grandma's parents: Tom Murray, Irene Murray . . . older sisters of Grandma's as well—every one of them a name that I'd heard countless times on her front porch.

It wasn't that I hadn't believed Grandma. You just *didn't* not believe my Grandma. It was simply so uncanny actually seeing those names in print and in official U.S. Government records.

During the next several months I was back in Washington whenever possible, in the Archives, the Library of Congress, the Daughters of the American Revolution Library. (Whenever black attendants understood the idea of my search, documents I requested reached me with miraculous speed.) In one source or another during 1966 I was able to document at least the highlights of the cherished family story. I would have given anything to have told Grandma, but, sadly, in 1949 she had gone. So I went and told the only survivor of those Henning front-porch storytellers: Cousin Georgia Anderson, now in her 80's in Kansas City, Kans. Wrinkled, not well herself, she was so overjoyed, repeating to me the old stories and sounds; they were like Henning echoes: "Yeah, boy, that African say his name was *'Kin-tay';* he say the banjo was *'ko,'* an' the river *'Kamby-Bolong,'* an' he was off choppin' wood to make his drum when they grabbed 'im!" Cousin Georgia grew so excited we had to stop her, calm her down, "You go' head, boy! Your grandma an' all of 'em—they up there watching what you do!"

That week I flew to London on a magazine assignment. Since by now I was steeped in the old, in the past, scarcely a tour guide missed me—I was awed at so many historical places and treasures I'd heard of and read of. I came upon the Rosetta stone in the British Museum, marveling anew at how Jean Champollion, the French archaelogist, had miraculously deciphered its ancient demotic and hieroglyphic texts . . .

The thrill of that just kept hanging around in my head. I was on a jet returning to New York when a thought hit me. Those strange, unknown-tongue sounds, always a part of our family's old story . . . they were obviously bits of our original African *"Kin-tay's"* native tongue. What specific tongue? Could I somehow find out?

Back in New York, I began making visits to the United Nations Headquarters lobby; it wasn't hard to spot Africans. I'd stop any I could, asking if my bits of phonetic sounds held any meaning for them. A couple of dozen Africans quickly looked at me, listened, and took off—understandably dubious about some Tennesseean's accent alleging "African" sounds.

My research assistant, George Sims (we grew up together in Henning), brought me some names of ranking scholars of African linguistics. One was particularly intriguing: a Belgian- and English-educated Dr. Jan Vansina; he had spent his early career living in West African villages, studying and tape-recording countless oral histories that were narrated by certain very old African men; he had written a standard textbook, "The Oral Tradition."

So I flew to the University of Wisconsin to see Dr. Vansina. In his living room I told him every bit of the family story in the fullest detail that I could remember it. Then, intensely, he queried me about the story's relay across the generations, about the gibberish of *"k"* sounds Grandma had fiercely muttered to herself while doing her housework, with my brothers and me giggling beyond her hearing at what we had dubbed "Grandma's noises."

Dr. Vansina, his manner very serious, finally said, "These sounds your family has kept sound very probably of the tongue called 'Mandinka.' "

I'd never heard of any "Mandinka." Grandma just told of the African saying *"ko"* for banjo, or *"Kamby Bolong"* for a Virginia river.

Among Mandinka stringed instruments, Dr. Vansina said, one of the oldest was the *"kora."*

"Bolong," he said, was clearly Mandinka for "river." Preceded by *"Kamby,"* it very likely meant "Gambia River."

Dr. Vansina telephoned an eminent Africanist colleague, Dr. Philip Curtin. He said that the phonetic *"Kin-tay"* was correctly spelled *"Kinte,"* a very old clan that had originated in Old Mali. The Kinte men traditionally were blacksmiths, and the women were potters and weavers.

I knew I must get to the Gambia River.

The first native Gambian I could locate in the U.S. was named Ebou Manga, then a junior attending Hamilton College in upstate Clinton, N.Y. He and I flew to Dakar, Senegal, then took a smaller plane to Yundum Airport, and rode in a van to Gambia's capital, Bathurst. Ebou and his father assembled eight Gambia government officials. I told them Grandma's stories, every detail I could remember, as they listened intently, then reacted. " *'Kamby Bolong'* of course is Gambia River!" I heard. "But more clue is your forefather's saying his name was *'Kinte.'* " Then they told me something I would never even have fantasized—that in places in the back country lived very old men, commonly called *griots,* who could tell centuries of the histories of certain very old family clans. As for *Kintes,* they pointed out to me on a map some family villages, Kinte-Kundah, and Kinte-Kundah Janneh-Ya, for instance.

The Gambian officials said they would try to help me. I returned to New York dazed. It is embarrassing to me now, but despite Grandma's stories, I'd never been concerned much with Africa, and I had the routine images of African people living mostly in exotic jungles. But a compulsion now laid hold of me to learn all I could, and I began devouring books about Africa, especially about the slave trade. Then one Thursday's mail contained a letter from one of the Gambian officials, inviting me to return there.

Monday I was back in Bathurst. It galvanized me when the officials said that a *griot* had been located who told the *Kinte* clan history—his name was Kebba Kanga Fofana. To reach him, I discovered, required a modified safari: renting a launch to get upriver, two land vehicles to carry supplies by a roundabout land route, and employing finally 14 people, including three interpreters and four musicians, since a *griot* would not speak the revered clan histories without background music.

The boat Baddidu vibrated upriver, with me acutely tense: Were these Africans maybe viewing me as but another of the pith-helmets? After about two hours, we put in at James Island, for me to see the ruins of the once British-operated James Fort. Here two centuries of slave ships had loaded thousands of cargoes of Gambian tribespeople. The crumbling stones, the deeply oxidized swivel cannon, even some remnant links of chain seemed all but impossible to believe. Then we continued upriver to the left-bank village of Albreda, and there put ashore to continue on foot to Juffure, village of the *griot.* Once more we stopped, for me to see *toubob kolong,* "the white man's well," now almost filled in, in a swampy area with abundant, tall, saw-toothed grass. It was dug two centuries ago to "17 men's height deep" to insure survival drinking water for long-driven, famishing coffles of slaves.

Walking on, I kept wishing that Grandma could hear how her stories had led me to the *"Kamby Bolong."* (Our surviving storyteller Cousin Georgia died in a Kansas City hospital during this same morning, I would learn later.) Finally, Juffure village's playing children, sighting us, flashed an alert. The 70-odd people came rushing from their circular, thatch-roofed, mud-walled huts, with goats bounding up and about, and parrots squawking from up in the palms. I sensed him in advance somehow, the small man amid them wearing a pillbox cap and an off-white robe—the *griot.* Then the interpreters went to him, as the villagers thronged around me.

And it hit me like a gale wind: every one of them, the whole crowd was *jet black.* An enormous sense of guilt swept me—a sense of being some kind of hybrid . . . a sense of being impure among the pure. It was an awful sensation.

The old *griot* stepped away from my interpreters and the crowd quickly swarmed around him—all of them buzzing. An interpreter named A. B. C. Salla came to me; he whispered: "Why they stare at you so, they have never seen here a black American." And that hit me: I was symbolizing for them twenty-five millions of us they had never seen. What did they think of me—of us?

Then abruptly the old *griot* was briskly walking toward me. His eyes boring into mine, he spoke in Mandinka, as if instinctively I should understand—and A. B. C. Salla translated:

"Yes . . . we have been told by the forefathers . . . that many of us from this place are in exile . . . in that place called America . . . and in other places."

I suppose I physically wavered, and they thought it was the heat; rustling whispers went through the crowd, and a man brought me a low stool. Now the whispering hushed—the musicians had softly begun playing *kora* and *balafon,* and a canvas sling lawn seat was taken by the *griot,* Kebba Kanga Fofana, aged 73 "rains" (one rainy season each year). He seemed to gather himself into a physical rigidity, and he began speaking the *Kinte* clan's ancestral oral history; it came rolling from his mouth across the next hours . . . 17th and 18th-century *Kinte* lineage details, predominantly what men took wives; the children they "begot," in the order of their births; those children's mates and children.

Events frequently were dated by some proximate singular physical occurrence. It was as if some ancient scroll were printed indelibly within the *griot's* brain. Each few sentences or so, he would pause for an interpreter's translation to me. I distill here the essence:

The *Kinte* clan began in Old Mali, the men generally blacksmiths ". . . who conquered fire," and the women potters and weavers. One large branch of the clan moved to Mauretania from where one son of the clan, Kairaba Kunta Kinte, a Moslem Marabout holy man, entered Gambia. He lived first in the village of Pakali N-Ding; he moved next to Jiffarong village; ". . . and then he came here, into our own village of Juffure."

In Juffure, Kairaba Kunta Kinte took his first wife, ". . . a Mandinka maiden, whose name was Sireng. By her he begot two sons, whose names were Janneh and Saloum. Then he got a second wife, Yaisa. By her. he begot a son, Omoro."

The three sons became men in Juffure. Janneh and Saloum went off and found a new village, Kinte-Kundah Janneh-Ya. "And then Omoro, the youngest son, when he had 30 rains, took as a wife a maiden, Binta Kebba.

"And by her, he begot four sons—Kunta, Lamin, Suwadu, and Madi . . ."

Sometimes, a "begotten," after his naming, would be accompanied by some later-occurring detail, perhaps as ". . . in time of big water (flood), he slew a water buffalo." Having named those four sons, now the *griot* stated such a detail.

"About the time the king's soldiers came, the eldest of these four sons, Kunta, when he had about 16 rains, went away from this village, to chop wood to make a drum . . . and he was never seen again . . ."

Goose-pimples the size of lemons seemed to pop all over me. In my knapsack were my cumulative notebooks, the first of them including how in my boyhood, my Grandma, Cousin Georgia and the others told of the African *"Kin-tay"* who always said he was kidnapped near his village—while chopping wood to make a drum . . .

I showed the interpreter, he showed and told the *griot,* who excitedly told the people; they grew very agitated. Abruptly then they formed a human ring, encircling me, dancing and chanting. Perhaps a dozen of the women carrying their infant babies rushed in toward me, thrusting the infants into my arms—conveying, I would later learn, "the laying on of hands . . . through this flesh which is us, we are you, and you are us." The men hurried me into their mosque, their Arabic praying later being translated outside: "Thanks be to Allah for returning the long lost from among us." Direct descendants of Kunta Kinte's blood brothers were hastened, some of them from nearby villages, for a family portrait to be taken with me, surrounded by actual ancestral sixth cousins. More symbolic acts filled the remaining day.

When they would let me leave, for some reason I wanted to go away over the African land. Dazed, silent in the bumping Land Rover, I heard the cutting staccato of talking drums. Then when we sighted the next village, its people came thronging to meet us. They were all—little naked ones to wizened elders—waving, beaming, amid a cacophony of crying out; and then my ears identified their words: *"Meester Kinte! Meester Kinte!"*

Let me tell you something: I am a man. But I remember the sob surging up from my feet, flinging up my hands before my face and bawling as I had not done since I was a baby . . . the jet-black Africans were jostling, staring . . . I didn't care, with the feelings surging. If you really knew the odyssey of us millions of black Americans, if you really knew how we came in the seeds of our forefathers, captured, driven, beaten, inspected, bought, branded, chained in foul ships, if you really knew, you needed weeping . . .

Back home, I knew that what I must write, really, was our black saga, where any individual's past is the essence of the millions'. Now flat broke, I went to some editors I knew, describing the Gambian miracle, and my desire to pursue the research; Doubleday contracted to publish, and Reader's Digest to condense the projected book; then I had advances to travel further.

What ship brought Kinte to Grandma's " 'Naplis" (Annapolis, Md., obviously)? The old *griot's* time reference to "king's soldiers" sent me flying to London. Feverish searching at last identified, in British Parliament records, "Colonel O'Hare's Forces," dispatched in mid-1767 to protect the then British-held James Fort whose ruins I'd visited. So Kunta Kinte was down in some ship probably sailing later that summer from the Gambia River to Annapolis.

Now I feel it was fated that I had taught myself to write in the U.S. Coast Guard. For the sea dramas I had concentrated on had given me years of experience searching among yellowing old U.S. maritime records. So now in English 18th Century marine records I finally tracked ships reporting themselves in and out to the Commandant of the Gambia River's James Fort. And then early one afternoon I found that a Lord Ligonier under a Captain Thomas Davies had sailed on the Sabbath of July 5, 1767. Her cargo: 3,265 elephants' teeth, 3,700 pounds of beeswax, 800 pounds of cotton, 32 ounces of Gambian gold, and 140 slaves; her destination: "Annapolis."

That night I recrossed the Atlantic. In the Library of Congress the Lord Ligonier's arrival was one brief line in "Shipping In The Port Of Annapolis—1748–1775." I located the author, Vaughan W. Brown, in his Baltimore brokerage office. He drove to Historic Annapolis, the city's historical society, and found me further documentation of her arrival on Sept. 29, 1767. (Exactly two centuries later, Sept. 29, 1967, standing, staring seaward from an Annapolis pier, again I knew tears). More help came in the Maryland Hall of Records. Archivisit Phebe Jacobsen found

the Lord Ligonier's arriving customs declaration listing, "98 Negroes"—so in her 86-day crossing, 42 Gambians had died, one among the survivors being 16-year-old Kunta Kinte. Then the microfilmed Oct. 1, 1767, Maryland Gazette contained, on page two, an announcement to prospective buyers from the ship's agents, Daniel of St. Thos. Jenifer and John Ridout (the Governor's secretary): "from the River Gambia, in Africa . . . a cargo of choice, healthy slaves. . . ."

FORMER SENATOR PRESCOTT S. BUSH, OF CONNECTICUT

Mr. RIBICOFF. Mr. President, Prescott Sheldon Bush, a U.S. Senator from Connecticut from 1952 to 1962, died Sunday, October 8, 1972 in a New York hospital. He was 77.

Prescott Bush was a good friend and a worthy opponent. I mourn his passing.

Prescott Bush, whose son George Bush is the U.S. Ambassador to the United Nations, was a man of great energy, ability, and dedication. No matter what task he set out to accomplish—whether it was helping to elect a President or playing championship golf—Prescott Bush worked with enthusiasm and thoughtfulness, and more often than not he reached his goal.

A dedicated and spirited Republican, Prescott Bush brought to his party—both in my State of Connecticut and in the Nation—a vigor and a sense of purpose rarely seen in politics.

Prescott Bush was intensely loyal to his beliefs—and he believed in many worthwhile principles. A graduate of Yale, he served as a field artillery captain in the American Expeditionary Forces in World War I. He was a trustee of Yale University from 1944 to 1968 and was a former president of the United States Golf Association.

In 1942, Prescott Bush directed the national USO campaign and, from 1943 to 1944, was chairman of the National War Fund campaign.

In partisan politics, Prescott Bush also excelled, as a worker and as a candidate. He was chairman of the Connecticut Republican Finance Committee in 1948 and served as delegate-at-large to the Republican National Convention that year.

He was chairman of the Resolutions Committee of the Republican National Convention in 1956 and, in that job, was the architect of General Eisenhower's reelection platform.

The Hartford Courant has noted that as chairman of the 1956 platform committee Prescott Bush had the difficult challenge of taking one word—"Ike"—and expanding it into 5,000 words. He and General Eisenhower were close friends until the former President's death.

An active man who loved competition, Prescott Bush, at the age of 55, set a record of 66 for 18 holes that still stands at the U.S. senior championship.

In the U.S. Senate, Prescott Bush distinguished himself for his tireless and brilliant work in national slum clearance and urban renewal legislation, in flood and hurricane control projects, in writing legislation resulting in America's vast Interstate Highway System, and in effecting a better organized Department of Defense.

Prescott Bush was a great Senator, and his impact on the Senate has been deep and lasting. The same can be said for his contributions to reform and progress in Connecticut. Our State is better, our Nation is better, because of Prescott Bush. He will not be forgotten.

I ask unanimous consent that an obituary about Prescott S. Bush, published in the Hartford Courant of October 9, 1972; and editorials about him, published in the Hartford Courant of October 10, 1972, and the Hartford Times of October 10, 1972, be printed in the RECORD.

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

[From the Hartford Times, Oct. 10, 1972]

PRESCOTT S. BUSH

The public career of Prescott S. Bush fulfilled the promise his intimates saw in him while he was still a student at Yale University. Ruggedly handsome, charming and pleasant to know, he had obvious potential as a politician—a potential he did not fully realize until his mid-50s.

But his more valuable qualities were what made him a good public servant. He proved to be a hard worker in the Senate. He had a good grounding in economics, in part the result of his work in Wall Street, and he served on the Senate Committee on Banking and Currency and on the Joint Economic Committee of Congress. He earned national respect on both those committees.

Senator Bush recognized early the implications to Connecticut of federal involvement in urban renewal. His guidance in this (then) new and unfamiliar area of governmental responsibility was invaluable to many a Connecticut community.

He had considerable influence on the national policies of the Republican party. He was chairman of the platform committee for the national convention in 1956 and of the subcommittee that drafted the planks on the economy, business and labor for the 1960 convention. He was a friend and confidant of President Eisenhower.

A friend says of him that he furnished a good example of how the people benefit from electing a gentleman to high office. He was indeed a gentleman, not merely in that he had a gentleman's education but far more in his unshakable integrity and devotion to principle.

[From the Hartford Courant, Oct. 10, 1972]

PRESCOTT BUSH

When Yale, his alma mater, gave Prescott Bush a richly deserved honorary doctorate of laws, the university's citation said in part: "Loyal to your friends, faithful to your constituents, true to yourself . . . you have personified the best in both political parties." And as the thousands who knew and, almost inevitably, liked and admired Pres Bush, the citation was no inflated campus oratory. He was a man of immense personal dignity and complete competence, yet one who could relax in the company of friends and, as the occasion served, poke fun at himself.

He was a prodigious worker in a broad spectrum of activities. When he was a director of the Greenwich Boys Club it was said that he spent more time with the boys in the clubhouse than any young member did. When he golfed, he played hard and well; at 55 he set a record for 66 for 18 holes that still stands for the U.S. Senior Championship.

He was a tireless and effective campaigner; one recalls many midnight calls paid to The Courant to relax after political meetings. When he succeeded the late Thomas E. Dewey as national president of the United Service Organization in 1942, he took it on as a full-time job. His energy and enthusiasm for the USO were not diminished by the fact that his oldest son, now the United States Ambassador to the United Nations was a Navy pilot who was shot down by the Japanese over the Pacific.

He was one of the early enthusiasts for General Eisenhower's nomination and election. As chairman of the platform committee at the Republican convention, a witty observer said, he had one difficult, self-impressed task: To take one word and expand it to 5,000. That one word, of course, was "Ike." The two men maintained their mutual regard and affection until President Eisenhower's death.

As President Nixon observed, Pres Bush established a fine example of devoted lifelong public service to his town, his state and his nation. He deserves to be long-remembered.

PRESCOTT BUSH DIES; FORMER U.S. SENATOR

Prescott Sheldon Bush, 77, former U.S. senator from Connecticut and father of U.S. Ambassador to the United Nations George Bush, died Sunday at Memorial Hospital for Cancer and Allied Diseases in New York.

President Nixon immediately issued a statement saying that "in Bush's death he has lost a valued friend and the nation has lost a citizen of exceptional honor and integrity."

A Greenwich resident and a Yale graduate, Bush a Republican, served in the Senate from 1952 to 1962. He also maintained a home in Hobe Sound, Fla.

"His years of distinguished service in the Senate were marked by high principle, consistently sound judgment and a deep devotion to his country," said President Nixon.

"As this nation's ambassador to the United Nations, his son, George Bush, carries on a tradition of public service that owes much to the moral example of a truly fine senator and a splendid human being. Mrs. Nixon joins me in extending to his family our deep and heartfelt sympathy," said the President. Bush had been since 1931 a partner in Brown Brothers, Harriman & Co., a leading Wall Street investment firm. He also served as director of various corporations, including the Columbia Broadcasting System, Prudential Insurance, Simmons Co. and Dresser Industries Inc.

In addition to the ambassador, Bush leaves his wife, the former Dorothy Walker, a daughter, Mrs. Alexander Ellis of Boston, and three more sons, Prescott Bush Jr. and Jonathan Bush both of New York City, and William Bush of Greenwich, and 16 grandchildren. Ambassador Bush resides in New York.

Funeral services will be held at 11 a.m. Tuesday at Christ Church in Greenwich. Burial will be private.

When re-elected in 1956, Bush's plurality of 130,894 votes exceeded all previous totals recorded in Connecticut by a candidate of either party for the U.S. Senate.

SERVED IN WORLD WAR I

Bush served as a field artillery captain in the American Expeditionary Forces during World War I. He was a trustee of Yale University from 1944 to 1968 and is a former president of the United States Golf Association.

He directed the national USO campaign in 1942 and was chairman of the National War Fund campaign from 1943 to 1944.

In 1948, he was chairman of the Connecticut Republican Finance Committee and served as delegate-at-large to the Republican National Convention that year.

As chairman of the Resolutions Committee of the Republican National Convention of 1956, Bush was the principal draftsman of the Eisenhower Administration's platform, upon which President Eisenhower won his overwhelming victory for a second term.

At the 1960 Republican National Convention, he was chairman of a subcommittee which drafted the platform planks on economic growth, business and labor.

During his years in the Senate, Bush received national recognition as an authority on government finance and as an effective advocate of fiscal responsibility in government. Among the bills he sponsored in this area were a price stability amendment to the Employment Act of 1946 and a proposal to give the President veto power over individual items in appropriation bills and in bills authorizing federal departments and agencies to borrow from the Treasury.

Bush served for 10 years on the Senate Committee on Banking and Currency and took special interest in the national slum clearance and urban renewal program, for which that committee had legislative responsibility.

Following the enactment of the Housing Act of 1954, he took the leadership in convening a Connecticut Conference on Urban Renewal in Hartford where he explained to local officials how to utilize the new law. Bush assisted many Connecticut cities and towns in their urban renewal and redevelopment programs.

STORM PROTECTION

Another of the senator's major legislative interests was flood and hurricane protection for Connecticut and New England communities. As a member of the Senate Committee on Public Works, he authored legislation to permit closer cooperation among the New England states in dealing with flood control problems.

He also drafted Public Law 71, the Bush Hurricane Survey Act, which enabled Army engineers to develop a new program for protecting coastal communities against hurricane tidal flooding. He also worked closely with Democratic House Majority Leader John W. McCormack of Massachusetts in obtaining enactment of the Bush-McCormack Act, expediting the construction of local flood protection works.

The first project completed in the nation under the act was in Torrington, one of the hardest hit towns in the 1955 flood.

While a member of the Public Works Committee, Bush also played a leading role in the drafting of the Federal Aid Highway Act of 1956, which authorized construction of the national system of interstate and defense highways.

He fought successfully for a provision of the law that allocates funds for the system among states on the basis of actual construction costs. This was of particular importance in Connecticut and other densely-populated states where construction costs are especially high.

For four years, he was a member of the Committee on Armed Services, where he made significant contributions to the reorganization of the Department of Defense for its "space age" responsibilities.

As a member of that committee, he inspected America's military bases in the far corners of the world, including the front lines in Korea. He sailed with the 6th and 7th fleets in the Mediterranean Sea and off the coast of China.

Bush also served on the congressional Joint Economic Committee, participating extensively in its studies of inflation, economic growth and maximum employment.

A native of Columbus, Ohio, Bush attended St. George's School in Newport, R.I., before going to Yale, where he was graduated in 1917.

Bush had an early introduction to military matters. In the midst of his junior year at Yale, where he was a member of the Wiffenpoofs and Skull and Bones, he joined the National Guard and saw several weeks' service on the Mexican border.

After being graduated, he entered the American Expeditionary Force as a captain. He served in the 15th Field Artillery Brigade and took part in the Meuse-Argonne offensive. He joined the occupation forces in Germany after the Armistice and was assigned to the Seventh Army Corps Headquarters until 1919.

Bush recently severed his formal connection with Calhoun College, one of Yale's 12 undergraduate residential colleges, because the dormitory unit invited Daniel Ellsberg to the university. Ellsberg admitted giving copies of the Pentagon Papers to the New York Times.

Aside from serving as a trustee at Yale, Bush was also a trustee of Westminister Choir College, Greenwich Hospital Association, the Greenwich Boys Club, Southbury Training School Foundation and Episcopal Church Foundation U.S.A. He held honorary degrees at Trinity College and Yale.

He was an original member of the Representative Town Meeting, formed in Greenwich in 1933. He served as moderator of the Town Meeting for 17 years, until he was elected to the Senate.

Bush failed by 1,000 votes in his first effort to win election to the Senate in 1950.

He had been described by the national press as "a staunch Eisenhower Republican . . . known on Capitol Hill as a hard worker who pays attention to his Senate business and has the confidence of the White House."

Gov. Thomas J. Meskill, U.S. Sen. Lowell Weicker, Jr., and other officials expressed sorrow at former Sen. Bush's passing.

"Prescott stood tall not only in physical stature but in the work product of his heart and mind," said Weicker. "In going to the U.S. Senate from serving as moderator of the town meeting in Greenwich, he brought to the Senate those special New England qualities of compassion, integrity and attention to detail."

Meskill said Bush brought dignity and competence to all his endeavors. I extend my deepest sympathy to his family on their loss."

SENATOR JOHN SHERMAN COOPER

Mr. BROCK. Mr. President, on behalf of the distinguished Senator from Texas (Mr. TOWER), I ask unanimous consent that a statement by him on the retirement of Senator COOPER be printed in the RECORD.

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

STATEMENT BY SENATOR TOWER

As the 92nd Congress enters its final days, I cannot help feeling a sense of sadness in knowing that we are losing our good friend and colleague from the State of Kentucky, JOHN SHERMAN COOPER.

Senator COOPER has served this body not only with dignity and dedication, but also with spirit and perseverance. He has represented his State and his Nation with wisdom and character, and he has epitomized the finest traditions of the Republican Party.

I think I can say without reservation that each of us is richer for having had the opportunity to serve with him in this great deliberative body. He will be sorely missed.

NATIONAL DRUG ABUSE PREVENTION WEEK, OCTOBER 15–20

Mr. DOLE. Mr. President, this coming week is National Drug Abuse Prevention Week; it opens one more chapter in the 3½-year fight against drug abuse by the Nixon administration. The President, in declaring the drug problem to be public enemy No. 1, has totally committed his administration to the war against drugs. Steps undertaken in the past year reflect a balanced and comprehensive approach aimed at ending drug abuse crises at the earliest possible date.

Over the last decade, drug abuse has become a serious national problem. Thousands of Americans became habitual heroin users, and many more became abusers of drugs such as amphetamines and barbituates. In the United States today there are estimated to be over 500,000 heroin users. In New York City alone, drug abuse is the single largest cause of death for persons between the ages of 15 and 35, and last year, there were 1,239 confirmed drug related deaths in New York City.

Although these figures are discouraging, progress is being made by several multi-faceted programs initiated by President Nixon to combat the agonizing problem of drug abuse.

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

The Special Action Office for Drug Abuse Prevention was established on an interim basis by President Nixon in June 1971, and signed into law on March 21, 1972. SAO is working to coordinate and give policy direction to Federal programs and develop a national strategy for drug abuse education, treatment, rehabilitation, research, and prevention. SAO has encouraged research, gathered information, planned a new drug training and education center, and helped set up a major program to identify and treat drug abuse in Vietnam and throughout the Armed Forces.

HEROIN HOTLINE

Less than 7 months old, the Heroin Hotline, initiated a quick and convenient way for citizens to pass on information about heroin pushers. The hotline to date has received more than 5,000 calls from all over the country. This is a toll-free telephone system—800–368–5363—which may be dialed from anywhere in the continental United States. Calls are received at the center in Washington, D.C., where operators and experienced Federal narcotics agents are on duty 7 days a week, around the clock.

Callers, who need not identify themselves, are asked to pass on any information they have about heroin pushers—example: Name, description and place. The rights of the callers are fully protected.

VA EFFORTS

In Southeast Asia, low cost, high quality and readily accessible heroin has caused severe addiction problems for our Armed Forces. As a result, drug identification and detoxification programs, originally begun in Vietnam last summer, have been expanded by the Department of Defense and the Veterans' Administration to include all military personnel in the United States who are being discharged or sent overseas, or are returning from duty overseas. Within the next year, the VA will offer treatment and rehabilitation to over 20,000 addicts.

The VA hospital in Topeka, Kans., will actively participate in the area of drug rehabilitation. Its special drug treatment center includes a 16-bed facility now serving approximately 20 inpatients on a daily basis. Dr. Mark B. Ardis, center director, employs a full-time chaplain and two full-time drug counselors. The center is designed to

treat both active duty servicemen and Kansas area veterans.

OVERSEAS EFFORTS

Overseas efforts to combat drug abuse have greatly increased in the past year. The Cabinet Committee on International Narcotics Control was established in September 1971, to supervise the Government's war on international drug trafficking, especially heroin. In addition, narcotics control coordinators have been appointed in over 60 American Embassies to work intensively on drug control programs with foreign governments, and action plans have been formulated for all significant drug producing and transit countries. The U.S. overseas narcotics agent force increased sixfold from 1968 to 140 by July 1972, and the budget for international narcotics control increased from $30 million in fiscal year 1972 to $50 million in fiscal year 1973.

MUCH TO BE DONE

The task of eradicating the scourge of dangerous drugs from our Nation is a tremendous undertaking. It will require a concerted effort on the part of government at all levels, and the American people. President Nixon has dedicated himself to lead this important fight.

FINANCING OF SOCIAL SECURITY

Mr. EAGLETON. Mr. President, last week the Senate passed a bill containing many important improvements in the social security and medicare programs. These include:

An unreduced benefit for widows at age 65;

An increase in the earnings limitation;

A new special minimum benefit for those who have worked under social security for many years with low earnings;

Medicare benefits for the disabled; and

Medicare coverage of the cost of those prescription drugs required by the chronically ill.

These are proposals that have been before Congress since I became a Member of the Senate in 1969. They are sorely needed by our aged and disabled citizens, they have had my support, and I do not believe their enactment should be delayed any further. Therefore, I support the enactment of H.R. 1.

However, I do not believe any Member of Congress should be satisfied with the nature of the tax increases required to finance these improvements in social security and medicare.

While a payroll tax is an appropriate method of financing social insurance programs, the social security-medicare payroll tax as it is now constituted is a highly regressive tax which places a disproportionate burden on low- and middle-income wage earners.

It is regressive primarily because of the ceiling on wages subject to the tax. The tax rate is constant on earnings up to the ceiling, but beyond the ceiling it becomes a smaller and smaller percentage of earnings. In addition, the payroll tax makes no allowance for the number of persons supported by the income being taxed.

As a result of the increase in social security benefits enacted earlier this year, the tax rate—now 10.4 percent—is already scheduled to rise to 11 percent next year. The base on which the tax is paid is scheduled to rise to $10,800 next year and to $12,000 in 1974.

Now H.R. 1, as passed by the Senate, would raise the tax rate to 12 percent next year.

This represents a 15-percent increase in social security taxes next year for those with incomes of $9,000 or less.

The combination of the increase in the tax rate and increases in the wage base will result in even more dramatic tax increases for those in the $9,000 to $12,000 income brackets.

The $10,000-a-year wage earner who this year paid $468 in social security taxes will pay $600 in 1973 and 1974—an increase of 28 percent.

The $12,000-a-year wage earner who paid $468 this year will pay $648 in 1973 and $720 in 1974—an increase of 54 percent over a 2-year period.

Increases in the payroll tax in recent years have virtually wiped out the income tax relief enacted by Congress for low- and middle-income families. With the tax increases proposed in H.R. 1, in 1973 the payroll tax will exceed income tax liability for families of four with incomes up to $13,900.

It seems to me that we have very nearly reached the limit of the social security and medicare benefits that can be financed by the payroll tax as it is now constituted. There should be no higher priority before the next Congress than reform of the financing of these two programs.

There are a number of alternatives that might be considered.

Serious consideration should be given to shifting a portion of the cost of the social security program to general revenues. I have cosponsored legislation that would phase in a general revenue contribution over a period of years so that eventually the social security program would be financed one-third by employers, one-third by employees, and one-third by general revenues.

This is not a novel idea. Social insurance programs in a number of other countries are supported in part by government contributions. There is a national interest in having adequate social insurance programs for the elderly and the infirm, and I believe that national interest makes a general revenue contribution an appropriate alternative to further increases in a regressive payroll tax.

There have also been proposals before Congress to combine parts A and B of medicare, eliminate the part B premium paid by the retired, and finance medicare one-third by employers, one-third by employees, and one-third by general revenues. One-half of the cost of part B supplementary medical insurance now comes from general revenues.

Partial general revenue financing of social security and medicare would make possible an eventual decrease in the tax rate schedule proposed in H.R. 1.

There are other reforms that could make the payroll tax itself less regressive. The removal of the ceiling on wages would make the tax proportional on all earned income. The introduction of personal exemptions would ease the burden on large families. The use of a low-income allowance would give further relief to low-income families.

The Special Committee on Aging, on which I serve, will hold a series of hearings next year on "New Directions in Social Security." These hearings will focus, in part, on the financing of social security and they should provide a useful forum for the examination of a variety of alternatives including those I have mentioned today.

But it is also essential that those committees of Congress who have the responsibility for the financing of social security and medicare as well as for the equitable distribution of the Federal tax burden address themselves to this matter at the earliest possible time.

Ours is a humane and a decent country. We want to provide adequate income and health care for our aged and disabled citizens. I believe it is imperative that we find a way to do this that does not impose an intolerable burden on low- and middle-income wage earners.

DISTRICT OF COLUMBIA JAIL UPRISINGS

Mr. STEVENSON. Mr. President, earlier this week, all of us in the District of Columbia witnessed the latest in a series of prison uprisings throughout the country. This time it was but a few blocks away from the Capitol, at the District of Columbia jail. We all watched with fear in our hearts of more violence. But the most striking feature of this uprising, which the inmates termed a "revolution," was the lack of violence. Throughout the night, and then the next day, hard work, and cooperation by all parties involved averted bloodshed. The crisis passed without resorting to official violence. There was no loss of life, and only minimal injury to anyone involved. As a result of good-faith negotiations, we were all spared another tragedy such as the one at Attica last year in which 39 persons lost their lives.

In the early hours of Wednesday morning when the prisoners held 12 hostages, their demands were for freedom or death. There were immediate and violent threats against their main hostage, Corrections Director Kenneth L. Hardy. While the prisoners, citing inmate deaths at Attica and elsewhere, expressed fear for their own lives, Director Hardy was heard to say, "I don't want any bloodshed." There were moments during those hours when it was touch and go. Plans to storm the cell block where the inmates were holding the hostages were formulated, and then prudently, rejected.

The calmer voices and the cooler heads prevailed. Inmates did not panic and trigger retaliatory action. Corrections department officials on the scene never gave up. The Metropolitan Police Department acted with discretion and withdrew to the sidelines. Representatives of the press cooperated in full. The negotiators Representatives FAUNTROY and CHISHOLM, School Board President Barry, attorneys Tepper and Goldfarb,

ex-convict and community worker Green, and others, listened patiently and developed innovative and workable solutions. A key role was also played by U.S. District Court Judge William B. Bryant, who, though originally and understandably reluctant to become involved, responded to the requests of the negotiators, and agreed to hold an unprecedented hearing. This was a critical factor in the speedy settlement of the situation. Judge Bryant defined the areas in which the court could, and could not act. and most important, he gave the inmates an opportunity for their grievances to be heard.

Let nothing in this statement be interpreted as toleration of this kind of violent and dangerous rebellion. It cannot and must not be tolerated under any circumstances. On the other hand, those of us on the outside must not become insensitive to the numerous and complex issues involved, just because this particular incident was resolved without bloodshed.

Conditions at the District of Columbia Jail are intolerable for those who are detained there and who work there. Some of these conditions are unique to this institution But most are repeated again and again in houses of detention across the country. The District of Columbia Jail is a century old. It now houses twice the number of persons for which it was originally intended. Prisoners are justly concerned with the unsanitary conditions, the omnipresent boredom—no work, no recreation—which breed violence, the limited access to legal assistance, and the long and indeterminate delays between arrest and trial. Corrections officers, the guards at the jail, also rightly protest their working conditions: Understaffing, low pay, slow promotions, and above all, an overwhelming fear for their own personal safety.

This is a complex problem for authorities who must remain aware of both community security, and conditions for those "inside the walls." Forward looking penologists, like Mr. Hardy, live with these problems every day of their lives. Hardy put not only his life but his reputation on the line during this rebellion.

All over the country, prison administrators say that we who are on the outside are blind to the overbearing problems within correctional institutions. They need more monetary assistance, and new and innovative thinking and planning. It is only with our unflagging attention to these problems that we will ever see the day when our prisons truly become "correctional" institutions, and not just way-stations for forgotten men and women who, all too often spend a lifetime shuttling between a criminal life on the streets and criminal neglect in the prisons.

Today, we should look not only at the end of this "rebellion," but also look for new answers to avoid the constant threat of repeated incidents here, and in similar institutions throughout the country.

MISINFORMATION ON AGING AT PUBLIC EXPENSE

Mr. CHURCH. Mr. President, time and again Members of the Senate and House of Representatives have criticized the Nixon record on aging.

We are appalled at administration opposition to the 20-percent social security increase, to the nutrition for the elderly program enacted this year, to a genuine revamping of the Administration on Aging, to a middle-aged and older workers program, to a national senior service corps, and even to a national institute on aging. In spite of that opposition, Congress has advanced on all these fronts and several others.

The Nixon administration—apparently because it has nothing of substance to talk about—is now resorting to mass distribution of misleading pamphlets which purport to give unbiased information about Government programs on the elderly.

Actually, these Government publications are political brochures mailed by the millions at public expense to people who never asked for them.

The publications to which I refer were mailed out between July and September of an election year, and each one mentions President Nixon not once but several times.

The publications are:

Food and Housing for the Elderly, issued by the Department of Agriculture (1,250,000 copies).

A Report to Older Americans, issued by the Department of Housing and Urban Development (1,500,000 copies).

The U.S. Department of Labor Reports to Older Americans (1,500,000 copies).

Opportunities for Older Americans in ACTION (1,550,000 copies).

Dignity Instead of Desperation, issued by the Office of Economic Opportunity (1,350,000 copies).

The Veterans' Administration and Older Americans, (1,500,000 copies).

When I first became aware of these pamphlets in the early part of September, I asked the General Accounting Office to determine the costs and distribution of each item.

That report arrived today, and I ask unanimous consent to have appropriate portions reprinted at the end of these remarks.

The GAO report is of considerable interest, because it makes the following points:

First. Total cost for preparation, printing, and distribution were put at $263,000 of taxpayers' money. It seems to me that the estimates provided for man-hours involved in preparation are a little low. ACTION says, for example, that the cost of preparing their report was only $164.

Second. As far as GAO could determine, this is the first time that a concerted effort of this type had been made. Furthermore, distribution lists and preprinted mailing labels were furnished by the White House Staff. A person referred in the GAO report as a "White House staff contact with respect to these publications" has confirmed the fact of White House direction. Mr. L. J. Evans, Jr., in a letter to GAO, provided the distribution list which I had requested and said:

This list was unified and distributed by the White House in order to fulfill the White House Conference on Aging's recommendations calling for informational programs to educate the elderly to the programs and facilities available to them."

I will comment a little later on about the low "informational" value of these publications.

Mr. Evan's distribution list provided only generalized information and did not give any clue as to how the distribution formula was arrived at. It is interesting to note that 190,000 copies of each brochure were sent to nursing homes, that apparently the entire membership of the National Association of Retired Federal Employees received one or more publications and that a large supply was sent to housing projects for the elderly. In addition, special shipments of 20,000 items were sent by truck to the Federation of Experienced Americans, Inc. This organization was incorporated in March. In August it received a $1 million contract from the Department of Labor for older worker projects in California and Florida. I have written to the Secretary of Labor to ask for details on how that contract was awarded.

Mr. President, the GAO could not evaluate the publications for political content; it was not their job to do so. But I emphatically report here and now to the Senate that these pamphlets are replete with exaggerations of actual administration accomplishments, with quotations from the President and even more references to him, and with talk about what the administration intends to do.

HUD, after a four-paragraph quotation by President Nixon, reports, for example "several innovative programs are being discussed in HUD." In the Department of Labor publication, several paragraphs are devoted to a five-point proposal "to expand and improve our private pension system."

What on earth do presidential proposals have to do with a report from a Federal agency on the programs it is allegedly providing for the elderly? This smacks of campaign literature, not straightforward governmental reporting.

Examples of outright deception are not hard to find. A few days ago, the Senator from New Jersey (Mr. WILLIAMS) gave a detailed analysis of the Department of Labor publication. He pointed out that the claims made in that publication were thoroughly misleading and unworthy of any Government agency. Similar complaints could be made of the other publications, but I think that the point has been made:

For political reasons and political reasons alone, public money has been used to mislead the public. The White House not only knew about this effort; it directed and "unified" it. How can we believe what the White House tells us about aging or about anything else? An administration which resisted progress on aging has been reduced to propaganda because it has so little real accomplishment to report to the American public.

Mr. President, I ask unanimous consent that the pertinent parts of the GAO report be printed in the RECORD.

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

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., October 12, 1972.

Hon. FRANK CHURCH,
Chairman, Special Committee on Aging, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to your request of September 15, 1972, and subsequent discussions with your office, we have obtained costs and other details concerning recent Government publications which were directed principally to older Americans.

* * * * *

Six . . . publications we inquired about are listed below:

PUBLICATION AND AGENCY

Food and Housing for the Elderly—Department of Agriculture.

A Report to Older Americans—Department of Housing and Urban Development.

The U.S. Department of Labor Reports to Older Americans—Department of Labor.

Opportunities for Older Americans in ACTION—Action.

Dignity Instead of Desperation—Office of Economic Opportunity.

The Veterans Administration and Older Americans—Veterans Administration.

The estimated costs of preparing, printing, and distributing these publications totaled about $263,000—ranging from a low of about $30,000 for the Department of Labor publication to a high of about $78,000 for the Office of Economic Opportunity publication. Details of these costs and the disposition of the copies printed are shown in Enclosures 3 to 8.

The six publications were prepared by staffs of the respective Departments and agencies. Based on our discussions with various agency officials, this appeared to be the first time a concerted effort of this type had been made.

All of the six publications had similar characteristics in that they explained various programs and benefits available to older Americans and referred to the President by name. The number of copies printed ranged from 1,250,000 to 1,550,000. The copies were distributed in accordance with lists and using preprinted mailing labels which officials of several of the agencies told us were furnished by White House staff. In all cases, the lists of designees to receive the publications were similar.

The distribution lists provided for bulk mailings of from 5 to 500 copies each to destinations such as senior citizens centers, elderly housing projects, nursing homes, and others. About a half-million copies were furnished to SSA for distribution to its 1,000 district offices and with the exception of the Office of Economic Opportunity (OEO), single copies were mailed to 152,212 members of an organization presumed to be the National Association of Retired Federal Employees (NARFE). The distribution list used by OEO showed that "Other Senior Citizen Addresses" totaling 191,297 were designated to receive copies. This group of addressees apparently included the NARFE.

The names of Messrs. Desmond J. Barker and L. J. Evans, Jr. appeared in agency records and were mentioned in discussions with various agency officials as White House staff contacts with respect to these publications. Mr. Barker advised us that Mr. Evans was the most knowledgeable concerning the matter. We requested Mr. Evans to furnish us with information as to the source of the distribution list, the cost of printing the mailing labels and what appropriation was charged for such expense. Mr. Evans' response dated October 5, 1972, was received by us on October 11, 1972, and is included as Enclosure 10. The only information furnished was the sources of the items on the distribution lists.

Except for the addressees on the lists designated to receive single copies of the publications by direct mail, we could not determine how many persons received or might eventually receive copies. Most of the addressees were sent a number of copies which could have been or may be handed out, remailed, or placed at locations where they would be available. The usual procedure for Social Security district offices, for instance, is to make such material available on display in the offices.

The information furnished on all of the publications is based on records and interviews with agency officials. The distribution lists were prepared from information furnished by the agencies and were not edited by us. A number of abbreviations and incomplete references used on the distribution lists are explained in Enclosure 9. A copy of each of the eight publications is also attached for your information.

In accordance with arrangements made with your office, we are furnishing copies of this report to Senators Birch Bayh, Alan Cranston, Hubert H. Humphrey, Edward M. Kennedy, Warren G. Magnuson, Frank A. Moss, Edmund S. Muskie, Abraham A. Ribicoff, and Harrison A. Williams, Jr. We plan to make no further distribution of this report unless copies are specifically requested, and then we shall make distribution only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

Sincerely yours,

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

DEPARTMENT OF AGRICULTURE

"FOOD AND HOUSING FOR THE ELDERLY"

Cost of publication

Printing:	
Pamphlets (1,250,000 copies)	$14,431
Envelopes and penalty labels	516
Total	14,947
Distribution:	
Contract mailing service	2,473
Postage and cost of transhipping 534,000 copies to SSA district offices	[1] 17,000
Total	19,473
Preparation:	
Office of Information and Office of Plant and Operations (49 man-hours)	[2] 500
Offset composition services, layout and art work	303
Total	803
Grand total	35,223

Disposition of copies

Distribution list	955,057
Retained	294,943
Total	1,250,000

[1] Not available—estimated by GAO on the basis of experience of other agencies.
[2] Costs estimated by GAO.

Brochure distribution list

Total distribution: 1,145,057.

Destination	*Quantity*	*Total*
1,193 Senior citizens centers	100	119,300
374 Elderly housing projects	100	37,400
552 National voluntary organizations serving older Americans	100	55,200
1,900 Nursing homes [1] for long-term care facilities	100	190,000
50 State agencies concerned with older Americans	500	25,000
1,000 Social security district offices	534	534,000
1,198 AARP chapter presidents	5	5,990
1,253 Presidents of senior citizens clubs	5	6,265
102 Senior citizen communicators	5	510
74 Leaders in the senior citizen field	5	370
432 AARP legislative chairman	5	2,160
3,330 Delegates WHCoA	5	16,650
152,212 NARFE membership	1	152,212

[1] The list obtained from the Department of Agriculture indicated that the brochure was not mailed to this organization. The revised total distribution is 955,057.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

"A REPORT TO OLDER AMERICANS"

Cost of publication

Printing (1,500,000 copies)	[1] $24,000
Distribution:	
Contract mailing service	[1] 3,000
Postage and cost of transshipping 534,000 copies to SSA district offices	[2] 17,000
Other	210
Total	20,210
Preparation:	
Office of Public Affairs (16 man-hours)	[2] 160
Graphics	210
Total	370
Grand total	44,580

Disposition of copies

Distribution list	1,175,897
Retained	324,103
Total	1,500,000

[1] Costs estimated by HUD—final bills not received.
[2] Costs estimated by GAO.

Brochure distribution list

Total distribution: 1,175,897.

Destination	*Quantity*	*Total*
1,400 Senior citizen centers	100	140,000
680 Elderly housing projects	100	68,000
496 National voluntary organizations serving older Americans	100	49,600
1,900 Nursing homes for long-term care facilities	100	190,000
50 State agencies concerned with older Americans	100	5,000
1,000 Social security district officers	534	534,000
1,300 AARP chapter presidents	5	6,500
1,293 Presidents of senior citizens clubs	5	9,465
100 Senior citizen communicators	5	500
100 Leaders in the senior citizen field	5	500
400 AARP legislative chairmen	5	2,000
3,624 Delegates WHCOA	5	18,120
152,212 NARFE membership	1	152,212

DEPARTMENT OF LABOR

"THE U.S. DEPARTMENT OF LABOR REPORT TO OLDER AMERICANS"

Cost of publication

Printing:	
Pamphlets (1,500,000 copies)	$11,171
Envelopes	1,497
Total	$12,668

DEPARTMENT OF LABOR—Continued

Distribution:	
Labor staff	$2,400
Postage and cost of transshipping 534,000 copies to SSA district offices	14,459
Total	16,859
Preparation:	
Office of Information:	
Publications and Reports (25.5 man-hours)	238
Contractor (13.5 man-hours)	190
Materials	82
Total	510
Grand total	30,037
Disposition of copies	
Mailing list	980,057
Retained	519,943
Total	1,500,000

BROCHURE DISTRIBUTION LIST—TOTAL DISTRIBUTION: 1,173,557

Destination	Quantity	Total
1,193 senior citizen centers	100	119,300
374 elderly housing projects	100	37,400
552 national organizations serving older Americans	100	55,200
1,900 nursing homes for long-term care facilities [1]	100	190,000
50 State agencies concerned with older Americans	100	5,000
1,000 social security district offices	534	534,000
1,198 chapter presidents	5	5,990
1,253 presidents of senior citizens clubs	5	6,265
102 senior citizen communicators	5	510
74 leaders in the senior citizen field	5	370
432 legislative chairmen	5	2,160
3,330 delegates WHCOA	5	16,650
152,212 membership [2]	1	152,212
Executive Liaison, room 134 Cannon House, office building		25,000
Federation of Experienced Americans Inc., 1625 K St. NW		10,000
White House supply, attention: Bud Evans		10,000
Warehouse		519,943

GAO NOTES

[1] These were not distributed per Frank Johnson, Office of Information, Department of Labor. Total distribution should be 980,057.

[2] The group or organization of the membership was not shown on this list, in lists used by the other agencies involved, the membership is shown as NARFE (National Association of Retired Federal Employees) or OA (Older Americans).

ACTION

"OPPORTUNITIES FOR OLDER AMERICANS IN ACTION"

Cost of publication

Printing (1,550,000 copies)	[1] $16,105
Distribution:	
Contract mailing service	3,132
Postage and cost of transshipping 535,000 copies to SSA district offices	18,502
Total	21,634
Preparation:	
Office of Public Affairs (16 man-hours)	[2] 164
Total	37,903
Disposition of copies	
Distribution list	1,186,157
Retained	363,843
Total	1,550,000

[1] GPO estimate
[2] GAO estimate

OPPORTUNITIES FOR OLDER AMERICANS IN ACTION—BROCHURE DISTRIBUTION LIST

List	Number of addressees	Quantity to each	Total
1. Senior citizen centers	1,193	100	119,300
2. Elderly housing projects	374	100	37,400
3. National voluntary organizations serving older Americans	552	100	55,200
4. Nursing homes for long-term care facilities	1,900	100	190,000
5. State agencies concerned with older Americans	50	500	25,000
6. Social security district offices	[1] 535	[1] 1,000	535,000
7. Chapter presidents	1,198	5	5,990
8. Presidents of senior citizens clubs	1,253	5	6,265
9. Senior citizens communicators	102	5	510
10. Leaders in the senior citizens field	74	5	370
11. Legislative chairmen	432	5	2,160
12. Delegates WHCoA	3,330	5	16,650
13. Membership, OA	152,212	1	152,212
Special quantity delivery by truck to the following addresses: (All cartons must be clearly marked for each addressee):			
14. Executive liaison			20,000
15. Federation of Experienced Americans, Inc			10,000
16. White House supply			10,100

[1] These figures were reversed by the agency. The number 1,000 should be shown under number of addressees and the number 535 should be shown under quantity to each.

OFFICE OF ECONOMIC OPPORTUNITY

"DIGNITY INSTEAD OF DESPERATION"

Cost of publication

Printing (1,350,000 copies)	$59,000
Distribution:	
Contract mailer	(1)
OEO warehouse	(1)
Postage and cost of SSA distribution of 534,000 copies to its district offices	[1] 18,800
Preparation:	
Public Affairs and Office of Operations (28 man-hours)	200
Total	78,000
Proposed dispositions of copies [2]	
Distribution list	1,132,197
OEO list	33,763
Retained	184,040
Total	1,350,000

[1] OEO could not furnish the breakdown of costs for each item.

[2] Distribution was planned to start October 6, 1972.

"DIGNITY"—BROCHURES/DISTRIBUTION LIST

Group	Quantity	Total
1. Senior citizen centers	1,193 at 100	119,300
2. Elderly housing projects	374 at 100	37,400
3. National volunteer organizations serving older Americans.	552 at 100	55,200
4. Nursing homes/long-term care facilities.	1,900 at 100	190,000
5. State agencies concerned with older Americans.	50 at 100	5,000
6. Social Security district offices	1,000 at 534	534,000
7. Other Senior citizen addresses (WHCOA members, etc.).	191,297 at 1	191,297
Total, external		1,132,197
Total, internal		33,763
Distribution total		1,165,960
Balance stock		184,040
Total printed		1,350,00

VETERANS' ADMINISTRATION

"THE VETERANS' ADMINISTRATION AND OLDER AMERICANS"

Cost of publication

Printing: (1,500,000 copies)	[1] $14,671
Distribution:	
Contract mailing service	[2] 1,516
VA staff	3,374
Postage and cost of transshipping 535,000 copies to SSA district offices	16,960
Total	21,850
Preparation:	
Information Service and Publications Service, Veterans Administration (49 man-hours)	562
Total	37,083
Disposition of copies	
Distribution list	1,144,557
VA offices and others	69,850
Inventory	159,600
Unaccounted for	125,993
Total	1,500,000

[1] GPO estimate.
[2] Estimate per VA Purchase Order.

Brochure distribution list

Destination	Quantity mailed
Individuals	[1] 152,212
Senior citizens centers	[2] 1,200
Delegates to the White House Conference on Aging	[2] 3,300
National voluntary organizations	[2] 500
Nursing homes	[2] 1,900
Senior citizens clubs	[2] 1,250
Housing projects for the Elderly	[2] 400
State agencies concerned with the problems of the aged	[2] 47
Social Security Administration	535,000

[1] VA officials told us that they could not positively identify the individuals. Lists used by other agencies show the individuals as belonging to the National Association of Retired Federal Employees or as "Membership OA".

[2] The number sent to each center, group, etc. was not available at VA. We were told that the quantities ranged from 5 to 500 depending on the organization. The total sent out in accordance with the above list was 1,444,557.

Brochure distribution list

GAO's identification of abbreviations and incomplete references used on distribution lists for the six publications described in enclosures 3 to 8.

AARP—American Association of Retired Persons.

WHCoA—White House Conference on Aging.

NARFE—National Association of Retired Federal Employees.

OA—(We could not find a reference to such an organization but the letters apparently mean "Older Americans.") The initials as used apparently refer to NARFE.

Chapters Presidents—Apparently are associated with AARP.

Legislative Chairman—Apparently are associated with AARP.

Membership—Apparently refers to NARFE.

THE WHITE HOUSE,
Washington, D.C., October 5, 1972.

Mr. GREGORY AHART,
Director, Manpower and Welfare Division, General Accounting Office, Washington, D.C.

DEAR MR. AHART: Attached is a compilation of the mailing lists, their numbers and from where they originated per your request.

This list was unified and distributed by the White House office in order to fulfill the White House Conference on Aging's recommendations calling for informational programs to educate the elderly to the programs and facilities available to them.

Very truly yours,

L. J. EVANS, Jr.

MAILING LIST

Number, Category, and Where Originated

1,193, Senior Centers, HEW.
374, Elderly Housing Projects, HUD.
552, National Voluntary Organizations Serving Older Americans, WHCoA.
1,900, Nursing Homes, HUD.
50, State Aging Agencies, HEW.
1,000, Social Security District Offices, (Handled by SSA).
155,169, Aging Leaders, HEW & WH compilation.
102, Senior Citizen Communicators, HEW & WH compilation.
3,330, White House Conference on Aging Delegates, WHCoA.

REVENUE SHARING

Mr. SPARKMAN. Mr. President, the Joint Committee on Internal Revenue Taxation recently made the information available on dollar allocations to the several State and local governments under the revenue-sharing legislation approved by the House-Senate conferees.

One question that has come to me from towns and cities not listed in the several counties has been: "Why are we not listed?"

The explanation that has been given to me has been that the computerization was based upon the 1970 census and that the bill provides that all governmental units are to be involved, whether or not they are specifically listed. The bill provides for a distribution to all communities even though those towns with a population of less than 2,500 persons are not specifically named in the report. It is not possible at this time to know just how the final distribution will be worked out in Alabama. However, the table that has been supplied by the Joint Committee on Internal Revenue Taxation gives a list for the State, counties, cities, and local governments. I ask unanimous consent, Mr. President, that the data outlining allocations throughout the State of Alabama may be printed at this point in the RECORD.

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

Revenue sharing funds for Alabama

[In dollars]

Total State grant to all locals	77,430,696
Amount returned to Alabama State government is	2,112,514
Autauga County area	373,871
Autauga County government	196,000
Total to all cities over 2,500	161,000
Total to all cities under 2,500	16,864
Total to all townships	0
Praitville City	161,000
Baldwin County area	632,250
Baldwin County government	236,500
Total to all cities over 2,500	258,357
Total to all cities under 2,500	137,392
Total to all townships	0
Bay Minette City	103,000
City of Foley	83,697
Fairhope City	71,660
Barbour County area	571,427
Barbour County government	308,564
Total to all cities over 2,500	164,500
Total to all cities under 2,500	98,363
Total to all townships	0
Eufaula City	164,500
Bibb County area	200,520
Bibb County government	143,725
Total to all cities over 2,500	0
Total to all cities under 2,500	56,795
Total to all townships	0
Blount County area	457,365
Blount County government	340,714
Total to all cities over 2,500	77,000
Total to all cities under 2,500	39,651
Total to all townships	0
Oneonia City	77,000
Bullock County area	385,444
Bullock County government	307,760
Total to all cities over 2,500	60,000
Total to all cities under 2,500	17,684
Total to all townships	0
Union Springs City	60,000
Butler County area	541,124
Butler County government	395,624
Total to all cities over 2,500	145,500
Total to all cities under 2,500	0
Total to all townships	0
Greenville City	145,500
Calhoun County area	1,822,196
Calhoun County government	580,288
Total to all cities over 2,500	1,142,803
Total to all cities under 2,500	99,105
Total to all townships	0
Annision City	930,456
Jacksonville City	57,500
Oxford Town	90,847
Piedmont City	64,000
Chambers County area	262,851
Chambers County government	180,708
Total to all cities over 2,500	77,500
Total to all cities under 2,500	4,643
Total to all townships	0
Lafayette City	30,500
Lenett City	47,000
Cherokee County area	230,492
Cherokee County government	172,000
Total to all cities over 2,500	0
Total to all cities under 2,500	58,492
Total to all townships	0
Chilion County area	342,974
Chilion County government	220,842
Total to all cities over 2,500	69,500
Total to all cities under 2,500	52,631
Total to all townships	0
Choctaw County area	305,662
Choctaw County govt	181,942
Total to all cities over 2,500	0
Total to all cities under 2,500	123,720
Total to all townships	0
Clarke County area	757,189
Clarke County govt	475,500
Total to all cities over 2,500	281,689
Total to all cities under 2,500	0
Total to all townships	0
Jackson City	194,189
Thomasville Town	87,500
Clay County area	178,858
Clay County govt	85,364
Total to all cities over 2,500	0
Total to all cities under 2,500	93,494
Total to all townships	0
Cleburne County area	288,217
Cleburne County govt	130,291
Total to all cities over 2,500	57,500
Total to all cities under 2,500	20,426
Total to all townships	0
Hein Town	57,500
Coffee County area	455,108
Coffee County government	176,844
Total to all cities over 2,500	250,000
Total to all cities under 2,500	28,264
Total to all townships	0
Elba City	44,000
Enterprise City	206,000
Colbert County area	839,121
Colbert County government	324,000
Total to all cities over 2,500	459,182
Total to all cities under 2,500	55,940
Total to all townships	0
Muscle Shoals City	7,500
Sheffield City	284,545
Tuscumbia City	167,137
Conecuh County area	301,074
Conecuh County government	222,922
Total to all cities over 2,500	53,500
Total to all cities under 2,500	24,652
Total to all townships	0
Evergreen City	53,500
Coosa County area	159,267
Coosa County government	97,940
Total to all cities over 2,500	0
Total to all cities under 2,500	61,327
Total to all townships	0
Covington County area	454,678
Covington County government	304,825
Total to all cities over 2,500	131,947
Total to all cities under 2,500	17,905
Total to all townships	0
Andalusia City	89,947
Florala City	32,000
Opp City	10,000
Crenshaw County area	429,909
Crenshaw County government	78,664
Total to all cities over 2,500	0
Total to all cities under 2,500	351,244
Total to all townships	0
Cullman County area	738,000
Cullman County government	384,000
Total to all cities over 2,500	354,000
Total to all cities under 2,500	0
Total to all townships	0
Cullman City	354,000
Dale County area	259,994
Dale County government	94,954
Total to all cities over 2,500	128,977
Total to all cities under 2,500	36,063
Total to all townships	0
Ozark City	95,281
Daleville Town	33,695
Dallas County area	1,397,000
Dallas County government	634,000
Total to all cities over 2,500	763,000
Total to all cities under 2,500	0
Total to all townships	0
Selma City	763,000
De Kalb County area	415,000
De Kalb County government	219,000
Total to all cities over 2,500	196,000
Total to all cities under 2,500	0
Total to all townships	0
Fort Payne City	196,000
Elmore County area	371,498
Elmore County government	266,558
Total to all cities over 2,500	84,574
Total to all cities under 2,500	20,365
Total to all townships	0
Tallassee City (part)	29,574
Wetumpka City	55,000
Escambia County area	852,065
Escambia County government	552,065
Total to all cities over 2,500	300,000
Total to all cities under 2,500	0
Total to all townships	0
Atmore City	161,000
Brewton City	139,000
Etowah County area	2,862,631
Etowah County government	848,500

Revenue sharing funds for Alabama—Con.

[In dollars]

Total to all cities over 2,500	2,014,131
Total to all cities under 2,500	0
Total to all townships	0
Attalla City	158,000
Boaz City (part)	2,715
Gadsden City	1,757,970
Glencoe Town	74,500
Rainbow City Town (part)	20,946
Fayette County area	3,138,493
Fayette County government	209,485
Total to all cities over 2,500	99,625
Total to all cities under 2,500	29,382
Total to all townships	0
Fayette City	99,000
Winfield City (part)	625
Franklin County area	223,628
Franklin County government	139,500
Total to all cities over 2,500	46,000
Total to all cities under 2,500	38,128
Total to all townships	0
Russellville City	46,000
Geneva County area	353,310
Geneva County government	174,420
Total to all cities over 2,500	93,000
Total to all cities under 2,500	85,890
Total to all townships	0
Geneva City	80,000
Hartford Town	13,000
Greene County area	347,174
Greene County government	314,174
Total to all cities over 2,500	33,000
Total to all cities under 2,500	0
Total to all townships	0
Eutaw City	33,000
Hale County area	408,123
Hale County government	377,623
Total to all cities over 2,500	30,500
Total to all cities under 2,500	0
Total to all townships	0
Greensboro City	30,500
Henry County area	274,766
Henry County government	197,525
Total to all cities over 2,500	66,000
Total to all cities under 2,500	11,240
Total to all townships	0
Abbeville City	32,000
Headland Town	34,000
Houston County area	760,625
Houston County government	337,790
Total to all cities over 2,500	358,500
Total to all cities under 2,500	64,334
Total to all townships	0
Dothan City	358,500
Jackson County area	842,617
Jackson County government	496,466
Total to all cities over 2,500	255,796
Total to all cities under 2,500	90,355
Total to all townships	0
Bridgeport City	94,796
Scottsboro City	161,000
Jefferson County area	16,782,598
Jefferson County government	7,788,726
Total to all cities over 2,500	8,796,988
Total to all cities under 2,500	196,884
Total to all townships	0
Bessemer City	833,634
Birmingham City	7,099,587
Fairfield City	210,692
Fultondale City	23,215
Gardendale City	29,393
Graysville City	14,307
Homewood City	123,479
Irondale City	52,179
Leeds City (part)	35,606
Lipscomb City	14,501
Midfield City	28,507
Mountain Brook City	87,562
City of Pleasant Grove	22,886
Tarrant City City	83,100
Trussville Town	28,466
Vestavia Hills City	37,369
Warrior City	27,000
Hueytown City	45,508
Lamar County area	280,593
Lamar County govt	167,905
Total to all cities over 2,500	0
Total to all cities under 2,500	112,688
Total to all townships	0
Lauderdale County area	1,133,694
Lauderdale County govt	269,707
Total to all cities over 2,500	812,130
Total to all cities under 2,500	51,857
Total to all townships	0
Florence City	812,130
Lawrence County area	220,482
Lawrence County govt	153,113
Total to all cities over 2,500	0
Total to all cities under 2,500	67,370
Total to all townships	0
Lee County area	1,643,854
Lee County government	430,354
Total to all cities over 2,500	633,500
Total to all cities under 2,500	0
Total to all townships	0
Auburn City	241,000
Opelika City	392,500
Limestone County area	611,010
Limestone County government	412,350
Total to all cities over 2,500	179,500
Total to all cities under 2,500	19,160
Total to all townships	0
Athens City	179,500
Lowndes County area	174,531
Lowndes County government	106,658
Total to all cities over 2,500	0
Total to all cities under 2,500	67,873
Total to all townships	0
Macon County area	474,543
Macon County government	293,253
Total to all cities over 2,500	160,000
Total to all cities under 2,500	21,290
Total to all townships	0
Tuskegee City	160,000
Madison County area	4,121,280
Madison County govt	1,163,256
Total to all cities over 2,500	2,913,053
Total to all cities under 2,500	44,971
Total to all townships	0
Huntsville City	2,872,185
Madison Town	40,868
Marengo County area	614,000
Marengo County govt	433,000
Total to all cities over 2,500	181,000
Total to all cities under 2,500	0
Total to all townships	0
Demopolis City	141,000
Linden City	40,000
Marion County area	437,124
Marion County govt	344,793
Total to all cities over 2,500	60,177
Total to all cities under 2,500	32,153
Total to all townships	0
Hamilton town	46,000
Winfield City (part)	14,177
Marshall County area	1,245,134
Marshall County government	650,782
Total to all cities over 2,500	593,158
Total to all cities under 2,500	1,193
Total to all townships	0
Albertville City	264,000
City of Arab	30,500
Boaz City (part)	87,061
Guntersville City	211,597
Mobile County area	10,343,755
Mobile County government	3,439,952
Total to all cities over 2,500	6,786,098
Total to all cities under 2,500	117,706
Total to all townships	0
Chickasaw City	86,587
Bayou La Baire Town	74,500
Mobile City	5,668,861
Prichard City	870,500
Saraland City	85,650
Monroe County area	487,406
Monroe County government	352,906
Total to all cities over 2,500	134,500
Total to all cities under 2,500	0
Total to all townships	0
Monroeville City	134,500
Montgomery County area	4,071,909
Montgomery County govt	745,679
Total to all cities over 2,500	3,326,230
Total to all cities under 2,500	0
Total to all townships	0
Montgomery City	3,326,230
Morgan County area	1,556,876
Morgan County govt	330,083
Total to all cities over 2,500	1,164,805
Total to all cities under 2,500	61,987
Total to all townships	0
Decatur City	1,040,947
Hartselle City	123,858
Perry County area	411,900
Perry County govt	371,400
Total to all cities over 2,500	40,500
Total to all cities under 2,500	0
Total to all townships	0
Marion City	40,500
Pickens County area	487,372
Pickens County govt	303,153
Total to all cities over 2,500	34,000
Total to all cities under 2,500	150,219
Total to all townships	0
Aliceville City	34,000
Pike County area	505,317
Pike County govt	275,794
Total to all cities over 2,500	220,000
Total to all cities under 2,500	9,523
Total to all townships	0
Brundidge Town	32,500
Troy City	187,500
Randolph County area	348,165
Randolph County govt	219,571
Total to all cities over 2,500	93,500
Total to all cities under 2,500	35,094
Total to all townships	0
Roanoke City	93,500
Russell County area	905,624
Russell County govt	499,980
Total to all cities over 2,500	382,000
Total to all cities under 2,500	23,644
Total to all townships	0
Phenix City	382,000
St. Clair County area	467,336
St. Clair County government	259,826
Total to all cities over 2,500	92,309
Total to all cities under 2,500	115,201
Total to all townships	0
Leeds City (part)	1,764
Pell City (city)	90,500
Rainbow City (town) (part)	45
Shelby County area	638,499
Shelby County government	483,451
Total to all cities over 2,500	45,834
Total to all cities under 2,500	189,214
Total to all townships	0
Alabaster Town	25,500
Leeds City (part)	334
Montevallo Town	20,000
Sumter County area	553,326
Sumter County government	256,698
Total to all cities over 2,500	13,687
Total to all cities under 2,500	282,942
Total to all townships	0
York Town	13,687
Talledega County area	1,561,278
Talledega County government	1,020,000
Total to all cities over 2,500	510,500

Total to all cities under 2,500	30,778
Total to all townships	0
Childersburg Town	61,500
Sylacauga City	200,500
Talladega City	248,500
Tallapoosa County area	562,629
Tallapoosa County government	352,739
Total to all cities over 2,500	170,278
Total to all cities under 2,500	39,611
Total to all townships	0
Tallassee City (part)	9,778
Alexander City (city)	126,000
Dadeville Town	34,500
Tuscaloosa County area	2,588,127
Tuscaloosa County government	1,484,000
Total to all cities over 2,500	1,104,127
Total to all cities under 2,500	0
Total to all townships	0
Northport City	85,444
Tuscaloosa City	1,018,683
Walker county area	1,370,008
Walker County government	755,212
Total to all cities over 2,500	343,572
Total to all cities under 2,500	271,224
Total to all townships	0
City of Cordova	32,000
Jasper City	311,572
Washington County area	411,624
Washington County government	330,348
Total to all cities over 2,500	0
Total to all cities under 2,500	81,276
Total to all townships	0
Wilcox County area	376,767
Wilcox County government	235,479
Total to all cities over 2,500	0
Total to all cities under 2,500	141,288
Total to all townships	0
Winston County area	156,912
Winston County government	82,500
Total to all cities over 2,500	44,000
Total to all cities under 2,500	30,412
Total to all townships	0
Haleyville City	44,000

JUDICIAL INDEPENDENCE

Mr. ERVIN. Mr. President, Rufus L. Edmisten, Chief Counsel and Staff Director of the Senate Subcommittee on Separation of Powers, is a stanch advocate of the independence of the judiciary, both Federal and State. He made a profound study of this subject in preparing and assisting in the conducting of the investigations which the Subcommittee on Separation of Powers and the Subcommittee on Constitutional Rights have made on this highly important subject. He has prepared a speech on this subject entitled "Will Judicial Independence in North Carolina Become an Evanescent Dream?" which is scheduled for delivery at Appalachian State University, Boone, N.C., this evening. Although this speech deals primarily with certain proposed amendments to the constitution of North Carolina, it also deals in a general fashion with the whole question of judicial independence which was seriously threatened on the Federal level by the Tydings bill several years ago.

For this reason, I ask unanimous consent that a copy of this speech be printed at this point in the body of the RECORD.

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

WILL JUDICIAL INDEPENDENCE IN NORTH CAROLINA BECOME AN EVANESCENT DREAM?

(By Rufus L. Edmisten)

Tonight I want to discuss a subject that probably is somewhat unfamiliar to most of you. More strikingly, it is a subject that is wholly unfamiliar to perhaps ninety-five percent of the North Carolina electorate who, on November 7, will be asked to vote on two constitutional amendments proposed by the legislature—amendments, which, if adopted, will have the potential of inflicting the greatest damage upon the precious independence of the North Carolina judiciary ever seen since its inception.

The first of the two proposed amendments to the North Carolina constitution to which I refer would require the General Assembly to enact legislation providing for the mandatory retirement of all justices and judges at specific ages; the second would provide for the establishment of a mechanism for removing justices and judges from office for alleged misbehavior and for mental or physical incapacity. Under the provisions of highly unusual anticipatory legislation already enacted by the General Assembly, which will go into effect immediately if the proposed amendments are ratified, the age limitation would require that no justice or judge of the appellate division may continue in office beyond the last day of the month during which he becomes seventy-two years of age, and that no judge of the superior or district court may continue in office beyond the last day of the month during which he becomes seventy years of age, with the saving clause that any justice or judge in office on the effective date of the enactment may serve out the remainder of the term to which he was elected. Additional anticipatory legislation was enacted to provide a mechanism for the removal of judges in addition to the procedures set forth in section 17 or Article IV of the state constitution. These already-existing constitutional procedures provide that:

"Any Justice of the Supreme Court, Judge of the Court of Appeals, or Judge of the Superior Court may be removed from office for mental or physical incapacity by joint resolution of two-thirds of all the members of each house of the General Assembly. Any Justice or Judge against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon. Removal from office for any other cause shall be by impeachment."

Moreover, the General Assembly has provided by general law for the removal of District Judges and Magistrates for misconduct or physical or mental incapacity.

The enabling legislation for additional means of removal provides for the establishment of a Judicial Standards Commission consisting of one Court of Appeals judge, one Superior Court judge, and one District Court judge, to be appointed by the Chief Justice of the Supreme Court; two members of the State Bar who have practiced actively in the state courts for at least ten years, to be elected by the State Bar Council; and two citizens who are neither judges nor members of the state bar, to be appointed by the Governor.

The Commission would be empowered to institute an investigation either on its own motion or upon the written complaint of any citizen of North Carolina, such investigation to be conducted confidentially unless the judge involved requests that it be public. Upon completion of such investigation, if five or more members of the Commission shall so recommend, the Supreme Court may censure or remove any justice or judge "for willful misconduct in office, willful and persistent failure to perform his duties, habitual intemperance, conviction of a crime involving moral turpitude, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute." Additionally, upon the recommendation of the Commission, the Supreme Court may remove a justice or judge for mental or physical incapacity.

In my opinion, and in the much-respected view of Senator Sam J. Ervin, Jr., whom I am proud to serve, and whose sensitivity to the requirements of a fair and efficient judicial system are well known to all North Carolinians, such provisions have the potential of seriously endangering the concept of judicial independence which is so essential to the proper working of our judicial system.

Let us begin our discussion by focusing for a moment upon the underlying philosophical bases for the judicial system in the United States.

The Founding Father, in establishing our national government, reflected clearly the lessons they had absorbed concerning the history of man's struggle to be free from tyranny. They knew that those entrusted with governmental powers are susceptible to the disease of tyrants—to what George Washington described in his Farewell Address as "the love of power and proneness to abuse it." They realized that the powers of public officers should be defined by laws which they, as well as the people, are obliged to obey, and that liberty demands control by constant and uniformly enforced laws rather than by the arbitrary and inconstant whims of wilful men.

They recognized the inalterable truth expressed by Thomas Hobbs when he said, "Freedom is political power divided in small fragments," and for that reason they diffused national power among three branches of government, each charged with specific responsibilities and each likewise precluded from exercising those powers bestowed upon the other two branches.

Because they had suffered the burdens of tyranny, the Founding Fathers very carefully provided for a Federal judiciary that would operate completely independent of everything except the Constitution. That independence means that judges do their duty as they see it without accounting to any higher power except the Congress, and then only to the extent provided by Article II, Section 4, and Article I, Sections 2 and 3, of the United States Constitution.

As the late Mr. Justice Hugo Black noted in his dissenting opinion in *Chandler* v. *Judicial Council of the Tenth Circuit*, 398 U.S. 74, 143 (1970):

"The wise authors of our Constitution provided for judicial independence because they were familiar with history; they knew that judges of the past—good, patriotic judges—had occasionally lost not only their offices but also sometimes their freedom and their heads because of the actions and decrees of other judges. They were determined that no such things should happen here."

The foregoing principle of separation of the federal judicial power from the other powers of government applies equally to the structure of the North Carolina judiciary. In fact, the North Carolina constitution provides for a strict separation of powers in Article I, Section 6:

"The legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct from each other."

The subject of separation of powers as that concept relates to the judicial system is no stranger to the Senate Judiciary Subcommittee on Separation of Powers, chaired by Senator Sam J. Ervin, Jr., to which I am privileged to serve as Chief Counsel. Indeed, in April, 1970, the Subcommittee devoted four days of hearings to the subject of the independence of federal judges, during which we were concerned primarily with the

roles of the Judicial Conference of the United States and the judicial councils of the various circuits as they relate to the independence of Federal judges, and with certain legislative proposals introduced to expand the powers of judges, lawyers and laymen to oversee the judicial activities of the bench.

Specifically, we focused upon certain legislation proposed by former Senator Joseph Tydings of Maryland, which never made its way out of the Judiciary Committee of the Senate, due largely to the concentrated opposition of Senator Ervin and to the increased public understanding of the issue which the Subcommittee hearings engendered. The major provisions of Senator Tydings' proposed legislation warrant discussion here because of the similarity between them and the proposed North Carolina law.

Senator Tydings' bill, S. 1506, affectionately known as the "Judicial hari-kari bill" or the "Judicial hazing bill", consisted of six titles, of which Title I, "Commission on Judicial Disabilities and Tenure" was the most controversial. That title would have established within the judiciary a commission of five Federal judges in active service empowered to investigate the official conduct or the physical or mental condition of any Article III judge "upon complaint or report, formal or informal of any person." Upon a finding of misconduct, the Commission could have recommended to the Judicial Conference of the United States that the judge be removed from office. The Conference could then have certified such judge for removal, subject to Supreme Court review by certiorari. The Subcommittee found numerous grounds for objecting to Senator Tydings' proposed legislation, all of which apply with equal force to the North Carolina law.

For example, the descriptive language of the proposed legislation poses certain interpretive problems. What, for instance is "willful misconduct"? "Willful and persistent failure to perform duties"? "Conduct prejudicial to the administration of justice"? The possibilities of what might constitute these grounds for removal depends largely upon who is doing the interpreting. Moreover, making the filing of a complaint readily available to anyone would impose severe burdens upon judges. As Senator Ervin observed in a letter written to a Superior Court judge last month, the proposed Judicial Standards Commission amendment—"provides, in substance, that any person in the state can complain at any time on any ground about the official action of any judge, and that the Commission is thereupon empowered to consider the complaint. Inasmuch as some litigants are really mental cases, and cannot comprehend how they ever lost a case unless the judge is corrupt, this provision unnecessarily opens a Pandora's box, and has the potential of requiring judges to spend a major portion of their time defending themselves against unfounded charges."

Moreover, it is the task of any judge to decide issues which are of great emotional importance to the litigating parties, and which by their very nature create controversy irrespective of how rational the parties may be, and, as Senator Ervin further noted, a wise poet many centuries ago observed that "No wretch e're felt the halter draw with good opinion of the law." Thus, the provision for a Commission investigation upon the complaint of any person unhappy with a judge's decision could easily produce harrassment, persecution, and adverse publicity that would lead to the denigration of the judiciary, despite the fact that the hearings conducted by the Commission allegedly would be confidential.

Examples of the undesirable results of providing for such a Commission are readily available merely by examining the events experienced under the California system, after which the North Carolina proposal seemingly was patterned. In a book entitled *Who Judges the Judges?*, published by the American Bar Foundation, the author, William Thomas Braithwaite, describes the workings of the California system, and notes that ". . . overall, most complaints come from litigants. Litigant's complaints, however, are very often only an attempt to use the Commission as a means to appeal an adverse judgment." During the nine-year period of the California Commission's existence, fifty judges resigned or retired during Commission investigations of their performance or conduct. Since the details of the investigations are kept secret, the public can only assume that each judge who resigned or retired during that period did so as a result of some misconduct. Thus a stigma is placed upon all the judges who retired while investigations were ongoing, leading to the unfair conclusion that all retirees were in some manner culpable and retired under the pressure of investigation, even though many, if not most, in fact, retired for such reasons as failing health.

Why, we may ask, should our judges be placed under such undue pressures? Frankly I can see no reason. In the first place, North Carolina has been fortunate in the quality and character of the individuals who have been accorded judicial office, and instances of incompetence and misconduct have been rare indeed. In a state where judges are elected, the people have the opportunity to deny this high office to any judge who consistently demonstrates sloth or incompetence over the course of his term. Additionally, there are ample constitutional means now in existence for ridding the judicial system of those few judges who exhibit more serious failings. Suffice it to say, there is nothing in our judicial system, either in the character of those to whom we have accorded judicial office, or in the mechanism itself, which warrants taking such extreme measures. As I have already noted, the system now provides means for precluding a corrupt or incapacitated judge from remaining in office in defiance of the will of the people.

As to the mandatory retirement provision, I cannot express my agreement with my boss, Senator Ervin, strongly enough. Speaking from his long experience in the law, including service as a judge on various levels of our state court system, ranging from the Superior Court to the State Supreme Court, Senator Ervin said:

"I oppose a compulsory retirement age for judges. Some of the greatest judicial decisions of all times have been rendered by judges who had passed the age limit specified in the Legislative Act. I think the capacity of an experienced judge to hold the scales of justice evenly is unimpaired by his age as long as he retains his physical and mental powers."

I wholeheartedly concur in that statement. I opposed mandatory retirement ages for any category of public servant. Be it noted for the record that there is at least one among the younger generation who believes there is great value in experience, and that wisdom is fully as useful an asset as misdirected energy. Moreover, I submit that youth has no monopoly on intelligence or, for that matter, energy. I have known many old men whose age in years did not exceed thirty. If the proposed mandatory retirement age had been in effect throughout the years, the great Chief Justice Holmes would never have rendered his most outstanding decisions, and the late and exceedingly great Justice Hugo Black would have been banned to his tennis courts (where he played assiduously right up until the end of his life), to the permanent impoverishment of us all, especially in the area of our First Amendment rights. Would we have denied an Albert Schweitzer the right to practice medicine for the last and very productive two decades of his life? Would we have banned Albert Einstein from his mathematical laboratories for the last decade of his life? Would we have barred Arturo Toscinnini from directing his orchestra? Would we have spirited Benjamin Franklin away from the constitutional convention on the ground that his hoary wisdom rendered him useless? Clearly not. Nor should our best judges be booted off the bench merely because the inevitable passage of time pushes their age past some arbitrary number of years. It is a fact of life that age does indispose some individuals, but we have means for getting those persons off the bench already. As Senator Ervin put it, taking such measures as those now being proposed makes about as much sense as using an atomic bomb to get rid of a few mice.

In making these remarks, I am attempting to cry "fire" in a crowded theatre, as Justice Holmes once said in what, under the proposed amendment, would be characterized as his doddering old age. However, I do want to emphasize that our freedoms leak away from us little by little when we are least aware of that potential.

Our judicial system has served us well over the years, and the fairmindedness of our judges has been made possible to a great extent by maintaining separation between our judges and all external influences of whatever nature. In my firm opinion the legislative efforts of the General Assembly were ill-directed indeed when these constitutional amendments and the accompanying anticipatory legislation were proposed and enacted. The judicial problems of North Carolina which demand legislative solution do not relate to the need to oversee and discipline our judges, for that need is taken care of by the present constitutional provisions regarding impeachment and removal, and by the general law enacted regarding District Court Judges.

Rather, we should direct our legislative attention toward such problems as more court personnel to support our overworked judges; additional mechanisms to speed up criminal and civil trials; devising means for more efficient and rehabilitative court supervision of juveniles and the improvement of our penal system with a view toward devising means of rehabilitating criminal offenders while saving society at large the expense of long-term and often self-defeating incarceration.

When all is said and done, of the three branches of our state government, the judiciary makes the final decisions needed to protect our life, liberty and property. I for one want to do my part to see that the individuals who make those decisions are able to make them based exclusively upon the dictates of the law and of their own conscience and competence, and in the absence of any outside influence from whatever source.

SOVIET REPRESSION OF JEWS

Mr. ROBERT C. BYRD. Mr. President, from the very beginnings of this Republic, the American people have been stanch advocates and guardians of the rights of the individual.

Our Declaration of Independence, our Constitution, and the Bill of Rights charge us with the task of protecting the freedom of the individual, within the law, to live by the dictates of his conscience and of his personal beliefs. Included in these rights, and a most important aspect of them, is the right of the individual to freedom of movement, within the framework of international treaties and conventions.

At this time, the world is witnessing a most flagrant violation of the rights of the individual to freedom of movement, as the Government of the Union of Soviet Socialist Republics imposes on its Jewish citizens a virtual ban on their emigration to Israel. The form of this repression is cynical in the extreme, in

that Jews desiring to go to Israel must now pay for an exit visa in a sum that is almost 20 times greater than the cost of an exit visa was just 2 years ago.

This cynicism and repression is further compounded by the fact that where the Soviet authorities feel that the Jewish applicant for an exit visa may be able to pay the exorbitant exit fee, his permission to apply for exit is refused. The Soviet Government seeks to justify these punitive measures by relating the exceedingly high cost of the exit visa to the cost to the state of having educated the would-be emigrants in the Soviet Union.

The transparency of this claim is obvious. While we must recognize the understandable reluctance of any State to lose from its midst, some of the best brains among its citizenry, we must be even more determined to be faithful to the principles of individual freedom on which our own Nation was conceived and structured.

During the debate before the General Assembly of the United Nations in 1948, Gen. George C. Marshall stated:

> Governments which systematically disregard the rights of their own people are not likely to respect the rights of other nations and other peoples, and are likely to seek their objectives by coercion and force in the international field.

Accepting the realism of these words by General Marshall, and placing them in the context of current conditions in the Soviet Union, it would behoove the United States, and this distinguished body, to pay them heed. We are engaged in the preliminaries of expanded trade agreements with the Soviet Union. Our two governments have just signed what could be an historic agreement on arms limitations. It is not chauvinistic to conclude that the advantages to be derived by the government and the people of the Soviet Union from the trade agreements will be measurably greater than will be the advantages in the opposite direction. We cannot, and should not attempt to use strong-arm methods in our commercial and diplomatic intercourse as a means to interfere in the internal affairs of another nation. We would be untrue to our national heritage, however, were we to fail to use every means at our disposal to help alleviate the unfortunate circumstances that afflict the Jews in the Soviet Union.

REGULATION OF SECURITIES DEPOSITORIES

Mr. BENNETT. Mr. President, it was with great regret that I read in this morning's Wall Street Journal that Mr. Moss of the House Committee on Interstate and Foreign Commerce has rejected working out a compromise with the Senate on a bill to regulate securities depositories, clearing agencies, and transfer agents. The article, which I would like to include at this point in the RECORD, quotes Mr. Moss as saying with reference to the House bill:

> It should be crystal clear to them (the Senate) that this is as far as we are willing to go.

The article also states that Mr. Moss said he was leaving for California tonight at 5:45, so that there would be little time for negotiation.

There are, of course, other members of the House committee who could fill in for Mr. Moss if he would permit it so that we could work out a compromise between the House and Senate bills regarding these important areas. As chairman of the House subcommittee which is responsible for securities legislation, Mr. Moss should know that the Senate is not disposed to accept ultimatums from Members of the House. Certainly he cannot think it is the Senate's responsibility that the House committee did not take action on this legislation early enough in the session to make it possible for him to have a day or two after the House passed the bill so that a compromise could be worked out.

I would like to point out that the Senate completed its action on its bill, S. 3876, more than 2 months ago, on August 4. While Mr. Moss may well think that his bill is satisfactory, it gives little consideration to the banking relationship involved. Perhaps this is understandable, since the House Committee on Interstate and Foreign Commerce does not have jurisdiction over banks nor is it reasonable to expect that they would have expertise in that area. The situation is different, however, in the Senate. Our Banking, Housing and Urban Affairs Committee has jurisdiction over legislation affecting both the securities industry and the banking industry. Because of our responsibility in both of these areas, the Senate bill establishes a framework in which the Securities and Exchange Commission is given clear responsibility to develop rules and regulations covering transfer agents and to determine appropriate rules and regulations by clearing agencies. Our bill provides that the Securities and Exchange Commission would also be responsible for enforcement over all institutions which are not banks or subsidiaries of banks.

On the other hand, because of the present relationship of the Federal banking agencies with banking institutions, our bill provides for enforcement of the regulations for banks and bank subsidiaries by the Federal agency primarily responsible for the overall supervision of these institutions. It may be interesting for Members of the Senate to know that banks or bank related transfer agents participate in the transfer of 95 percent of New York and American Stock Exchange securities and are registrars or coregistrars for 81 percent of these listed issues. Bank related transfer agents do approximately 85 percent of all transfer work in the country. We, of course, have provisions in our bill assuring proper cooperation and coordination among all of the Federal agencies involved. In other words, what we have in our bill is a careful balance between the responsibilites of the Securities and Exchange Commission and those of the Federal banking agencies.

When we completed action on our bill, we were assured by the Federal agencies and all interested parties that it was a workable, satisfactory bill even though none of them expressed complete satisfaction with the bill. Of particular interest is the fact that Chairman Burns of the Federal Reserve Board and Chairman Casey of the Securities and Exchange Commission stated that the bill was workable and that it could be accepted by them. We did not have the support of the banking industry for our bill because while they felt we had considered their problem, we had not solved it in a manner completely satisfactory to them. On the other hand, the securities industry was not satisfied either but stated that they were willing to support the bill because it was so important to have legislation this year. I agree that it is important to have legislation this year. If we do not, it is possible that arrangements will be made by present institutions which will make it much more difficult to resolve these issues next year.

During the last week or two since the House bill, which will likely be considered today, was made available to our staff, we have been working with diligence to formulate a proposal taking whatever we could of the House bill.

It is interesting to note that the Senate bill has far greater support by those who will be affected by the legislation than does the House bill. This is true with regard to Federal agencies as well as individual industry representatives.

In discussions we have had with the Securities and Exchange Commission staff, we find that although our bill does not grant everything the Commission desired, neither does the House bill. In fact, the House bill creates new problems for the Commission and would undoubtedly result in a need for additional funds and staff over what our bill would require. Our staff has worked out a compromise which grants additional rulemaking authority to the Securities and Exchange Commission over depositories and clearing agencies. We have also included provisions for disclosure of information and provisions assuring competition from the House bill. We have discussed this proposal with many of those who prefer the Senate bill and have, in the spirit of compromise, obtained their support.

The compromise which we are offering to the House is a reasonable one, and for a Member of the House to say that the House is not willing to make any changes in their bill is in my view irresponsible. We in the Senate Committee on Banking, Housing and Urban Affairs stand ready and willing to negotiate the differences, but I, for one, cannot accept a poorly drafted House bill instead of a carefully thought out Senate bill balancing the equities and establishing a pattern which would result in the cooperation of all Federal agencies and industries involved. I felt sure that Mr. Moss was misquoted in the newspaper and that we would be able to work out something that incorporates the best of both bills. Apparently he was correctly quoted, and I understand that he has today stated that he does not even want to discuss compromise language. I hope that Mr. Moss will reconsider, but if that is the way he feels about legislation for the regulation of securities depositories, clearing agencies, and transfer agents, and the House Committee abides by his decision, then in the words quoted in the article on Mr. Moss,

"it should be crystal clear" who made it impossible to work out a reasonable compromise on this important legislation. It was not the Securities and Exchange Commission, it was not the Federal Reserve Board, it was not the FDIC, it was not the White House, nor was it any of the various industry groups involved or the Senate Committee on Banking, Housing and Urban Affairs. It was a member or members of the House Commerce Committee.

BICYCLE TRANSPORTATION ACT OF 1971

Mr. CRANSTON. Mr. President, as the Senate sponsor of S. 2440, the Bicycle Transportation Act of 1971, I have been delighted by the bicycle provisions contained in the Federal Aid Highway Act Amendments of 1972 (S. 3939). The Nation's 80 million bicycle riders—7 million in California alone—will benefit greatly by the funds made available for the construction of exclusive or preferential bicycle lanes and trails.

The bicycle boom is not a passing phenomenon. The bicycle boom persists and flourishes, perhaps more in California than in most States. An excellent article on our love affair with the bicycle appeared in the October 1972 issue of the magazine Westways. I ask unanimous consent that the text of this article by Mr. Robert Meyers be printed in the RECORD at this point for the interest of my colleagues.

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

MORE POWER TO THE PEDALER

(By Robert Meyers)

The ribbon was snipped and the morning sun danced off whirling spokes as some seventy-five bicycles started down the concrete path. It was the usual group of assorted pedal freaks: some racing types with helmets and jerseys, toe clips, tire pumps and water bottles; families with baby tucked into a kiddie seat on the back; an elementary school contingent from Pico Rivera, their bikes gaily festooned with crepe paper woven into the wheels. All were assembled on a beautiful morning last July to open a new Los Angeles County bike path along the bank of the San Gabriel River, starting from Santa Fe Springs Park.

While a bike path opening doesn't offer much in the way of drama and excitement, it is typical of the two-wheel fever rolling across the land. The bicycle is enjoying its greatest revival since its heyday in the 1890s. The number of bikes sold—8.5 million in 1971—has doubled over the last ten years. Manufacturers are predicting that in 1972 bicycle sales will outnumber car sales for the first time since 1897. About 75 million people in the U.S. ride bicycles with varying degrees of enthusiasm, and for motives as individual as the bicyclist.

Children know a good thing when they see it and have never abandoned the bike. But the current boom is among adults, who are rediscovering one of the chief joys of childhood. For some it may be a longing for the time when learning to ride without hands was the biggest accomplishment demanded of one. There's also the exercise bit—the attempt to do something, preferably painless, about the expanding waistline and dwindling ego. "Pollution solution" read the signs on some bikes, as a recognition that bikes give off no noxious fumes, poison no streams and destroy no ecological systems. For many bicyclists, it is just an enjoyable form of recreation, a way of exploring one's surroundings at a slower pace, with family and friends.

Finally, there are those ardent devotees who have abandoned car for bike as their principal form of transportation. One of these is Frank Steen, who relates his experiences in *The Bicycle Book*, issued by UCLA's Earth Action Council. Frank commutes twenty-four miles a day by bike to UCLA. He finds that biking takes about the same amount of time as driving, or even less, given the traffic and parking problems. When the smog gets bad, he wears his gas mask—which must give passing motorists a few sobering moments.

Bicycle clubs, magazines, dealers, repair shops and rental services are proliferating, along with bikeways and pressure groups for more of the same. Unfortunately, bike thefts and accidents are also rising at alarming rates.

Americans have thrown themselves into bicycling with gusto, ingenuity and some amusing results. Last year, in El Cajon, a couple whose romance began in a bike singles club were married—on a bicycle built for two, of course. Some banks offer bike-in deposit windows—for all the money saved by cycling instead of driving, perhaps. And police in Santa Clara, California, have formed a Bicycle Park Patrol to catch vandals in city parks. They ride ten-speeds recovered from bicycle thieves.

Man's relationship to the bicycle dates back to the Age of Invention, the nineteenth century. Even though the wheel was one of mankind's earliest inventions (thought to have been used first in the middle Bronze Age, about 2500 B.C.), it somehow never before occurred to anyone to link two wheels together fore and aft, place a seat between them, put a steering device on the front wheel, and ride off under his own power.

Basically, a bicycle is a two-wheeled vehicle propelled by its own rider. One of the earliest bicycles was produced in Paris in 1816 by J. N. Niépce, who was also an early experimenter in photography. Called by its maker a *célériphède*, Niépce's bicycle was steerable, but it had no pedals. The rider pushed it along with his feet. Obviously, it worked best when going downhill.

The following year, a German named Karl von Drais de Sauerbrun introduced what quickly became known as a draisine, but which was referred to in England as a hobbyhorse (or dandy horse, because it was ridden by the period's leading dandy, the Prince of Wales—later George IV).

In 1839, bicycle design took a strong stride forward with a hobbyhorse produced by Kirkpatrick MacMillan in Scotland. MacMillan's machine had reciprocating foot cranks on the front wheel, allowing the rider to propel himself without having his feet touch ground. For its time, this was a remarkable achievement. The forerunner of today's modern bicycles, MacMillan's vehicle could speed along at ten miles an hour. But, alas, it never caught on. It was too far ahead of its time.

In the early 1860s, Pierre and Earnest Micheaux and Karl Kech independently came up with similar ideas for a chain-driven affair called a "velocipede." By 1865 more than 400 velocipedes a year were being manufactured—and the bicycle's development had begun in earnest. Research was done on "tyres," hubs, spokes and gears, and the gear ratios were soon worked out.

The bicycle that emerged from all this effort was called an "Ordinary." It had a front wheel that was often six feet in diameter. To mount if you used a small step placed alongside. Because of the distance from the seat to the pedals, you either had to have long legs to ride the Ordinary—or you walked. Nevertheless, the extreme height of the Ordinary gave the rider the same feeling of grandeur that he felt while riding a horse. For those with less exalted expectations, the bicycle was simply a quick and easy means of getting around. It was cheaper than a horse, and it required little maintenance—repairs could usually be handled by the owner himself (thus giving the world the original Sunday mechanic). With the development of the Ordinary, the Age—and rage—of the Bicycle had begun.

This new mechanical horse was not without its problems, though, and one of them was that when a rider fell off an Ordinary, he fell off—a drop of more than six feet. Or, more dangerously, he fell over the handlebars and could be hurt by the bicycle itself. Relief was soon in sight—but not in the form of a soft landing spot. In 1874, H. J. Lawson, an Englishman, put together something called the "Safety Bicycle." Its wheels were of equal diameter, and it looked pretty much like the bicycles of today. In 1885 successful manufacture of the Rover Safety Bicycle was begun. By the 1890s the Safety dominated the market, the Ordinary was relegated to the glamorous or high-risk category, and the shorthand term "bike" entered our vocabulary for the first time.

But just as a man could not afford to fall six feet to the ground, so the bicycle could not continue to run on solid rubber—or on wood, or iron, or metal. In 1888, just as the Safety was gaining acceptance, J. P. Dunlop, a Belfast veterinarian who knew when to put the wheel before the bike, produced a pneumatic tire, which quickly replaced the solid rubber and hollow rubber tires that had been used. Lightweight, strong, dependable and fast, the pneumatic tire firmly established the bicycle's wheelhold.

In the late nineteenth century, as the bicycle became an accepted means of transportation, businesses and institutions adapted to meet the change. Stores stayed open late at night to accommodate the late-riding crowd and introduced new products, including "Bicycle" playing cards, horns, lamps and gadgets galore. Since country folk could travel to the city and city dwellers could journey to the country, stores and rest houses sprang up along the way, and people who never dreamed of living anywhere except where they already were began to realize they could live somewhere else and commute by bicycle. Roads were improved, laws were passed to give bicycles equal rights with the horse and buggy, shops sprang up overnight to cater to the new bicycling crowds—and Orville and Wilbur Wright opened a bicycle shop in Dayton, Ohio.

This bicycle craze in the late 1890s spawned a plethora of new products designed to make bicycling easier or more enjoyable. There were Cycle Cigarettes, "The Best That Can Be Made for the Money—20 for 5c"; Cycle Revolvers, "A Good Thing for the Bicycle Rider"; Bicycle Suits for Men "coat and bloomers (knickers) $3.75"; Kodak Cameras for Wheelmen, "You Press the Button, We Do the Rest"; and Bicycle Road Maps, showing a handsome twosome on the cover. Magazines such as *Collier's* and *Judge* published special bicycle issues; and one newspaper, the Philadelphia *Taggerts Times*, even attributed the breakup of the home, the breakdown of morals, and general indigestion to the bicycle.

By 1899 about 1.8 million bicycles had been sold throughout the world, and the basic shape of the bicycle had been set. It consisted of rubber-tired wheels, a diamond frame, footbrakes and handlebars. And by this time, speed records had been achieved. For example, Charles M. "Mile-a-Minute" Murphy raced behind a Long Island Railroad car over a mile course in 57.8 seconds—and he nearly bicycled into disaster when the train stopped too quickly.

During the twentieth century, the bicycle was put to some new, more practical uses. Folding bicycles weighing eighteen pounds were used by both sides in World War I, and

in America a "Liberty" bicycle was adopted as a way around the rubber and metal shortages. It was standardized, with a twenty-two-inch frame. The French used bicycles to ferry troops to battle.

By the Thirties, bicycles had acquired balloon tires, streamlining and chromium plating. Anticipating America's entry into World War II, the country adopted a "Victory" bicycle in 1940, as it had the "Liberty" bicycle during World War I. Average yearly sales for the years 1940 to 1950 totalled 1.2 million.

Following World War II, America entered the "Age of the Middleweight." To meet the competition of fast, lightweight European bicycles, American manufacturers introduced a middleweight bike that was faster than the old trooper American boys were used to, but sturdy enough to withstand being banged and dropped.

By 1960, 2.5 million domestic bikes and 1.1 million imports were sold in the United States. The trend had clearly shifted to domestic manufacturers, who offered a wide range of vehicle. By 1968, 5.9 million domestic bicycles and 1.5 million imports were sold here. And today's bicycle boom shows no signs of slowing.

Currently, the fashion is to load your two-wheeled charger up (or down) with baskets, bells, lights, streamers, reflectors, rear-view mirrors, air pumps, water bottles, spare tires, tire-patch kits, oil cans, city license tags, personalized name tags, tubular tires (instead of the plainer "clinchers") and *campagnolo* brakes. Or you may want to have your bike built to your own specifications (for around $375). Either way, you'll look smarter if you wear a racing jersey ($13), shorts with chamois seat ($10), gloves ($8), helmet ($12) and shoes ($14 or $25).

Today, bicycles are relied upon by people around the world for personal transportation (they're especially mobile in city traffic); business (who hasn't bought an ice-cream bar from the ice-cream wagon?); pleasure and war (the bicycle is reportedly the most frequent means of transportation in Southeast Asia). Bicycling is a simple, relatively inexpensive, healthy and satisfying means of transportation, exercise and relaxation.

The Prince of Wales' dandy horse has come a long way indeed.

LIBRARY OF CONGRESS BICENTENNIAL PROGRAM

Mr. MATHIAS. Mr. President, as one of the sponsors of the legislation which created the American Revolution Bicentennial Commission, I have maintained a keen interest in the Commission's progress. From time to time, most recently in committee hearings on August 1 and 2, I have tried to encourage the Commission to fulfill the aspirations expressed in the bicentennial bill. It has seemed to me that the Commission ought to do more to engage the scholarly community in the bicentennial celebration. It should take the initiative to probe the deeper meanings of the Revolution and to set the people of the country thinking about the implications of the event.

I am happy to report that the Library of Congress is leading the way for the Commission. Last May the Library staged the first in a series of five symposia on the Revolution. Entitled "The Development of a Revolutionary Mentality," the symposium drew an overflow crowd of scholars and laymen. The Library has just announced that the second of its symposia will be held next May 10 and 11. The topic will be "The Fundamental Testaments of the American Revolution." No symposium, I believe, could address itself to a more timely subject than an exploration of the meaning and the legacy of the fundamental documents of the Revolutionary period.

Prof. Julian P. Boyd of Princeton University, the editor of "The Papers of Thomas Jefferson" and a former president of the American Historical Association, will chair the program and lead the discussion. Prof. Bernard Bailyn of Harvard University, a Pulitzer prize winner in history, will deliver a paper on "Common Sense."

Cecilia Kenyon, Charles N. Clark, professor of government at Smith College, will speak on the Declaration of Independence. Prof. Merrill Jensen of the University of Wisconsin, editor of the papers on the ratification of the Constitution and the Bill of Rights and former president of the Organization of American Historians, will examine the Articles of Confederation. Prof. Richard B. Morris of Columbia University, another Pulitzer prize winner in history, will discuss the Paris Peace Treaty in which Great Britain recognized the independence of the United States. J. Russell Wiggins, newspaper editor and former Ambassador to the United Nations, will bring the program up to date with an appraisal of the fundamental testaments of the American Revolution today.

These papers are to be published by the Library of Congress. Thus making them available to scholars, teachers, students, and the general public.

Mr. President, I am delighted that the Library of Congress, thus making them investigating the intellectual and spiritual dimensions of the American Revolution and in making its collections and other resources known through a variety of activities and publications. It becomes the Library to do so. Let us hope that the American Revolution Bicentennial Commission will follow the Library's example, for it is impossible to learn or know too much about an event as profound as the American Revolution.

Mr. President, I ask unanimous consent that the Library of Congress publication entitled "Liberty and Learning, the American Revolution Bicentennial Program of the Library of Congress, June 1970" be printed in the RECORD at this time.

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

LIBERTY AND LEARNING

The Bicentennial of the American Revolution should be the occasion of a national reaffirmation of the truths to which the Nation was dedicated on July 4, 1776. It should be a time for rededication to the best of our national aspirations, for the setting of new—perhaps renewed—goals as we begin the third century of our independence. We have confidence that our form of government, with its imperfections and even its failures, has the strength and potential to meet the challenges of today and tomorrow. It is not enough to celebrate the deeds of our founders with patriotic oratory and noisy festivities. "To evoke," in President Nixon's words, "from our fellow citizens a deep sense of pride in our national heritage and accomplishments, and to inspire them to dedicated effort for the fulfillment of national goals yet to be attained," we must capture the spirit that animated the actions of the Founding Fathers. We must understand the principles that Jefferson characterized as "the bright constellation which has gone before us, and guided our steps through an age of revolution and reform."

This is more than an exercise in national piety. John Dos Passos wrote in a much less troubled era: "In times of change and danger when there is a quicksand of fear under men's reasoning, a sense of continuity with generations gone before can stretch like a lifeline across the scary present." Today more than ever, it is necessary to strengthen this lifeline by bringing to the American people an understanding of the Nation's past. Observance of the Bicentennial can deepen the faith of American citizens in their institutions and intensify their resolve to pursue the unalienable rights enunciated 200 years ago.

The Library of Congress, almost as old as the Republic it serves, has a special role to play in furthering this understanding. A major conservator of the Nation's past, the Library contains in its millions of books and manuscripts unparalleled resources for the study of American history. Its present collections are built around and have grown from the library of Thomas Jefferson, himself one of the architects of our freedom. Congress purchased the Jefferson collection after the British had burned the original library in the Capitol in 1814. So important is this nucleus of the Library's holdings that a former Librarian of Congress, Archibald MacLeish, said on the 200th anniversary of Jefferson's birth: "If there was withdrawn from the Library of Congress as it now exists everything which grew from the roots Jefferson planted, and everything which relates to the spirit Jefferson breathed, there would be little of greatness left."

The Library's collections are a living memorial to Thomas Jefferson. During the Bicentennial celebration, a memorial to another of the Nation's founders will rise on Capitol Hill—the Library of Congress James Madison Memorial Building. In this center for learning will be housed not only the papers of James Madison but those of twenty-two other Presidents of the United States and a number of the Founding Fathers, as well as those of other great Americans who have contributed to the civilization of their country—statesmen, inventors, business leaders, writers, teachers, and artists. This memorial is particularly fitting for the man who wrote in his seventy-second year:

"The American people owe it to themselves, and to the cause of free Government, to prove by their establishments for the advancement and diffusion of knowledge, that their political institutions, which are attracting observations from every quarter . . . are as favorable to the intellectual and moral improvement of Man as they are conformable to his individual & social Rights. What spectacle can be more edifying or more seasonable, than that of Liberty & Learning, each leaning on the other for their mutual & surest support?"

Madison's words, "Liberty and Learning," already adopted as a motif for the memorial building, will also be the Library's theme for its Bicentennial Program.

THE LIBRARY'S PROGRAM

Because the Library of Congress believed that it had a very real contribution to make to the observance of the Bicentennial—from the events leading up to the war, through the war itself, and to the period immediately following it—an internal committee was already considering a program before the passage, on July 4, 1966, of Public Law 89-491, which established the national American Revolution Bicentennial Commission, it was decided that the Library's extensive publications and exhibits programs should, insofar

as possible, be focused for the next two decades on the Revolution and the founding of the Republic.

In 1968 Congress approved the Library's plans for a phased program and subsequently authorized the addition to the staff of several professional historians, all specialists in early American history. They are working with the librarians, bibliographers, subject specialists, editors, and designers on the Library staff to disseminate throughout the Nation knowledge of the Library's resources and of the American Revolution through publications, exhibits, and special events.

Ten leading historians accepted the Librarian's invitation to serve on an advisory committee for the Library's American Revolution Bicentennial program and met in Washington early in January 1970 to review projects already under way and to discuss plans for the future. Members of the committee, all distinguished historians, writers, and editors are: John R. Alden, James B. Duke, professor of history, Duke University; Whitfield J. Bell, Jr., of Philadelphia, Librarian of the American Philosophical Society; Julian P. Boyd of Princeton, editor of *The Papers of Thomas Jefferson* and past president of the American Historical Association; Lyman H. Butterfield of Boston, editor of *The Adams Papers;* Jack P. Greene, professor of history at Johns Hopkins University; Aubrey C. Land, research professor of history, University of Georgia; Merrill Jensen, Vilas professor of history, University of Wisconsin, and president of Organization of American Historians; Adrienne Koch of Alexandria, Va., professor of history, University of Maryland, and author of *Jefferson and Madison, the Great Collaboration;* Edmund S. Morgan, Sterling professor of history, Yale University; and Richard B. Morris, Gouverneur Morris professor of history at Columbia University.

PUBLICATIONS

Bibliographies and guides

Highest priority was given to the preparation of a comprehensive guide to the manuscript and rare contemporary printed materials in the Library relating to the American Revolution. So important did the Library's Advisory Committee think this project that it not only endorsed it strongly but urged the American Revolution Bicentennial Commission to recommend the compilation of similar guides in each of the several States in the following resolution, adopted January 12, 1970:

Resolved, that whereas, the commemoration of the American Revolution Bicentennial affords an opportunity to increase an understanding of the ideas and ideals that animated the formation of the United States and the knowledge of the events that led to the creation of the Republic; and

Whereas, the Nation looks to the American Revolution Bicentennial Commission for guidance and direction in selecting and undertaking projects that will best accomplish this greater understanding and knowledge; and

Whereas, there exist in every State little-known or undiscovered manuscript sources for the study of the Revolution and the life and times of this period that will remain unused by scholars;

Therefore, the Advisory Committee of the Library of Congress American Revolution Bicentennial Program, having approved the preparation and publication by the Library of Congress of a comprehensive guide to its manuscript materials and rare contemporary printed materials of this period, urges the American Revolution Bicentennial Commission to recommend the preparation in each of the several States of a comprehensive guide to manuscript materials in the libraries, historical societies, archives, and government offices of that State, to be compiled according to scholarly standards for identifying and describing such items and to be published in a standard format. The committee believes that this project can be of incalculable benefit to scholars and to the general public in expanding our knowledge of American history, 1763–1789.

Support for this resolution has already been expressed by the officials of the National Historical Publications Commission, the American Historical Association, the Organization of American Historians, the American Association for State and Local History, the Southern Historical Association, the Society of American Archivists, and the Manuscript Society.

A project of this magnitude, to be carried out in the individual States, will need coordination by an appropriate organization and adequate funding, possibly through a system of matching Federal/State grants or foundation support. So important is this project to the observance of the Bicentennial that it deserves the active support of the American Revolution Bicentennial Commission.

Meanwhile, as its initial contribution to the literature of the Bicentennial and as an aid to national planning, the Library published late in 1968 *The American Revolution: A Selected Reading List.* This 38-page paperback, designed for use by the general reader rather than the specialist, cites 340 titles, ranging from eyewitness accounts to recent studies.

A comprehensive work of lasting value to students of the period is in preparation, a bibliography on Revolutionary America from 1763 to 1789, which will include more than 8,000 entries. In press is another work, a selected bibliography of periodical literature.

Among other bibliography studies projected is a catalog of the collection of William Faden, geographer to the British King, who assembled both manuscript and printed maps to use in his own publishing activities. Another is an analysis of the Library's holdings of the famous British Admirality charts known as the Atlantic Neptune series.

Facsimiles and other documentary publications

Edmund C. Burnett's *Letters of Members of the Continental Congress,* published by the Carnegie Institution of Washington in eight volumes between 1921 and 1936, has long been a standard research tool for the student of the period. Additional material has been discovered since Burnett's work went to press, however, and complete letters, of which Burnett reproduced only excerpts, have been found to contain valuable information. From its own collections and those of other institutions and individuals, the Library plans to publish at least 2,000 letters that will reveal the opinions and concerns of the members of our first national legislature, 1774–89.

Fundamental to any study of the American Revolution is that "expression of the American mind," the Declaration of Independence. The Princeton University Press and the Library will reissue, in a revised and enlarged edition, *The Declaration of Independence: The Evolution of the Text,* with historical notes by Julian P. Boyd, and facsimiles of various drafts, including the one by Jefferson with the changes made by Adams and Franklin, the Committee of Five, and the Congress.

Many scholars of the Revolutionary period have directed their attention to political and military problems and personages. To add to the general reader's knowledge of the thought, life, and character of the period, the Library plans to publish a volume containing extracts from personal letters, diaries, journals, newspapers, and pamphlets written between 1763 and 1789. Among materials in the Library's collections to be considered for this purpose are Susan Lear's diary of her journey by carriage from Philadelphia to Boston, Thomas Lee Shippen's jounal account of his grand tour, and Loyalist Joseph Galloway's secret messages to his wife.

Among the Library's richest holdings are its maps and charts. For the Revolutionary period they include charts of American coastal waters, harbor profiles, city plans, campaign maps by French engineers, drawings of fortifications, the so-called Franklin map used at the Paris peace negotiations, and the first map of the new United States, issued in 1784. Reproductions of many of these colorful manuscripts and rare printed maps will promote a clearer understanding of the influence of geography on the Revolution and illustrate the progress of the war.

The Library's holdings of British and American cartoons of the Revolutionary period will be published in book form. These cartoons, with editorial annotations, will provide a graphic history of political commentary through a form of satire that was just coming into vogue.

Political pamphlets were the chief vehicles for the dissemination of political ideas in England and in the Colonies. The most popular went through several editions on both sides of the Atlantic. Because they were so widely read by so many people, few copies now remain. To stimulate interest in overlooked areas of study, the Library is selecting for reprinting those rare and hard-to-find titles not now generally available to scholars. These will be reprinted in a series that will bring together writings on the fundamental issues of the day by, among others, Rokeby, Tucker, Shipley, and Cartwright.

The first of the Library's facsimiles relating to the American Revolution has already appeared—Paul Revere's engraving of the Boston Massacre, first published in 1770. This colored reproduction brings to the public one of the most famous engravings in American history, a prized American print which is a memorial to a landmark in the struggle for independence. Other historic prints, broadsides, and documents in the Library's collections will be similarly published with historical notes as funds become available.

EXHIBITS AND TEACHING AIDS

Jefferson's so-called "Rough draught" of the Declaration of Independence, in his own hand and with emendations by Benjamin Franklin and John Adams, an engrossed copy of the Bill of Rights, and manuscript items from the Library's collections of the papers of George Washington and Thomas Jefferson are on permanent display in the Main Building. Visitors to the Library in recent months have seen an exhibit entitled "Boston 200 Years Ago," which depicted in engravings, maps, broadsides, and rare books from the Library's collections the mood and life of the city that in 1769 was ready to lead the Colonies into open rebellion. A similar display was mounted for the bicentennial of the Boston Massacre. Engravings, pamphlets, portraits, and manuscripts, on view from March 5, 1970—the 200th anniversary of this violent confrontation with British authority—present the event itself, the American and English reaction, and the trial that followed.

In the Great Hall a major exhibit, drawing upon all the resources of the Library of Congress, will be opened before the Bicentennial year. Planned to give the public a comprehensive understanding of the revolutionary struggle, from its beginnings to the founding of the Republic, it will remain on view throughout the celebration of the Bicentennial. Smaller displays will highlight special events and developments. A book based on the matter exhibition will serve as a guide for visitors, as well as a souvenir of the cele-

bration and a convenient, illustrated capsule history of the American Revolution.

With the completion of the Madison Building, not only will it be possible to reclaim former exhibit areas in the Main Building, now of necessity preempted for work areas, but the Madison Exhibition Hall, with a new gallery, will become available.

In keeping with the Library's theme of stimulating learning at all levels about American liberty, a portable exhibit, designed for reproduction and distribution as a classroom teaching aid, has been developed and successfully tested in secondary schools in the Washington area. Support is now being sought for its production for wider distribution for use by schools and public libraries.

SYMPOSIA AND SPECIAL EVENTS

In a series of symposia historians will interpret the Revolution and its effects on the United States and other countries of the world, especially as revealed in the Library's collections. Of primary interest to scholars, the effect of this series on the writing and teaching of history could be felt in both classroom and seminar. Foundation support for the series, already assured, will enable the Library to hold the first symposium in 1971. The published papers of each symposium and a collection of the lectures, published in book form at the conclusion of the series, should form a provocative addition to the historiography of the American Revolution.

Other special events marking the Bicentennial of the Revolution are in the planning stage. Among them are concerts of 18th-century music, reflecting for this present day one of the pleasant recreations of the men and women caught up in the struggle for independence.

PROJECTS IN WHICH THE LIBRARY CAN COOPERATE

The successful culmination of a struggle that at times seemed hopeless, the American Revolution became a beacon for all peoples seeking liberty. Probably no single event in man's history had so strong an impact, over so long a period of time, on so great a portion of the world's population. Describing this impact and demonstrating our interest in the histories of other nations so closely allied with our own should be prime considerations in the observance of the Bicentennial.

The Library has explored the possibilities of surveying manuscripts in other countries that reveal the impact of the American Revolution, with the hope that such of these manuscripts as have not yet been fully and reliably copied can be microfilmed. Unpublished sources throwing light on this subject exist among private papers and official records in both government archives and private depositories. The existence of much of this material is already known, but until a comprehensive survey is made, scholars can only guess at the quantity of undiscovered sources; and, until they are readily available in microfilm, they cannot be fully utilized by the scholarly community.

Members of the Advisory Committee on LC's American Revolution Bicentennial Program have expressed strong interest in a body of sources of great importance for historical research but at present under poor bibliographical control and therefore hard to use and little exploited. These are foreign newspapers, a medium which, as the eighteenth century advanced, increasingly recorded and reflected events in America and their meaning as understood in Europe. No comprehensive guide exists to files of early European newspapers held in either the countries of their origin or elsewhere, including libraries in the United States. It is therefore almost always difficult, and sometimes nearly impossible, to determine precisely what papers were published in, say, 1775, in such cities as Madrid, Brussels, or Dublin; or, if one knows some of the titles wanted, to tell where good files may be found, of either originals or photoreproductions. A systematic survey of files, wherever held, followed by a microfilming program, is thus a very serious need. Such a program would incidentally provide an appropriate means by which European nations and their learned organizations could contribute to the approaching commemorations. If it were followed, as it should be, by a published guide and international exchanges of microfilmed files of newspapers, it would enhance the resources of scholarly institutions in a number of countries.

No funds are available at present for either the manuscript or newspaper copying programs. Both activities are worthy of the approval and support of the American Revolution Bicentennial Commission.

Another project, much more restricted in scope but of primary importance, would give scholars easier access to American newspapers for the formative period. Clarence Brigham performed the herculean task of listing American newspapers for the period 1690 to 1820. His painstaking research identified hundreds of fugitive papers, verified their changing titles and publishers, and located the remaining, sometimes unique, copies in American depositories. Historians of the period of the Revolution, however, can use his work only with difficulty because of its geographical arrangement. A rearrangement of the Brigham findings in chronological order would greatly enhance the value of this ready reference tool for a study of the Revolution.

An area that needs to be explored is the field of diplomatic history. The ancient work of Jared Sparks on American diplomatic correspondence and its expansion and revision by Francis Wharton are both obviously deficient, but the task of preparing an adequate edition, drawing upon the material now known to exist, has not been attempted. Although the project would be large and costly, it should not be neglected if we are to comprehend fully the role the infant nation played on the world scene and the conflicting forces that helped or hindered the American struggle for independence.

CONCLUSION

A people who would preserve their liberty must constantly strive to increase their learning. They must deepen their awareness of that liberty's roots, of its meaning in the light of new interpretations, of its applications to the Nation's present needs and challenges. The Library of Congress, in its observance of the Bicentennial of the American Revolution, will dedicate the priceless materials in the national collections and the specialized knowledge of its staff to the furtherance of liberty through learning.

DR. RALPH KAPLAN

Mr. CRANSTON. Mr. President, I would like to draw the attention of the Senate to a remarkable man, Dr. Ralph Kaplan. Dr. Kaplan, a columnist, news commentator, teacher, and lecturer, has been singled out for honor by the Los Angeles Israel Bond organization. In spite of his long and devoted service to Israel and to other causes, this is the first time that Dr. Kaplan has permitted any organization to honor him.

The statement issued by the organization states:

Dr. Kaplan writes a regular column for the Van Nuys News and the Orange County Register and broadcasts regularly over Radio Station KIEV, Los Angeles, and Radio Station KDES and KGEC-FM in Palm Springs.

In addition he has conducted an extension course on "Evaluating the World's News" at UCLA School of Journalism since 1969 and is a faculty member of Hebrew Union, School of Education since 1971, offering two courses: "Israel Between the World Powers" and "World Press and Jewry".

Dr. Kaplan is on the Los Angeles County Hospital Commission and an economic consultant for Beverly Hills Bancorp and subsidiaries. In addition he is a member of the National Academy of Television Arts and Sciences, the American Federation of Television and Radio Artists and Phi Delta Kappa, education honor society.

He is a trustee and member of the board of the Beverly Hills Lodge of B'nai B'rith, a member of the board of the Planned Parenthood Ass'n of Orange County, Inc., and Grand Conseiller of the Conseil L'Academie du Vin, Bordeaux, France.

A dedicated supporter of the Israel Bond program since its inception in 1951, he has made inestimable contributions in terms of leadership, inspiration and concrete financial help to the upbuilding of the State of Israel and previously was Los Angeles community representative on the Los Angeles-Elath Sister City program and a member of the board of the Pacific Southwest Region of the Anti-Defamation League.

Highlights of his long career have been a two-hour debate with the Consul General of the United Arab Republic on the Mid-East conflict (in 1963), his role as historical consultant on "Let My People Go," a one-hour documentary televised nationwide over 100 stations, and his post as dean of Universal College, Tel Aviv University.

Dr. Kaplan, who is listed in "Who's Who in World Jewry," is currently completing a major literary work, "As if There were No Tomorrow," which deals with human involvement before and during the Six-Day War.

MONTANA DEFENSE INSTALLATION FACTS—REPORT BY SENATORS MIKE MANSFIELD AND LEE METCALF

Mr. MANSFIELD. Mr. President, a general consolidation of moneys to be expended by the Department of Defense in Montana during fiscal year 1973 is as follows:

Military pay	$52,652,000
Civilian pay	11,047,000
Reserve and Guard	8,593,000
Military construction	47,342,000
Other	20,257,000
Total	139,881,000

GLASGOW AIR FORCE BASE

The present population of Glasgow Air Force Base is in excess of 2,500 people, and more than 560 homes are now occupied.

By the end of next June 1973 it is estimated that there will be approximately 850 families residing on the base.

The current Air Force payroll is $61.-843 monthly.

The Tumpane payroll is $218,306 monthly.

Construction projects now underway:

Aircraft parking ramp	$1,300,000
Alert building	195,000
Fuel hydrant repair	45,000

The airfield should be reactivated no later than December 1, 1972. B–52's should arrive soon thereafter.

The Safeguard depot is operational. The construction contract will be completed during October 1972.

The August payroll for the Safeguard depot was $110,422.

An attempt was made by the House to delete $1,570,000 from the Department of Defense appropriations bill to support the Safeguard Logistics Command which includes the depot. The Senate was successful in having this $1.6 million restored to the Department of Defense appropriations bill on which the conferees have agreed.

The House also recommended deletion of $1.3 million in operation and maintenance funds for contract support for Glasgow. This money was for the facility support of the Safeguard depot. Again, the Senate was successful in restoring these funds to the bill and the conferees agreed.

The Mountain-Plains School has approximately 130 families comprising approximately 500 students in the program now. By December 30, they anticipate having 200 families of approximately 800 persons.

There are 167 staff members, including 60 professional instructors—the remainder being clerical, custodial, and administrative. It is expected that in December there will be 93 instructural staff for 800 students.

Twenty-five of the 107 families are from minority groups—17 Indian and eight Mexican-American.

On the staff are 18 minority members—12 Indians, four Mexican-Americans, and two East Asians.

The monthly payroll for staff and students is $180,700 and by December, it should be $220,000; $12,500 per month is budgeted for usage of base facilities and $25,000 per month for utilities. Seventy-one staff members live on base, paying $10,600 per month to the Air Force for housing.

HEW will soon develop a proposal and recommend a grant in excess of $300,000 to establish a health program at the base. The Senate colloquy with Senators MAGNUSON and COTTON should provide incentive to the Department to expedite this program. Presently, there is one Public Health Service doctor there on temporary duty. The ultimate goal is full utilization of the hospital, but the $300,000 will not achieve that result. We are pressing HEW to develop both a short-range and long-term plan to provide adequate and complete medical care at the base.

AVCO is still employing 227 people at the base on an Army contract which will expire on February 1, 1973. The Army has tentatively agreed to consider extending most of this contract for an additional year. We should be hearing soon on the final details.

The WIN program is employing 60 people and could handle more if funds are made available through the State. This is an outstanding project.

AVCO and the Air Force are still in dispute over the award of the contract support function to the Tumpane Co. The GAO is investigating and will soon issue a report.

MALMSTROM AIR FORCE BASE

For fiscal year 1973, the Department of the Air Force did not submit a budget request for any construction at Malmstrom Air Force Base.

During a visit by Appropriation and Armed Services Committee staff members Mike Rexroad and Gordon Nease in March, at our request, it was determined that the base needed a base supply warehouse and an automotive maintenance/administration facility. When the military construction authorization bill was considered, it was requested that these two projects be added to the bill, the warehouse at $614,000, and the automotive maintenance facility at $531,000.

These items were not in the bill as reported by the House of Representatives but were added by the Senate. The conference committee agreed to authorize these buildings.

Later, the necessary funds were provided in the military construction appropriations bill. Construction should begin this spring.

The headquarters air base group building, approved last year, is just being completed and should be ready for dedication the end of this month.

The women's dormitory, which was obtained last year, is in the final design phase and construction should start in December.

Considerable work is being done with nonappropriated funds at the commissary, the post exchange, arts and crafts shops, and the NCO and officers clubs.

The economic impact of the base continues to contribute approximately $88 million per year to the Great Falls area.

For next year, we are considering the advisability to include two projects at the base: First, another airman's dormitory to replace four pre-Korean era dormitories. These older dormitories are prohibitive in their maintenance, and four of them can be replaced by one building; second, there is a need for an additional automotive heated storage facility. This building pays for itself in a relatively short time through decrease in automotive maintenance costs and depreciation from severe winter weather.

We are still working on $150,000 for the Air Guard at Great Falls International. No decision has been reached. Yesterday, the National Guard Bureau advised us that a weapons storage facility will be constructed at Great Falls International Airport for the Montana Air National Guard. Maj. Gen. I. G. Brown will visit Great Falls soon to confer with local officials on this project and other Air National Guard matters. The weapons facility will cost approximately $300,000.

The question of upgrading the Minuteman access roads is still under review in the Air Force. A decision should be ready during November.

Hardening of the Minuteman sites probably will not be accelerated as we asked.

CONRAD ABM AREA

On October 3, the Army announced the formal termination of the construction contracts for the Safeguard ABM facilities in Montana. Contracts terminated were valued at over $181 million. Work had been suspended on May 27, 1972. Approximately $11 million in construction was completed in the winter of 1971.

In the fiscal year 1973 military construction appropriations bill, the House of Representatives included a provision to reduce the funds available for community impact assistance to Montana and North Dakota by $6 million. Had this reduction been sustained, the Safeguard Command woud not have been able to meet Montana and North Dakota requirements now under review.

The Senate restored the $6 million, and in conference, the House receded. Thus, sufficient funding is available to meet the foreseeable requirements in the Conrad area.

A most important project still pending is the kitchen and multipurpose classroom for the new elementary school now under construction at Conrad. This project was disapproved by the Safeguard Command but is being reconsidered at our request. Now that the military construction bill has passed with the $6 million for community impact, we believe early approval can be expected.

The Small Business Administration originally took the position that small business loans could not be made to trailer parks, apartment owners, and real estate. Last week, we were successful in convincing SBA that in this particular instance; that is, the ABM cancellation at Conrad, small business loans should be authorized for trailer parks, apartment owners, et cetera. We emphasized that this was clearly the intent of Congress when the "Agnes" bill was passed with my amendment. Instructions have gone to the field to process these loans.

A number of community action projects are still being processed. A summary of these actions and their status is attached.

The Office of Management and Budget still has not released $19 million in fiscal year 1972 Federal highway funds for road construction in the five-county area. There is little we can do about this as the administration appears adamant in impounding these funds.

I ask unanimous consent that a report entitled "Status on Montana ABM Impact Actions" be printed in the RECORD.

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

STATUS ON MONTANA ABM IMPACT ACTIONS

During the June 8–9 visit of the Inter-Agency Economic Adjustment Task Force to the Montana ABM impact area, 44 specific actions were requested of the Federal Team. Nine additional requests were added during follow-on visits in late June and July. This report summarizes the status of current actions on the community requests.

In terms of the overall progress, the 53 actions can be summarized as follows:

Approved and in process	31
Community advised that local application can be approved on submission	1
Action in progress, initial favorable response	8
Action in progress, initial negative response	8
Disapproved	4
Action still pending	1
Total	53

Particularly helpful action has been effected by our Federal Team members resident in Montana from Small Business Administration (SBA), Economic Development Administration (EDA), Housing and Urban Development (HUD), Farmers Home Administration (USDA-FHA), Department of Labor, Federal Highway Administration, and the Federal Aviation Administration.

STATUS ON MONTANA ABM IMPACT ACTIONS

[As of Sept. 15, 1972]

Action	Action agency (action date)	Current status [1]
COMMUNITY FACILITIES		
1. Highways: Expedite $19,000,000 in fiscal year 1972 Federal highway funds and fiscal year 1973 programs for currently planned projects, with special emphasis on 5-county area.	DOT (ASAP)	(e) DOT year-end fiscal year 1972 allocation amounted to $2,500,000. DOT has advised (letter of Sept. 6, 1972) that additional 1st half fiscal year 1973 obligational request of $8,500,000 could be effected subject to OMB waiver of nationwide expenditure ceiling. OMB response (unfortunately unfavorable) to July 29 request is in process and is expected shortly. Additional 2d half fiscal year 1973 FHWA funding for impact area recommended at $13,200,000.
2. Libby Reregulation Dam	Corps of Engineers (Continuing).	(c) Report on $16,000,000 project approved by Board of Engineers for Harbors and Rivers and Chief of Engineers. Response from State of Montana was due by Aug. 31. Response now required urgently in order to secure inclusion in 1973 Omnibus Rivers, Harbors, and Flood Control Bill. This project was authorized by the Senate on Oct. 12, 1972 and it now goes to the House of Representatives.
3. Repair spillway at Tiber Reservoir	Department of Interior (Fiscal year 1974 Budget Cycle).	(d) Department of the Interior has advised us (letter of Aug. 28) that Spillway Project does not have favorable benefit/cost (B/C) ratio within Marias-Milk Project. DOI has been requested to conduct separate B/C analysis of Spillway project alone, including safety feature to downstream populations.
4. Expedite payment on Conrad sewer and water projects	EPA/SAFEGUARD	(a) Completed (July 1972).
5. Recreation planning for Swift Dam and Tiber Reservoir	USDA (continuing)	(a) Initial visit by USDA scheduled for January 1973 following completion of Montana Water Resource Board report on use of water line.
6. Planning/Technical Assistance for City-County jail for Shelby	LEAA/State (September 1972).	(a) LEAA is arranging for comprehensive consultant evaluation of criminal justice needs of Toole, Pondera, and Liberty County. (Consultant evaluation will be without cost to communities. Requested Aug. 23.)
7. Improvement of Minuteman Roadways	Air Force (MTMTS) Analysis by October 1972.	(c) Air Staff has requested analysis of costs and benefits for upgrading roadways from SAC. Analysis due mid-October.
8. Expedite hardening of Malmstrom Minuteman Field	Air Force (August 1972)	(d) Air Force has been requested (memorandum of Aug. 4) to proceed with accelerating Malmstrom area Minuteman Program. Action would result in initial hiring for March 1974. Air Force response has just (Sept. 14) been received—recommending against the acceleration. Air Force response must now be evaluated.
9. Expedite Small Watershed Projects	USDA–SCS (August 1972)	(a) SCS has advised (Aug. 15) that all Montana projects have been expedited. Further acceleration of Big Spring Creek Project (Fergus County) being investigated.
10. Senior Citizens Housing Program in Conrad (Horizon Lodge)	HUD (August 1972)	(a) Approved (Aug. 22, 1972).
11. Secure Interpretation of Treaty on use of 26-mile water line	DOD/Corps of Engineers (August 1972).	(a) DOD General Counsel Legal Opinion (Aug. 25) confirms that water line is not element of "ABM System component" within the meaning of Article II of the Treaty. The local community has been advised that the water line can be conveyed to public water district at full public benefit allowance. Water district has been organized by local citizenry. Water distribution study by Montana Water Resource Board is now required.
12. Marias-Milk Irrigation Project	Department of Interior (July 1972).	(e) DOI has advised (letter Aug. 22) that Marias-Milk project does not reflect favorable B/C ratio at current 5¾ percent interest rate of Water Resources Guidelines. Proposed revision to Guidelines would place an even greater burden on project.
13. Sewer-water for Shelby	USDA–FHA (September–October).	(c) Shelby City Council has provided clear indication (Sept. 6) of desire to proceed with project. Meeting arranged for Oct. 10–11 in Shelby to evaluate portion to be financed through USDA–FHA and through EDA.
14. Indoor Swimming Pool—Conrad	HUD (September 1972)	(d) Application is being reviewed by HUD Denver Region. Application has not received initial favorable reaction due to lack of urban density pressures. Outdoor Recreation grant through Department of Interior (BOR) and State is also being explored.
15. Repair of Conrad City Streets	HUD/SAFEGUARD (August 1972).	(c) Initial application for repaving main streets through HUD was rejected. Denver Region of HUD indicates application can now be reconsidered. Repairs (as opposed to repaving) of the Conrad streets can be approved and accomplished through FHWA as an alternative.
16. Hill-Burton Assistance to Shelby/Toole County Hospital	HEW/State (September 1972)	(d) Hill-Burton funds were included in HEW and Labor Appropriation Bill vetoed by the President. Continuation of Hill-Burton fiscal year 1973 appropriation level is in question. 5 other hospital applications of Category A urgency comparable to Shelby have already been received by the State.
17. Nursing Home Improvement assistance in Shelby	HEW/State (September 1972)	
18. Cross-Wind Runway Facilities—Shelby	FAA (October 1972)	(b) FAA has advised Shelby-Toole County that local application can be funded with 53 percent Federal sources.
19. Galata Water Line and Water District	FHA (October 1972)	(d) Actual application has not been received. This project stretches nearly 60 miles, serving approximately 50 families. Cost per family may well be prohibitive ($50 per month). Some possibility does exist that additional feed lot activity for the area could make supplemental EDA assistance appropriate.
20. System for Financing Removal/Renovation of Old Structures in Shelby.	USDA-FHA/HUD/OEA (November 1972).	(f) USDA-FHA procedures authorize financing for removal of older structures and resale for new housing. Similar procedure must be developed through HUD financing renovation of older business section of Shelby.
21. FAS 534 Upgrading	State/FHWA (August 1972)	(a) State/Department of Highways has indicated that FAS 534 all-weather upgrading will be advanced to November 1973.
SMALL BUSINESS AND INDUSTRY		
22. Local small business firms will require low interest loans to provide relief under current business situation. Legislative action may be necessary.	SBA (August 1972)	(a) Relief legislation introduced by Senators Mansfield and Metcalf was enacted as Section 6 of Agnes Relief Act (Public Law 92–385). Provisions provide for long term (up to 30 years) low interest (5⅜ percent) loan to refinance existing business indebtedness. The SBA Helena Office is processing applications on-scene in Conrad. SBA Washington is seeking Comptroller General ruling as to when loan payments can be effected. OEA and ACDA have indicated (Sept. 14) that the "international agreement" on ABM was signed May 26 and was ratified on Aug. 3 for purposes of loan provisions. Request has also been made to SBA to include real property involving on-the-scene management of real estate (such as apartment houses) as appropriate small business activity. This request was approved.
23. Assistance in locating purchasers for the numerous private mobile homes in the Conrad area which represents a serious debt burden to local developers.	HUD (ASAP)	(e) HUD inspected the Conrad area mobile homes for use at Rapid City. All but 2 of the older Conrad area private units were priced above the cost of new units to HUD ($3,832 to $3,920 for 600 2-bedroom units and $4,570 to $4,610 for 250 3-bedroom units). Final HUD determination received on Aug. 4.
24. Assist Conrad-Shelby area in identifying prospective industries which will meet local community assets and basic agri-business orientation.	OEA/SBA/EDA (September 1972).	(a) Conrad is presently investigating 5 new business prospects. Individual profile for Conrad-Shelby presently being drafted.
25. Comprehensive economic impact and reuse study for MSR/PAR areas.	ACDA/State (July)	(a) ACDA has retained General Research Corp. to conduct the study of the national economic impact of the SALT I agreements. This study will result in recommendations to the affected communities for alternative use of the buildings and support facilities available at the ABM site. Although the final report is not due until the end of February 1973, the contractor stands ready to supply information if and when requested in the interim. Approved Aug. 24.
26. Determination of availability of nonmilitary facilities at ABM site for industrial uses.	DOD (September 1972)	(a) DOD General Counsel has ruled (Aug. 25) that nonmilitary support facilities are not "ABM System Components" within the meaning of Article II of the Treaty. SAFEGUARD dismantlement plan does not include removal of office and warehouse facilities. Further discussions will still be required with the U.S.S.R.

Footnote at end of table.

STATUS ON MONTANA ABM IMPACT ACTIONS—Continued

Action	Action agency (action date)	Current status [1]
27. Assistance to bus companies	SBA (Contnuiing)	(d) Contact has been made for both the former Missile Master and Johnson Bus Lines for Air Force and HEW activities at Glasgow. Results have not been favorable to date.
28. Local economic development staffing	EDA/SAFEGUARD (June 1972).	(c) Economic development district has been organized. 2d meeting was held on Sept. 12 at which time proposed the EDA staffing (75 percent) with suggested Safeguard support of local assistance costs (25 percent) was accepted by the EDA Denver region.
29. Technical assistance for reuse of private/public facilities	EDA (July 1972)	(a) Technical assistance grant approved in June. Contractor is now preparing final report.
30. EDA "Sudden Rise" designation 5-county area	EDA/State (July 1972)	(a) EDA designation effected on July 7.
31. Technical assistance for Industrial Sites	EDA (July 1972)	(a) Technical assistance grant approved in June. Contractor is now preparing final report.
32. Continuing business assistance to Conrad-Shelby business community.	SBA with OEA assistance (Continuing).	(a) SBA visiting Conrad-Shelby on weekly basis. 4th OEA visit to Conrad-Shelby area scheduled for Sept. 21–23.
33. Small Business Seminar for Conrad-Shelby areas	SBA/Conrad Business Community/State (after immediate impact crisis).	(a) SBA scheduling seminar for January–February 1973 period at Conrad convenience.
34. Assistance by SBA SCORE Program to Conrad-Shelby business community.	SBA (Continuing)	(a) Great Falls SCORE Chapter President has been in touch with Conrad Chamber of Commerce and is arranging continuing assistance.
35. Lease Guarantees for new shopping center in Conrad	SBA (June 1972)	(a) Lease guarantees approved in June. Shopping center presently nearing completion. Opening scheduled prior to Christmas business season.
36. Establish local economic development corporations for Conrad-Shelby areas.	Local Communities/EDA/ State Department of Planning (June 1972).	(a) Local Conrad and Shelby economic development corporations organized and operating aggressively.
37. Comprehensive 701 Planning for Industrial Expansion	State (June 1972)	(a) State Planning Division indicates that the current HUD Section 701 grant is adequate to permit updating of comprehensive community plans.
38. Technical Assistance on Mobile/Modular Housing Plant for Conrad.	EDA (September 1972)	(c) Application with EDA Denver. Response expected momentarily.
39. Farmers Cooperative Service Advice on Vertical Integration of Livestock Feeding, Slaughtering and Packing.	USDA (September 1972)	(a) Farmers Cooperative Service representative, Raymond Fox, visited Conrad to meet with area ranchers on Sept. 12–13. Full review given to Vertical Integration concept.
LABOR AND EMPLOYMENT		
40. Labor Mobility Funds	Dept of Labor (ASAP)	(a) Current DOL grant of $250,000 for Labor Mobility to State of Montana is unique nationally. Program being implemented effective by State. State request for $204,000 being reviewed by DOL Washington. Approval in process.

[1] Action status code:
(a) Approved and in process.
(b) Community advised that local application will be approved on submission.
(c) Action in progress; initial favorable response.
(d) Action in progress; initial negative response.
(e) Disapproved.
(f) Action still pending.

POLLUTION IN ROCK CREEK AND LAKE ROLAND

Mr. MATHIAS. Mr. President, all of us here agree, I am sure, that environmental consciousness is a fact of life, a concept which will be an integral part of any legislation dealing with our country's natural resources in the congressional sessions ahead. In the past month, the Senate passed the landmark water pollution control legislation, a safe drinking water bill, the pesticides control act, and a noise pollution control measure. Much of the action we have taken has been hastened as a result of the extensive and vigorous work of environmental groups throughout the country made up in large part of young students devoted to improving the quality of our environment.

The National Science Foundation, recognizing the potential of these young people, instituted the student-originated studies program in 1969 as a vehicle through which college students could express their concern for the Nation's environmental well-being, and hopefully, to encourage these young people to continue their interest in environmental sciences. The results of the student-originated studies program were published in the 1971 Abstract Reports as presented at the American Association for the Advancement of Science's meeting in Philadelphia in December of 1971.

Looking through the great variety of environmental projects undertaken by the students, I could not help feeling very proud and confident that the quality and obvious depth of the students' work would reap valuable benefits for America in the decades ahead. Two Maryland colleges received grants to participate in this NSF program. Twenty-four University of Maryland students along with a faculty adviser studied the extent and sources of pollution in Rock Creek, Md., and the District of Columbia for 3 months in 1971. An "Analysis of Degradation of Lake Roland, Baltimore," was the project carried out by 11 students at Goucher College in Towson, Md. These studies are perceptive, timely, and indicative of a deep concern and commitment to major environmental problems we face today. I ask unanimous consent that the two abstracts summarizing the projects be printed in the CONGRESSIONAL RECORD. Thank you.

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

EXTENT AND SOURCES OF POLLUTION IN ROCK CREEK, MD. AND THE DISTRICT OF COLUMBIA

(University of Maryland, College Park, June 7, 1971–August 22, 1971)

Participants: Richard Butler, Reed Coble, Wava Culver, Julia Harper, Ron Logee, Richard Lohmeyer, David Newsom, Robert Patterson, Robert Presto, Richard Ramsey, Hilda Rojas, Scott Sinex, Suzanne Smith, Gary Stanton*, Earl Stromberg, Deborah Traham, David Vai, Thomas Vai, Ellen Waldron and Joan Zeller.

Non-Stipend Participants: Scott Heur, Catharine Ingels, Jeannette Pryor, Paul Schilling.

Faculty Advisor: Zigfridas Vaituzis.

An intensive bacteriological investigation of the Rock Creek watershed was conducted by students from the University of Maryland and Montgomery College. The bacteriological study was supplemented with a chemical analysis of Rock Creek and its tributaries. Laboratory analyses and field examinations were performed from June 7, 1971 to August 22, 1971.

This study presents the status of water quality throughout the Rock Creek watershed. The degree and origin of animal and human fecal contamination are defined for this watershed. Those areas that demand further study are delineated. The chemical analysis of the watershed revealed no significant sources of chemical pollution. In addition, a brief discussion of the erosion effects of urban development is included.

*Student Project Director.

ANALYSIS OF DEGRADATION OF LAKE ROLAND, BALTIMORE

(Goucher College, Towson, Md., June 2, 1971–August 24, 1971)

Participants: Helen Ford, Nancy Marcus, Christina Nevar, Katherine Orr, Donald Outen, Virginia Richards,* Mina Risan, Margaret Rubin, Sharon Sommers, Edward Wender, and Clydia Wood.

Faculty Advisor: John W. Foerster.

Lake Roland, once a city reservoir and now the main feature of a park for the Baltimore area, is rapidly deteriorating. The purpose of this study was to evaluate Lake Roland's condition as accurately as possible, and to decide whether or not it is ecologically and recreationally worth salvaging.

All lakes are basically transitory elements of the earth's surface, but their natural lifetime usually spans thousands of years. In the case of Lake Roland, a man-made lake, the lack of maintenance has drastically shortened its life. The lake is undergoing eutrophication. This process, in Lake Roland's case, is being brought about by an increase in nutrient and sedimentation levels. Increased fertility allows more organisms to grow and die, thus compounding and trapping the amount of nutrients. Rooted aquatic plants in the shallow water around the edge trap sediments, and bring about gradual encroachment of the shoreline into the lake. Mis-management of land and water resources throughout its drainage basin has accelerated Lake Roland's rate of eutrophication; in less than a century its volume has decreased by 80%.

Twice a week, over the 12-week period samples were taken at seven base, or monitor stations; one each were on the three main feeder streams, and four in the lake proper. Physical measurements included: current speed, pH, temperature, conductivity, light penetration, color, sedimentation analysis, wind speed, weather conditions, rainfall. Biological measurements taken were: bacterial count, phytoplankton, periphyton, fish, benthos, and rooted aquatic vegetation. Sedimentation studies consisted of discharge

*Student Project Director.

measurements during both base and storm conditions, and particle size analyses of bottom sediments. Surveys of lake and park users and of area residents were conducted to determine the social value of the lake. Where appropriate and possible, basic relationships between the parameters of the lake were expressed in simple mathematical models.

Aside from the monitor stations, stations were set up near the shoreline to study encroachment of rooted aquatic plants. Fish samples were also taken at other locations in the lake and tributaries. Transects were made of the lake to determine the thermocline, depth, and light penetration at various areas.

The following conclusions were drawn from this investigation of Lake Roland:

1. The streams and reservoir are too high in those nutrients (nitrogen, phosphorus, etc.) which support noxious algal blooms.

2. Total and fecal coliform counts exceed State of Maryland and U.S. Public Health standards for primary contact recreational waters, thus suggesting the possibility of water borne disease. Bacteriological analyses and detergent tests indicate that domestic wastes are entering Lake Roland. The most likely source of such wastes is thought to be faulty septic systems.

3. Siltation is inordinately high, causing delta formation at stream mouths and filling in the lake.

4. Since 1943, Lake Roland has lost over 50 million cubic feet through sedimentation, and thus, the natural rate of eutrophication has undergone acceleration.

5. It is believed that the siltation, by limiting light penetration, is, to some extent, subduing noxious algal blooms.

6. Any attempt to alleviate siltation, without reducing nutrient inflow into Lake Roland, will make the algae problem worse.

7. The largest silt load into Lake Roland from all the tributaries is Towson Run.

8. Roland Run is the most seriously degraded stream.

9. There is an abundance of sewage fly larvae (*Stratiomys sp.*) and sludgeworms (*Tubifex sp.*) in Roland Run; these organisms are highly indicative of water polluted with human wastes.

10. The northern marsh area is probably one of the most important feeding areas for fish in Lake Roland.

The authors strongly urge all those concerned to take remedial steps immediately, for Lake Roland has reached a point in its process of degradation at which the rate of eutrophication increases rapidly with time. The recommendations are:

1. No further building or road construction must be allowed in the watershed area without:

a. sediment retention basins

b. proper sanitary sewers

c. reference to local soil types with respect to their stability for development.

2. Development of sediment retention basins on the three main incoming streams.

3. No further construction development of Robert E. Lee Park is recommended, except for possible recreational additions such as swings, and a small open area set aside for various recreational activities.

4. Investigation of the possibility of connecting septic tanks to sanitary sewers in the entire watershed, at least for new developments.

5. Suggested improvements of Robert E. Lee Memorial Park:

a. plant the exposed slopes near the parking lot;

b. establish more nature trails;

c. provide signs identifying points of interest on nature trails;

d. all signs should be attractive wooden ones, and prohibited activities should be listed on one sign;

e. no further access development;

f. if there is a significant increase in the number of park users, parking facilities should be enlarged;

g. keep cars away from the area immediately north of the dam, as well as the northern end of the lake;

h. prohibit the use of motorboats on the lake.

6. Reforestation of all exposed slopes in drainage basins.

7. No dredging of Lake Roland is recommended at present except to deepen channels in the marsh areas.

8. Silt dam is not recommended, for this would greatly accelerate the filling in and destruction of the marsh area.

9. Before undertaking any serious fish management, and in an effort to develop a better fishing lake, methods of reducing the present fish population must be considered.

10. After siltation, nutrient and fish reduction is underway, restocking on the basis of lake size and nutrient conditions can be performed.

11. It may be necessary to copper sulfate the algae during the first year of silt load reduction.

12. The County Health Department must be persuaded to check septic systems for leakage.

Reference copy: Goucher College Library

ALASKA DAY—OCTOBER 18

Mr. GRAVEL. Mr. President, just 5 days from now—October 18, 1972—Alaska will celebrate the 105th anniversary of its acquisition by the United States from czarist Russia. On that day, the formal transfer of sovereignty took place at Sitka, the Russian capital, with the lowering of the Russian flag and rising of the Stars and Stripes. This was truly a momentous occasion. To all of us Alaskans, this is a day for particular celebration and thanks to the farsightedness of William H. Seward, President Andrew Johnson's Secretary of State, who, in 1867, negotiated the purchase for the bargain price of $7,200,000.

Of the land acquisitions in the history of the United States, this purchase ranks second—second to the Louisiana Purchase only in actual land area—but first in importance in natural resources and sheer scenic beauty.

Modern-day history for Alaska began in 1741 when Vitus Bering, a Dane in the employ of the Russian Navy, discovered the Aleutian Islands and the Alaskan mainland. For approximately the next 100 years, Alaska was the scene of sporadic settlement by Russian traders, and exploration expeditions by the British and Spanish.

Even though the acquisition comprised approximately one-fifth of the land area of the United States at a cost of around 2 cents per acre, it was viewed by few in 1867 as a bargain. To the contrary, it was widely acclaimed by critics "Seward's Folly" and "Seward's Icebox," and generally was thought of as a worthless mass of ice and snow. This "worthless mass of ice and snow" by the year 1900, had produced gold alone valued in excess of its purchase price.

For almost a quarter of a century following acquisition, American Government was haphazard at best. Our colorful history covers administration by the War Department, the Navy Department, as a military district, then the Treasury Department as a customs district, and later under the jurisdiction of the Department of the Interior. Our situation improved in 1884 with the passage of the First Organic Act when Alaska was officially designated as the district of Alaska, but it took another quarter century to finally attain territorial status, and another 47 years to reach the ultimate—statehood.

During World War II, Alaska moved into an era of strategic importance in the defense of the continental United States, a role which we still play with our network of defense warning systems. We are proud of this contribution of the welfare and defense of our Nation.

Alaska's growth since statehood has been marked by two important changes—both tied to the use of its valuable land. In one, the U.S. Congress fulfilled a commitment provided by the treaty purchase giving Alaskan Natives aboriginal rights to large amounts of land. The other was the recent discovery of oil—a resource in great demand.

Alaska now looks to the future and is planning a rational growth policy. Part of this involves statewide land use planning in cooperation with the Federal Government which still owns vast portions of the State. In planning for the future, Alaska recognizes its responsibility to the Nation to protect and share its unbounded wealth. However, the rest of the country must also recognize its responsibility to Alaskans to allow us to grow and prosper.

With cooperation and mutual concern of all our peoples, I can envision the next 105 years will be marked with prosperity, peace, and a new spirit of Americanism.

Mr. President, Alaskans rejoice in being the 49th State and ask all to pause a moment and think of the significance of the event of October 18, 1867.

THE SEAS: HOW VULNERABLE IS THE OCEAN?

Mr. PACKWOOD. Mr. President, the renowned anthropologist and explorer, Thor Heyerdahl, recently addressed the distinguished lecture series, sponsored by the International Institute for Environmental Affairs, in cooperation with the Population Institute. This series was organized to support the work and aims of the United Nations Conference on the Human Environment in Stockholm, and Mr. Heyerdahl's speech was delivered concurrently.

Rather than try to summarize or highlight this superb and spellbinding address, Mr. President, I will simply ask unanimous consent that it be printed in the RECORD, and commend it most highly as an excellent statement of the critical situations of our oceans around the world.

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

THE SEAS: HOW VULNERABLE IS THE OCEAN?

(By Thor Heyerdahl)

At least 5,000 years ago Man started to rebel against the Nature that had bred him, and successfully nourished him for perhaps a

million years or more. It has been 5,000 years of technological progress and a continued series of victories for the human rebel, the only mutineer among the descendants of Nature. Nature has yielded, tree by tree, acre by acre, species by species, river by river, while Man has triumphed. He has been able to advance by using the brain and the hands which Nature had given him to invent and use tools, and to create new materials. One might say that on the Seventh Day, when God rested, Man took over as Creator. He began to redesign the world and mould it to his own liking. Century after century he has worked without a blueprint to build a man-made world, each inventor throwing in an idea, each mason thrusting in a stone wherever a hand could reach. Only in very recent years have we begun to wonder what we are building. So far it has been taken for granted that any step away from Nature was progress for humanity. Quite recently it has become more and more apparent that some of the changes Man is imposing on his original environment could be harmful to himself; in fact they could even lead to global disaster. New inventions and new products continue to pour into the market while representatives from nations all over the world are assembled here in Stockholm today to try jointly for the first time to sort out the problem. What *are* we building and what *are* we doing to our environment? Can this unorganized rebellion against Nature, this global building without plan continue at its rapidly increasing pace without the haphazard structure collapsing over our heads? Is there something we can do to safeguard our existence in the changing world? Are we on the verge of destroying something that we ourselves and our descendants cannot do without?

Indeed the problem is manifold since civilization is complex and the world is large. It is my privilege here to raise some questions pertaining to one aspect of the problem: what are we doing to the ocean? As we all know, the ocean covers 71% of the surface of our planet. Is it vulnerable? And if so, is the ocean dispensable?

Unless we stop to reflect for a moment, I think most of us have the impression that the ocean is nothing but a big hole in the ground filled with undrinkable salt water, an obstacle to pedestrians and drivers alike, an abyss separating nations. On second thoughts we think of it as a conveyer for ships, a source of food, a holiday playground and, if we remember our schoolday lessons, we realize that it acts as a filter receiving dirty river water and returning it to our fields through evaporation, clouds and rain. It is probably not unreasonable to assume that most people regard the dominant space of the ocean on our planet as more of a disadvantage than an advantage. With less land covered by the ocean, there would be more fields to cultivate, more resources available, and more space for the growing population to expand. The fact, however, is that the proportion of land to ocean is either extremely well planned or a remarkably happy coincidence, since it is this composition which has made life possible, at least in the form we know it, just on this one planet.

Whether we accept the story of the creation in the Bible or the findings of modern science, we all agree that life on earth began in the ocean. Neither God nor Nature was able to create Man from lifeless volcanic rock. The long and complex evolution towards man began below the surface of the sea when solar energy transformed the gases and minerals from eroded rocks into protoplasm and the first living cells. We do not know precisely how it happened, but after a certain period of time the first single-celled organisms were alive in the sea: the ancestors of all animals floated side by side with the ancestors of all plants. While many of them evolved into larger species, others continued to survive much in their original size and form until the present day, and are part of the marine micro-organisms we call plankton. The animal-plankton, termed zooplankton, sustained themselves by feeding on the plant-plankton, or phytoplankton, and the plant-plankton survived by feeding on dead and decomposed plankton of both kinds, and the minerals of the sea. In this process of metabolism the plant-plankton, and their descendants among the larger algae, began to produce oxygen in increasing quantities as they multiplied and filled the sunny surface layers of the oceans. So rich became this production of oxygen from the plant life in the sea, that it rose above the surface and into the earth's sterile atmosphere. When the atmosphere content of oxygen was high enough, some shore-stranded algae took hold, and after millions of years developed roots and leaves, becoming the first primitive terrestrial plants. But it was not until the content of oxygen in the atmosphere was approaching the percentage it maintains today that the first lung-breathing species were able to emerge from the sea. Animal life on the land and in the air had been impossible for hundreds of millions of years until plant life in the sea had produced sufficient oxygen. Then the animals of the sea developed into the creatures of the air and of the land. From then on, conditions were ready for the long evolution to the mammals, which terminated with the appearance of Man. Man represents the crown of a mighty family tree with all its roots in the ocean. We cannot overlook this biological background.

We of the 20th century A.D., in spite of our supermarkets and superjets, have not become supermen who can cut off the navel-string to nature and survive alone as an independent species. We must never forget that we are part of a tremendously complicated system, part of a synthesis of biological species ranging from the oxygen-producing plankton of the sea, and forests of the land, to the food-producing soil and water, which can yield their indispensable supplies only through the activities of insects, worms and bacteria, inconspicuous creatures which Man in his ignorance usually disregards and even despises. Not even the invisible creator, call him God or call him the Force of Evolution, could place man on the the surface of the earth until all other biological species were already there to support him. Only in recent years have we begun to understand the interaction of the extremely complex ecosystem, where every single biological species has its function in creating living conditions, birth and continued survival for other species higher up the ladder of evolution. On the very top of this ladder, Man is balancing, ready to fall if for some reason he should lose the support of the species that preceded Him and paved his road to existence. More than half of the biological pyramid supporting Man at its apex is composed of creatures living in the sea. Remove them and the pyramid collapses; there will be no foundation to maintain life on land or in the air. We are all aware of the fact that an important part of the human food supply comes directly from the sea. In fact, modern economists are counting on a vastly increased output by ocean fisheries if we are to solve the growing problem of feeding the undernourished world of tomorrow. If we kill the plankton, we lose the fish, and thus drastically reduce the protein available for human sustenance. Man can limp along with very little in his stomach, but he has to fill his lungs. It takes weeks to die of starvation, days to die of thirst, and seconds to suffocate. If we kill the plankton we reduce to less than half the supply of oxygen available to men and beasts, and this at a time when forests are becoming scarcer than ever before. We, like all breathing species, will in fact be increasingly dependent on the plants in the ocean, since green landscapes rapidly recede before the spread of urbanisation, industry and the onslaught of modern farming, while asphalt, concrete and barren sand-dunes advance on previously fertile land. Since life on land is so utterly dependent on life in the sea, we can safely deduce that a dead sea means a dead planet.

Let us humbly admit it: if man is to survive, the ocean is not dispensable. If it is not dispensable, a pressing question naturally emerges: is the ocean vulnerable?

If we ask the man in the street, if we ask the decision-makers, if we ask ourselves, we are likely to hear the answer: the ocean is not vulnerable; it is too vast to be damaged by little man's activities; it is an enormous self-purifying filter which has taken care of itself for millions of years and will continue to do so for ever. We are all familiar with the phrase: "a drop in the ocean".

Since the morning of time, thanks to gravity, nothing has dropped off the earth, into space. Nothing, except a few truckloads of gear recently transferred to the moon. Millions of years with natural pollution. Millions of years without human industry, when Nature itself was a giant workshop experimenting, inventing, producing and throwing away waste. Waste by incalculable billions and ever more billions of tons of rotting trees, dead flesh, bones, excrement. Whether we measure in weight or in volume, the wastes of all the world's industry amount to nothing during the few decades of our technical era, as compared with the hundreds of millions of years of volcanic eruption, global erosion, and untold generations with death and decay. Man is not the first manufacturer, why should he become the first polluter? Our spaceship is built with an ocean to take care of pollution. So why worry?

Admittedly, Man has started to manipulate atoms, both taking them apart and grouping them together in different manners. But so did Nature before him. Nature's own Workshop invented and produced neutrons and electrons, radiation and gravity. Gases, liquids, metals and living cells. Vitamins and chromosomes. The beating heart and the thinking brain. The photographic eye and the listening ear. Nature combined molecules into darting shrimps and lumbering elephants. It turned fish into birds, and beasts into Man. Nature found a way to make oranges out of soil and sunshine. It invented "radar" and installed it into bats and whales, it produced shortwave transceivers for beetles and butterflies. The principle of jet propulsion was successfully tested out on squids, ages before Nature created the human brain. The human brain is itself the most complicated computer of all times, packed in a bump-proof case, with a body to carry it around at its own will. As we have seen, it marked the peak of earthly invention, the latest model delivered from the workship of spaceship earth.

Where are the endless masses of waste discarded along the production line? Gone. But not into space. Transformed. In fact, transformed into new living matter. The life cycle, the ecosystem of spaceship earth, is the closest one can ever get to the invention above all inventions: *perpetuum mobile*.

When Nature could produce and pollute, why cannot little Man? Volcanoes and sandstorms have sent fumes and dust into the air as long as life has existed, while dead fish and plankton have rained towards the bottom of the sea together with the silt from fields and rivers. There has never been any ultimate pollution of the land or of the air: it is all being flushed into the ocean. Of course, the land has been littered with dead leaves, fallen trees, rotting corpses, fermenting dung. But the rain is there to clean

the air and to wash the rocks. Bacteria are there to transform death and subsequent decay into life and subsequent love-making. And gravity is there to drag the decomposed surplus by way of Nature's drains, into streams and rivers, bound for the earth's ultimate sink: the ocean. Only the ocean has no outlet for solid waste. But silt and filth from the land are received as magic fuel for the billions of tons of plankton which helps to keep the ocean fresh and clean.

So why the fuss about little Man's pollutants? Why can't we pollute when Nature can? Simply because the pollutants of modern Man have suddenly become basically different from those of Nature.

Like Nature, we have started to manipulate molecules. We have started to understand some of the most ingenious inventions that preceded our own existence. But when we take molecules apart and put them together in our own way, we get, to our surprise and delight, new and amazing substances never invented by Nature, although they appear to be highly useful to Man: plastics, D.D.T., and an endless series of other effective insecticides, detergents, and chemical product hitherto unavailable to planet Earth. Why had Nature overlooked the usefulness of these inventions? A sheer oversight? Today we can really get our laundry white and can exterminate every trace of insect life. We spray bugs and worms, bees and butterflies. We spray into the air and down on the soil. We wash and we spray and flush the detergents down the drain. We mass-produce. Industrial plants grow like temples around cities and lakes, along roads and rivers. Toxic wastes seep into every stream, pour into every sewer. Rain and drainage and man-made sewers carry pollution away into the sea. The mighty currents of the ocean churn around and carry away all poisonous waste. Carry away? No. Carry around. The ocean is as round as the earth, land-locked in every direction, with thousands of inlets, but not a single outlet.

Why cannot the oceanic filtering system function for technological Man as smoothly as it functioned in the recent decades of our parents, or in the days of ape-men, monkeys and dinosaurs? Cannot all refuse, now as before, be re-used as fuel for the biological machinery? No. And this is precisely where the environmental problem has begun. Man has recently created materials which Nature wisely avoided because they had no place among the perfectly interlocking cogwheels of the global ecosystem. Through technology, Man has begun to throw extra bolts and nuts into a ready-made and smoothly operating machinery. Although it has only begun with our own generation, year by year, day by day, Man's production of non-transformable, non-degradable materials has increased in a virtually precipitous curve. Waste and refuse are littered everywhere and we try to sweep it all into the ocean as if under a carpet. We realize that an increasing quantity of our modern waste is both toxic and non-degradable. But it doesn't matter, the ocean is endless. The ocean is deep.

This is, in fact, the second misconception. For the ocean is not endless and its depth is greatly misleading.

Just as we have seen that the age of the ocean is no guarantee of its invulnerability in technological times, in the same way we shall see that its size is no better guarantee.

Anyone who has drifted from one continent to another on a bundle of reeds or a log raft cannot help being struck by the fact that the ocean is just another big lake. It is enough to place ten Lake Eries end to end and they will span the Atlantic from Africa to America.

With technical progress, distances have dwindled, dimensions have changed. With the astronauts we begin to see that the ocean has limits like any lake, we begin to see our planet as a lonely spaceship. A spaceship without exhaust pipe. We have begun to realize that no chimney is tall enough to pierce the atmosphere and send our fumes into space, nor is any sewer long enough to pipe our pollutants beyond the borders of our common sea. For primitive man standing on the beach, the blue ocean ran into the blue sky; for us it curves beyond sight and falls back on us from behind. Sea and soil, fumes and sewage, all are here to ride with us forever in some form or another on the thin crust of our spinning sphere. Even so the sea is large compared to Man. After all its average depth is 1,500 meters (or about 5,000 ft.) running, in places, down to more than 10,000 meters (or 30,000 ft.). If this average depth of 1,500 meters were stretched out along a road, a runner could cover the distance in less than four minutes. And, if we were to represent the world ocean on a topographic globe, it would be impossible to smear on a coat of blue paint thin enough to represent the depth of the ocean in true proportion.

Although the ocean layer, in a global perspective, is thus much thinner than people suppose, only a fraction of this water needs to be polluted to kill all life. Marine life is concentrated near the surface and, again, most of the surface life is concentrated near the shores. Why is only the upper limit of real importance to marine life? Because marine life, directly or indirectly, depends on the plant-plankton as basic food; and plant-plankton can live only where the sunlight can penetrate the water in sufficient quantity to permit photosynthesis. This upper section, in the sunny tropics, is only 80–100 meters deep, whereas in the northern latitudes, on a bright summer's day, it has a depth of only 15–20 meters. Below this thin layer, life is immediately very restricted since it depends on the sinking of decomposing plant and animal remains from the sunlit waters above.

Why, again, is most of this surface life further concentrated near the shore? Because marine plant life, in addition to sunlight, needs mineral nutriments. In the coastal areas some of these are brought down by rivers and others are returned from the bottom of the sea. The ocean bottom is rich in these nutriments which have rained down from decomposing organisms near the surface and they can only return to the surface in areas where strong underwater currents and upwellings occur, such as near continental shores. An estimated 90% of all marine life is found in shallow coastal areas generally referred to as the continental shelves. These important areas represent only 8% of the total surface of the oceans, and, of course, only a fraction of 1% of the total ocean volume. When we speak of farmable land, we refer only to the usable surface soil, we never count the volume of sterile rock beneath as deep as it may go. Man harvests the sea as he harvests the land; let us therefore not fool ourselves by relying on the depth of the ocean any more than we rely on the depth of the land. It is, in fact, the very areas where life is concentrated that Man pollutes most.

Most pollutants come from the land. How many rivers today have drinkable water at their mouths? In fact today some rivers would not flow at all without factory and urban effluents. All the polluted rivers and all the sewers of the world empty their toxic refuse directly on to the continental shelves. This is also the nearest and cheapest dumping area for the enormous quantities of unwanted chemical poisons shipped away from the shore. What is so dangerous that we are afraid of storing it on land, we dump overboard guided by the principle "out of sight, out of mind". As an example, incalculable quantities of poison, including entire shiploads, have both openly and secretly been transported from industrial countries in Europe in recent years, to be dumped in the presumably bottomless North Sea. This sea is so challow that at certain points, the depth is only thirteen metres, and during the Bronze Age, half the North Sea was dry land.

Much has been written for and against the American act, repeated by others, of dumping vast quantities of nuclear waste and obsolete war gases in the Atlantic with the excuse that it was all sealed in special containers. There are already enough examples in shallower waters like the Irish Sea, the English Channel and the North Sea of similar fool-proof containers moving about with bottom currents and cracking open with the result that millions of fish are killed or mutilated. In the shallow Baltic Sea, 7,000 tons of arsenic were dumped in cement containers forty years ago. These containers have now started to leak. Their combined contents are three times more than needed to kill the entire population of the earth today. It may be difficult to find means of stopping ocean pollution from seepage of sewers, but deliberate dumping in the sea of material too dangerous to keep in sight should be considered a criminal act. It could easily be forbidden and the offenders should be most severely punished under international law. In fact there is no such thing as "national waters". The ocean is in constant movement. Only the solid ocean bottom can be mapped and divided between nations, not the mobile water above it. If you launch a raft off the coast of Peru, it will be carried with the currents to Polynesia. If you set a reed boat afloat off the coast of Morocco it is carried to Tropic America. This illustrates that there is no such thing as territorial waters for more than days at a time. What are territorial waters of Peru today are territorial waters of French Oceania tomorrow. What are territorial waters of Morocco now will shortly become territorial waters of various states around the Caribbean Sea.

Even though it is extremely important to put an immediate end to deliberate ocean dumping, this is only part of the problem. By far the greatest quantity of toxic refuse constantly reaches the sea in a much less spectacular way from agricultural fields and urban and industrial sewers.

To visualize the immense quantities of solid and dissolved waste and fluid chemicals of all kinds which every minute flow into the ocean from the shores of all continents, we should imagine the ocean without water, as a big, empty depression. The fact that every river in the world empties into the sea without causing an overflow, makes us sub-consciously think of the ocean as a witch's cauldron whose contents never come over the brim, no matter how much is poured in. We are apt to forget that the ocean has its own sort of outlet: the evaporation from its surface which permits only pure water to escape while all our poisons, all our solid and dissolved wastes, are left to accumulate forever in the pot. Visualize, then, the ocean as a dry and empty valley ready to receive only what Man is pouring in. The rising level of toxic matter would clearly be visible from all sides. A few examples picked at random will illustrate the input we would witness.

French rivers carry 18,000 million cubic metres of liquid pollution annually into the sea; the city of Paris alone discharges almost 1,200,000 cubic metres of untreated effluent into the Seine every day.

The volume of liquid waste in the Federal Republic of Germany is estimated at over 9,000 million cubic metres per year, or 25.4 million cubic metres per day, not counting cooling water which amounts to 33.6 million cubic metres per day. Into the Rhine alone, 50,000 tons of waste are discharged daily including 30,000 tons of sodium chloride from industrial plants.

A report of the United Nations Economic

and Social Council states that we have already dumped an estimated billion pounds of D.D.T. into our environment and are adding an estimated hundred million per year. Most of this ultimately finds its way to the ocean, blown away by wind or washed down by rain. The total world production of pesticides is estimated at over 1,300 million pounds annually. The U.S.A. alone exports over 400 million pounds per year.

Less conspicuous than the constant flow of poisons from the shores is that even the tallest chimneys in the world send their pollutants into the ocean. The densest city smog and the darkest industrial smoke will slowly be carried away by the wind only to descent with rain and snow into the ocean. Cities and industries are expanding day by day, and so far, in America alone, waste products in the form of smoke and noxious fumes amount to a total of 390,000 tons of pollutants every day, or 142 million tons every year.

The ocean is the ultimate sink for all pollution disposed of in modern communities—even what we try to send up in smoke.

It is common to think of ocean pollution as waste thrown overboard from thousands of ships, or a spectacular accident with an oil drill springing a leak, such as in the Santa Barbara accident, or a super-tanker running on a reef, such as the Torrey Canyon in the English Channel. It is not the spectacular accidents that hit the headlines that should scare us most but the daily, intentional, almost inconspicuous discharge of crude oil from navy and merchant ships all over the world, above all the routine cleaning of oil tankers.

The whole world was upset when the Torrey Canyon unintentionally spilled 100,000 tons of oil in the English Channel. Every year more than 100,000 tons are intentionally pumped into the Mediterranean, an almost landlocked sea. The traffic of oil tankers in the Mediterranean is increasing at a tremendous rate and according to a report made at the University of Trieste it is estimated that in the year 1980 500 million tons of crude oil will be unloaded in Mediterranean ports. A recent study showed that for every square kilometre in the Mediterranean south of Italy there are 500 litres of solidified oil. In recent years visible pollution has begun to appear even in the largest oceans. In 1947, when the balsa raft Kon-Tiki crossed 4,300 miles, or nearly 8,000 kilometres of the Pacific, in 101 days, we on board saw no trace of man until we spotted an old wreck of a sailing ship on the coral reef where we landed. The ocean was clean and crystal clear. In 1969 it was therefore a blow to us on board the raft-ship "Ra" to observe from our papyrus bundles that entire stretches of the Atlantic Ocean were polluted. We drifted slowly past plastic containers, nylon, empty bottles and cans. Yet, most conspicuous of all was the oil. First off the African coast, next in mid-ocean, and finally in front of the Caribbean islands, we drifted for days on end through water reminding us more of a city harbour than of the open sea. The surface, and as far as we could see through the waves, was littered with small clots of solidified black oil, ranging in size from that of a pin-head or a pea to that of large potato. When we repeated the same general itinerary with "Ra II" the following year, in 1970, we carried out a day by day survey and found sporadic oil clots floating by within reach of our dipnet during 43 out of the 57 days the crossing lasted. Forty-three days out of fifty-seven, and in this time we had covered 3,270 miles, or 6,000 kilometres of open sea from Safi in Morocco to the Caribbean Island of Barbados. With our sail, we moved faster than the floating pollution and since the equatorial current runs westwards with an average speed of half a knot into the birthplace of the Gulf Stream, the flotsam we passed en route from Africa to America in 1969 was, during our second crossing a year later, washed ashore in tropical America, or else displaced more than four thousand miles and thus drifting on its way back towards Europe across the North Atlantic. A detailed report on these observations was at the time sent to the permanent Norwegian delegation to the United Nations, and has been published by the Secretary General as annex to his report to the Stockholm Conference: *The Sea. Prevention and control of marine Pollution.* A laboratory analysis of the various samples collected shows a wide range in the level of contents of nickel and vanadium, revealing that they originate from different geographical localities, which again proves that they do not represent the homogenous spill from one leaking drill or one ship-wrecked tanker, but the accumulating waste from the routine washing of the world fleet of oil tankers.

The problem of oil pollution is a complex one. Various types of crude oil are toxic in different degrees, but they all have one property in common: they absorb other chemicals, notably insecticides like blotting paper. Thus on the surface of the ocean, D.D.T. and other chlorinated hydrocarbons which do not dissolve in water and do not sink are attracted to oil slicks and oil clots, where in some cases they can be concentrated to an even higher percentage than when originally bottled with dissolvents for spraying purposes.

From the "Ra" we observed that larger oil clots were commonly covered with barnacles, marine worms and small crabs which did not feed on the tar lumps, but used them to hitch-hike across the ocean. However, these riders are attractive bait for fish which swallow the whole cluster. These ever-present oil clots can hardly, even if they are not baited with barnacles, avoid getting into the bodies, gills and baleen of filter-feeding fish and whales. Their effect naturally depends on their concentration of inherent and acquired toxic matter. In the famous Sargasso Sea, the oil lumps are now so common that recently an expedition of marine biologists had to give up working with dragnets on the surface, since the mesh of their nets was constantly getting plugged up by solidified oil, and their catches literally brought in more oil clots than seaweed.

What happens to all this floating oil? The optimist says that very likely the lumps may gradually distintegrate and sink to the bottom. Perhaps this is true, but certainly not before they have done harm to surface life and the coastal flora and fauna. The tourist industry is concerned about the oil washed up on the beaches, but it is time to get more concerned about the oil washed against the inaccessable rocks. Maybe the oil clots gradually sink, but so far they certainly are only accumulating, disclosing their presence and leaving their effects in an ever more conspicuous way. Fishermen have already begun to notice a greyish belt, darkening from year to year, just above water level on coastal cliffs and boulders. Particularly in the eastern and southern Mediterranean and on several of the local islands, the yellowish rock is becoming discoloured from yellow to grey and even black in a belt six to eight feet wide. In many areas this belt along the waterline, once covered by seaweeds, clams, mussels, limpets, and all sorts of crustaceana and small fish, is now dead. Completely sterile. Nothing undulates or darts about. The once yellow rock seems like coke, and in many places sizeable clots of oil are hammered into the pores like sheets of tarmac. And this is happening in what is the cradle for the bulk of marine life, since most species have to pass one stage of their life cycle on the rocky shores of islands and continents.

We hardly need to be reminded of the fact that even a drop of liquid oil will spread out over a large surface area of water, and the thicker the film of oil, the less is the photosynthesis and the production of oxygen.

In spite of all this, it is not the floating oil clots we should fear the most. Their presence shows us that our planet is not endless and that visible human waste is beginning to bridge world oceans. The oil clots in the sea tell a similar story to that of the refuse on the beach. Visible pollution is seen by some as a symptom of welfare. If we want to bless its presence, however, it should be as an eye-opener. Each empty plastic bottle or tube, each can, each oil clot we see along the roadside or on the beach should ring a bell and make us think of invisible pollutants already lost in the soil or the sea: liquids and particles not discernable to the naked eye. Man does not dispose of empty packing only. It is the lost contents and not the empty containers which should worry us. Where is the spray, the paste, the powder, the liquid no longer inside the empty packing? D.D.T. is now found in antarctic penguins and arctic polar bears living far from any area where insects have been sprayed. Even in the blubber of each of twenty whales recently caught by special license for testing in the arctic current off the Greenland coast, six insecticides, including D.D.T. were present. These whales, born and raised off the East Greenland glaciers had never been near the shores of agricultural lands. But the ocean is revolving and with it the pelagic plankton which is eaten by the krill that forms the basic diet of the whale. The plankton just like the oil has the property of absorbing, assimilating and concentrating the insecticides. These ever-present micro-organisms feed by filtering the sea water and retain the undesired chlorinated hydrocarbons together with the desired organic nutriment. What the plankton absorbs goes into the flesh of fish and finds its way back to man again. Most of the plankton can hardly swim, and less so can the oil clots and toxic chemicals, but the ocean itself takes care of the transport: like the winds it is a constant conveyer. A good example is that a certain type of D.D.T. sprayed on crops in east Africa was found and identified months later in the Bay of Bengal, a good 4,000 miles away.

In the short period that the United Nations representatives are meeting here in Stockholm to discuss the problems of our environment, an estimated 50 million pounds of additional pesticides will have time to reach the ocean to join what has already accumulated there, not to mention the vast quantities of toxic chemicals pouring in from both industry and household.

I appeal to the multinational representatives in Stockholm to put aside all immediate personal and national interests and to be aware of the immense responsibility they have towards present and future generations.

Let us hope they bear in mind that the ocean currents circulate with no regard for political borderlines, and that nations can divide the land, but the revolving ocean, indispensable and yet vulnerable, will forever remain a common human heritage.

JOHN SHERMAN COOPER

Mr. BELLMON. Mr. President, it has been a great pleasure and privilege to serve in this body and on the same side of the aisle with JOHN SHERMAN COOPER, the highly respected senior Senator from Kentucky.

Throughout a long and distinguished career of public service, the gentleman from Kentucky has personified the role of a statesman in an exemplary manner. As a member of the Foreign Relations Committee and as a former ambassador, he has contributed greatly to interna-

tional understanding and endeavors for peace.

Though he has excelled in foreign policy, his contributions in the domestic field have been equally notable. Especially praiseworthy are his efforts to provide a better environment for the citizens of this country.

Mr. President, in addition to the extraordinary contributions JOHN COOPER has made through his formal service in Government, the pleasant impact he and his charming wife have had upon Washington social life has greatly enriched the lives of their friends and associates. Many of us are hoping that the Coopers' future plans include continued residence or at least frequent presence in Washington.

I am proud to join my other colleagues in commending JOHN SHERMAN COOPER for his many accomplishments and wish him a most pleasant retirement.

THE INTERNATIONAL DRUG PROBLEM

Mr. THURMOND. Mr. President, last March 22 the National Commission on Marihuana and Drug Abuse came out with a report which, in effect, called for the legalization of marihuana for personal use, and for distribution in small quantities. President Nixon immediately repudiated this portion of the report, making it abundantly clear that his administration had no intention of moving in the direction of the legalization of marihuana.

Since that time there has been a continuing public argument on the issue. But as far as our young people are concerned, it appears that the Shafer report was construed as a kind of Magna Carta for marihuana users and would-be users. The result has been that the use of marihuana in our junior and senior high schools, which was already at a very high level 2 years ago, has now, according to reports from all over the country, soared to almost double the level of several years ago. All of the reports indicate, moreover, that the age of initiation has gone down to the point where pot smoking has become a common social activity even among seventh and eighth graders.

Mr. President, as a member of the Subcommittee on Internal Security, I was recently privileged to hear some very dramatic testimony on the subject of Cannabis, which is a generic term covering both marihuana and hashish. Part of this testimony was given by Gen. Lewis W. Walt, recently retired as Assistant Commandant of the Marine Corps; and the other part was given by Dr. Olav J. Braenden, who has for the past 14 years served as Director of the United Nations Narcotics Laboratory in Geneva, Switzerland. The problem of marihuana takes on an altogether different aspect in the light of this testimony. I therefore hope that all Senators will find an opportunity to examine it.

Dr. Braenden's Laboratory, under instructions from the U.N. Commission on Narcotic Drugs, has placed primary emphasis on cannabis research for more than 6 years now. It has also served as a clearing house for research conducted by scientists in many other countries. Citing numerous scientific sources, Dr. Braenden made the following points:

As progressively more scientific facts are discovered about cannabis, the more one becomes aware of its potential dangers."

Cannabis accumulates in the fatty tissues of the body with continuous use.

Reserchers have found "significant evidence of cerebral atrophy in young cannabis smokers."

Researchers have also found considerable impairment of driving ability after oral ingestion of cannabis.

The effects of cannabis when smoked are considerably greater than when taken orally.

Contrary to previous belief, there is now evidence that cannabis contains a very large number of instances—at least 50—most of which have yet to be isolated and characterized. Tetrahydrocannabirol—TCH—may not be the only active harmful substance in cannabis. A number of experiments indicate the presence of nitrogen containing compounds in cannabis. Such plant substances are frequently poisonous.

Mr. President, General Walt's testimony cited the views of Dr. Braenden and of other scientists who have collaborated with him in the research on marijuana. But General Walt went further. He said that his investigation of the world drug traffic had convinced him that there was an interlocking relationship between the use of marijuana and hashish on the one hand and the harder drugs like heroin and cocaine on the other hand. He said:

We are dealing here with an interlocking culture—with a "kick" culture—where individuals will sometimes indulge in several drugs simultaneously, and where the use of a milder drug will—not always, but frequently—prepare the way for addiction to stronger drugs.

It was on the basis of General Walt's recommendation that Dr. Braenden was brought from Geneva to testify before the Senate Subcommittee on Internal Security. Because Dr. Braenden referred extensively to the work of other scientists on various aspects of cannabis, General Walt requested copies of some of the papers reporting on this research. I have been able to see a few of these papers, and I must say I find them quite frightening. They certainly appear to justify Dr. Braenden's observation that the United States might be wise to display some kind of caution in approaching the questions of the legalization of marijuana as it displayed several years ago in dealing with the thalidomide issue.

For example, Prof. W. D. Patton of Oxford University in an article appearing in "Drugs in Society" earlier this year said the following:

A recent report has concerned the loss of brain substance, as measured by the technique of air encephalography, in a group of ten young heavy cannabis users. The enlargement of the ventricles of the brain is of the type that occurs in old age, or in middle years with chronic alcoholics. The work needs confirmation, since although the subjects had taken hundreds of doses of cannabis, they had also had a number of doses of LSD or amphetamines, and occasionally heroin. One is, however, bound to take it seriously, since cannabis, the main drug used by the patients, is cumulative, with a very high affinity for fat, and able to impair cell division by lymphocytes in tissue culture.

Cannibis has been found to produce foetal deformaties and foetal resorption in animals (rats, rabbits, and hamsters) in doses (per unit weight) ranging down to that used in man. The effect has been shown to be dose-related, and (unlike the teratogenic effect in animals of many drugs, but like thalidomide and other known human teratogens) is exerted at a small fraction of the dose liable to kill the mother.

Mr. President, I ask unanimous consent to insert into the RECORD at this point excerpts from the testimony of Dr. Alav J. Braenden before the Subcommittee on Internal Security, the testimony of Gen. Lewis W. Walt relating to marijuana and hashish, and the text of the article by Prof. W. D. Patton in "Drugs in Society."

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

EXCERPTS FROM THE TESTIMONY OF GEN. LEWIS W. WALT, USMC (RET.) BEFORE THE SENATE SUBCOMMITTEE ON INTERNAL SECURITY

THE QUESTION OF CANNABIS

Our investigation focused primarily on heroin, because the heroin epidemic is by far the most serious component of our national drug problem. Time and time again, however, the realization was forced on us that the problem of heroin cannot be considered in isolation from the problem posed by the spreading use of other drugs—of cocaine, of hashish, of LSD, yes, and of marijuana too.

We are dealing here with an interlocking culture—with a "kick" culture—where individuals will sometimes indulge in several drugs simultaneously, and where the use of a milder drug will—not always, but frequently—prepare the way for addiction to stronger drugs.

The report of the National Commission on Marijuana and Drug Abuse—the so-called Shafer Commission—while it called for discouraging the use of marijuana, in effect it recommended the legalization of cannabis for personal use and for the distribution of small quantities.

Cannabis, I sould point out, is the scientific name for the marijuana plant. Ordinary marijuana consists of the leaves of the plant. Hashish is derived from the resin of the plant, and is approximately five times as concentrated as marijuana. Within the past year, enterprising narcotics chemists have developed a form of liquid hashish which may be as much as 40 times as potent as ordinary marijuana.

My staff assistants and I approached our investigation with a more or less open mind as far as the Shafer report was concerned. As a result of what we learned in the course of our investigation, and as a result of some further study of the report, we are now of the opinion that several of the commission's basic assumptions were in error, and that these erroneous assumptions led them to overlook important sources of information which might have led them to somewhat different conclusions.

Among the many officials of foreign governments with whom we discussed the Shafer report we did not find a single one who shared the tolerant attitude of the Shafer Commission toward cannabis. In Japan, France, and other countries, we were told that the Shafer Commission report had caused consternation in the ranks of those concerned with the problem of drug control, and that it seriously undercut their efforts to combat the growing use of marijuana in their own countries.

In Tokyo the chief of police told our delegation that shortly after the Shafer Report

appeared, Japanese marijuana fans distributed tens of thousands of fliers synopsizing the major findings of the commission. This seriously handicapped the Japanese government's anti-drug efforts.

In several countries, embassy personnel with whom we discussed the Shafer Report told us that when the Shafer Commission team visited their embassies, they had the distinct impression that their minds were already made up and that they were seeking for confirmation of their viewpoint rather than for balanced information.

We were particularly surprised to learn that the Shafer Commission team, in the course of its foreign peregrinations, did not take the time to check in with Dr. Olav Braenden, the director of the UN Narcotics Laboratory in Geneva. Dr. Braenden has been the head of the laboratory since it was established 16 years ago. For the past six years, under instructions from the U.N.'s Divisions of Narcotics Drugs, he has placed priority emphasis on cannabis research. His office has also functioned as a clearing house for some 30 other collaboratoring laboratories in other countries. All of which, it seems to me, should have made Dr. Braenden a uniquely qualified source of information.

Dr. Braenden's evaluation of cannabis is markedly different from that of the Shafer Commission. He told our task force that we know very little about the effects of marijuana, but that the more we learn the more dangerous it appears to be. He said that there was evidence that, with repeated use, cannabis, like DDT, tends to build up in the tissues of the body: That there is also home evidence of permanent brain damage: And that rat experiments with cannabis have resulted in a very high percentage of birth abnormalities.

Some people have likened the effects of marijuana to smoking or to social drinking. Smoking is smoking, and social drinking is social drinking. Neither, normally, leads to other forms of experimentation, and nonsmokers and non-drinkers at parties are not constantly subjected to peer pressures to engage in the acts of smoking and drinking. But the "experimenters" who go to pot parties are, more frequently than not, disposed to experiment with other types of drug "kicks" that may be available in their groups.

Moreover, those who are using drugs are almost invariably afflicted with a missionary zeal to get other people into the act with them. This is so with pot smokers: it is even more so with hashish dependents—and it becomes obsessional by the time drug abusers graduate to heroin. Because of this, there is general agreement among the experts that heroin addiction must be treated as a contagious disease. And pot smoking is frequently the first way-station to the contraction of this contagion.

The Shafer report concedes the point that hashish—which is simply a more concentrated form of cannabis—can be terribly destructive physically and psychically. It ignores the fact, however, that hashish and heroin are becoming increasingly more available at pot parties—and it offers no formula to assure that pot experimenters will refrain from experimenting with these more dangerous drugs if any are pushed upon them by proselytizing peers.

Nor does the report say how cannabis in the form of "grass" is to be legally distinguished from cannabis in the form of hashish; nor does it discuss the feasibility of making cannabis in the form of "grass" permissible under the law—as it recommends—while retaining a firm legal ban on cannabis in the form of hashish—which it appears to favor.

The Shafer report incorporated much valuable research and thinking, and with certain of its recommendations I find myself in complete agreement. For example, I agree with the report that it does not make sense to sentence youthful marijuana smokers to several years in prison—although I would personally favor retaining a fine for marijuana smokers, by way of underscoring the point that marijuana smoking does damage to society. But whether one agrees or disagrees with the basic findings of the Shafer Commission, I think there can be no disagreement on the point that the report cannot be accepted as gospel for all time—that we still have a lot to study and a lot to learn. Because of this, I am happy that the subcommittee has decided to invite the testimony of Dr. Olav Braenden, the distinguished director of the United Nations Narcotics Laboratory in Geneva.

STATEMENT OF DR. OLAV J. BRAENDEN, DIRECTOR, U.N. NARCOTICS LABORATORY BEFORE THE SENATE SUBCOMMITTEE ON INTERNAL SECURITY

It is an honor to be called to appear as a scientific witness before this important and distinguished Committee. My terms of reference are, as I understand them, to report on certain significant aspects of research on cannabis—of which marijuana and hashish are the chief products—and on the findings of the United Nations Laboratory and of national scientists collaborating with it in the UN research program. After giving you a brief outline of recent important developments in the field of cannabis research, I shall, of course, be pleased to answer, as far as I can, any questions which the members of this Committee may care to put to me.

Just before leaving Geneva, I made telephone calls to a number of scientists in different countries who have been collaborating on various aspects of cannabis research. I had lengthy conversations with *Professor W. D. M. Paton* of Oxford University; with *Dr. Ole Rafaelsen* of Denmark; with professor *C. Miras* of the University of Athens; and with *Professor Cornelius Salamink* of the University of Utrecht in the Netherlands. The statement I have prepared refers to some of the recent scientific findings on the subject, and, I believe, accurately reflects their views, so far as their own research is concerned.

As you know, careful and profound chemical and pharmacological studies of cannabis have also been carried out in this country, particularly under the auspices of the National Institute for Mental Health. The many outstanding scientists who have worked on these studies include *Professor Harry Isbell, Professor Leo Hollister, Professor Coy Waller, Dr. Julius Axelrod, Dr. Glenn Kipplinger,* and others. Their research, in general, corroborates the research of the European scientists working on cannabis. I regret that there was no time to interview these outstanding scientists before my appearance.

Among the scientists working in the field it would seem that there is a general consensus that cannabis is dangerous—opinions differ, however, on the degree of the danger to the individual and to society. In my opinion, it seems that, as progressively more scientific facts are discovered about cannabis, the more one becomes aware of its potential dangers.

In spite of the intensive research carried out in many countries, much remains to be elucidated in connection with the chemistry of the components of cannabis and their effects on the body. There is no doubt that this is a highly complex field—much more so than was previously supposed. For example, it had been believed for some decades that the main components of cannabis were some few substances, mainly cannabinoids, of which only tetrahydrocannabinol, or THC as we call it, was the active principle. However, there is now evidence that cannabis contains a very large number of substances—at least 50. The great majority of these components have not yet been isolated and characterized, and their pharmacological activity—or inactivity—remains to be determined.

In our Laboratory we have recently found indications of the presence in cannabis of nitrogen-containing substances. By varying the classical extraction procedures, certain spots were obtained on thin-layer chromatograms which led us to suspect that cannabis contained components of an alkaloidal nature. It was also noted that these alkaloidal substances were present in greater amounts in the actual plant material than in the resin. Application of the usual tests for alkaloids was found by *Dr. H. Samrah* of Egypt to give positive reactions. Similar results were obtained by *Professor O. Aguar* of the University of Madrid. These alkaloidal substances have still to be isolated and characterized. Simultaneously and independently, *Professor C. Salemink* of the University of Utrecht reported on quarternary nitrogen bases in cannabis seeds, and, very recently, on the presence of indole compounds in cannabis itself. (Indole compounds are nitrogen-containing organic compounds.)

There is no doubt that the presence of nitrogen-containing compounds in cannabis opens a highly interesting field in connection with the pharmacological activity of cannabis because such plant substances are frequently poisonous.

Knowledge of the short and long-term effects of cannabis is far from comprehensive.

According to *Dr. A. M. Campbell* and his colleagues of the Bristol Royal United Hospital, there is significant evidence of cerebral atrophy in young cannabis smokers.

Professor C. Miras of the University of Athens has done considerable research on the effects of cannabis on man. As subjects he uses chronic hashish smokers only—because he believes that there is a great risk of damage if the subjects have not previously taken hashish on a regular basis.

Dr. O. Rafaelsen of the Central State Hospital in Copenhagen, Denmark, has found that there is considerable impairment of driving ability after oral ingestion of cannabis.

Here it should be noted that the effects of cannabis when smoked are considerably greater than when cannabis is taken orally. This may be due to the fact that—as reported recently by Professor Salemink of the Netherlands—the components of cannabis may in part be destroyed in the digestive tract by intestinal bacteria.

A complicating factor in assessing reports on the abuse of cannabis, particularly by young people, is that those who claim to have smoked cannabis, may not, in fact have done so—because cannabis in the illicit traffic is often highly adulterated with tobacco and other substances, and sometimes it is even completely falsified. In the illicit traffic, it has been reported that a considerable percentage of the samples seized did not contain any cannabis.

As I have pointed out, the activity of cannabis has thus far been attributed entirely to the tetrahydrocannabinol, or THC, which it contains. While it is true that THC is active pharmacologically, it is highly probable that other components of cannabis may also be active. In the Netherlands, a sample of cannabis was found to be highly active despite the fact that no THC was present.

Although an adequate picture of the fate of cannabis in the body remains to be determined, it should be noted that cannabis is only partially excreted by the organism. *Professor Paton* of Oxford University has found that some of its components accumulate in the fatty tissues of the body.

For a number of years now the United

Nations Laboratory has been engaged in research on cannabis. Acting on a directive of the UN Commission on Narcotic Drugs, we have, in fact, accorded this work the highest priority. Governments have indicated their interest by providing large numbers of cannabis samples for our research, and also by nominating national scientists to participate in the program. These scientists, performing their research on a voluntary basis, have made important contributions to the program.

The United Nations Laboratory concentrates its attention on those aspects of the research which cannot easily be carried out by national laboratories and, in this connection, its most important function is to coordinate, as required and as far as possible, the research being carried out in various countries within the framework of the program. In particular, we seek to avoid unnecessary duplication of effort. The Laboratory cooperates with researchers in the United States of America through the National Institute of Mental Health, and it is also in close contact with the Laboratory Division of the Bureau of Narcotics and Dangerous Drugs. In the research program, the Laboratory provides its national collaborating scientists with the basic research materials—samples of cannabis, cannabis resin, and cannabis seeds, and it also distributes THC which has been made available through the National Institute of Mental Health.

It is well known that the chemical composition of cannabis varies according to the ecological conditions of the region where it is grown, and that, after harvesting, changes occur with time and according to the conditions of storage. The Laboratory has, therefore, organized an ecological study of the variations in the amount and potency of cannabis resin according to ecological conditions. For this purpose, cannabis seeds from the same batches are being cultivated under carefully controlled conditions in various climatic regions. The preliminary studies have yielded some highly interesting results. It has, for instance, been found that the cannabis cultivated experimentally in Iceland and Norway, from seeds of South African origin, contains appreciable amounts of THC. These findings contradict the previously held belief that cannabis grown in temperate or cold regions is not pharmacologically active. It is our hope that this ecological study will be completed towards the end of next year.

The systematic analysis at regular intervals of the samples of cannabis in the United Nations collection is now being undertaken in order to determine the nature and the extent of changes occurring in composition with time.

The variations in the chemical results obtained in early research on cannabis were probably due, at least in part, to the variations in the cannabis samples used by different scientists. To overcome this difficulty, the United Nations Laboratory has, from time to time, prepared reference samples of cannabis to be used for comparative purposes.

It may perhaps be of interest to mention that, in the illicit traffic, cannabis is now being encountered in a new form—known as "liquid hashish" or "marijuana oil." This is many times as potent as good grade hashish and is potentially very dangerous. The exact technique for producing liquid hashish is not known, but, according to the BNDD, the hashish is apparently extracted with an organic solvent which is subsequently evaporated, and a vegetable oil is added to the residue. Earlier this year, our Laboratory received interesting samples of some "liquid hashish" or "marijuana oil" seized in Norway. It was said to be of Middle Asian origin, and it had an extraordinarily high concentration of THC—66.3 per cent, as against about 10 per cent in ordinary hashish and 2 per cent in marijuana.

In spite of the progress made in recent years in cannabis research, much still remains to be done before we have an adequate understanding of the nature and effects of this complex plant. Very considerable research is necessary—particularly in order to isolate and characterize all the relevant constituents of cannabis; to definitely establish the active principles to study the pharmacological effects of cannabis and its fate in the body; and also to determine the chemical transformations which occur in cannibis when it is smoked.

I feel, therefore, that every effort should be made to accelerate relevant research so that it may be possible, within the near future, to draw sound scientifically based conclusions on cannabis—conclusions which would be of value to national and international bodies in their consideration of the control of cannabis.

Guide to Drugs 5—There Seems No Rational Basis for Drawing a Line Between Cannabis and LSD, the Amphetamines or the Less Potent Opiates

(By Prof. W. D. Paton)

Cannabis sativa is a widely distributed plant producing fibre oil (from its seeds) and resin in varying proportions according to its variety and the conditions of cultivation. The resin is produced mainly in the flowering tops. Marijuana, made from the dried plant, contains a good deal of other plant material mixed with the resin; in hashish the resin is more or less concentrated. The term 'cannabis' will be used to refer to any preparation of the crude material.

BIOCHEMISTRY OF CANNABIS

Cannabis differs from the other drugs discussed in this series in always being a mixture of substances. Of the scores of chemical compounds that the resin contains, the most important are the oily cannabinoids, including tetrahydrocannabinol (THC), which is the chief cause of the psychic action. Samples of resin vary greatly in the amounts and proportions of these cannabinoids according to their country of origin; and as the sample ages, its THC content declines. As a result, the THC content of samples can vary from almost zero to eight per cent. Pure THC is unstable unless kept in the dark under nitrogen, but is better preserved in the undamaged plant. One result of these facts is that the dose of THC taken, unless under laboratory control, is far more uncertain than with other drugs.

In addition to the cannabinoids are certain water-soluble substances, including a small amount of an atropine-like substance (which may contribute to the dry mouth), and some acetylcholine-like substances (which may contribute to the irritant effect of the smoke).

Little is known about the composition of the smoke from a cannabis cigarette, save that about twenty five to fifty per cent of the THC content is delivered to the respiratory tract.

THC and other cannabinoids are now fairly easily detectable in small amounts by gas-liquid chromatography. But once THC enters the body, it is hard to trace, unless it has been labelled for research purposes with a radioactive atom—partly because it is taken up by the tissues, partly because it undergoes a series of still incompletely understood conversions. The products of these conversions are found in the urine, but a urine or blood test suitable for forensic or research use is still not available. This is a serious handicap to clinical investigation and means, that there is no way of establishing how much (if any) cannabis a subject has taken.

The cannabinoids are extremely fat-soluble, and correspondingly insoluble in water. They and their metabolites therefore persist in the body; thus twenty four hours after a dose of labelled THC, a rat has eliminated, as metabolites in urine and faeces, about ten per cent of the dose, a rabbit about forty five per cent, and a man about twenty five per cent.

PSYCHIC EFFECTS

Reactions are very varied, and they are much influenced by the behavior of the group. Europhoria is common, though not invariable, with giggling or laughter which can seem pointless to an observer. Sensations become more vivid, especially visual, and contrast and intensity of colour can increase, although no change in acuity occurs. Size of objects and distance are distorted. Time as experienced becomes longer than clock time; thus a subject asked to say when sixty seconds has elapsed responds too early, but if asked to say how long some period of time was, overstates it: sense of time can disappear altogether, leaving a sometimes distressing sense of timelessness. Recent memory and selective attention are impaired; the beginning of a sentence may be forgotten before it is finished, and the subject is very suggestible and easily distracted. Psychological tests such as mental arithmetic, digit-symbol substitution, and pursuit meter tests show impairment, the effect being greater as the task becomes more complex. The vividness of sensory impressions and distractibility gives rise to imagery and fantasy, this can progress with increasing dose from mere fanciful interpretation of actual sensations to hallucination in the sense of vivid sensory impressions lacking an external basis. These effects may be accompanied by feelings of deep insight and truth. They are similar in type, though often more intense, to those experienced in hypnagogic imagery or while recovering from an anaesthetic.

It seems likely that these effects of cannabis can be explained if it removes a restraining "gate" on the inflow of sensory information. Normally, considerable selection takes place, and familiar stimuli or those judged irrelevant are ignored. A dis-inhibitory action of cannabis, lifting this gate, would allow the "flood of sensation" so often reported. Further, it is believed that time sense depends on the frequency of sensory impressions; an increased flow would therefore give the feeling that more time had elapsed. Finally, it is known that the process of memory involves at least three processes: entry into a sensory "register" and passage into a short-term "store"; rehearsal of information either consciously or unconsciously, leading to consolidation and transfer to a longer-term store; and retrieval. It appears that retrieval is not impaired by cannabis (longstanding memories often form the basis of the imagery), and entry seems normal; but conversion of short-term to long-term memory is known to be interfered with by a flow of additional sensory impressions, just as a telephone number is likely to be forgotten if someone speaks to you just after you have heard it. It is likely that the flow of sensory impressions under cannabis interferes with the consolidation of recent information in a similar way. Once memory is impaired, concentration becomes less effective, since the object of attention is less well remembered. With that may go an insensitivity to danger or the consequences of actions.

A striking phenomenon is the intermittent wave-like nature of these effects—a subject may return towards normal, or bring himself "down" for a period. This intermittence effects mood, visual impressions, time sense, spatial sense, and other functions, it represents, incidentally, one of the many experi-

mental difficulties in analysing cannabis action. The effect of a single dose usually ends with drowsiness or actual sleep.

The effects can also be unpleasant, especially by inexperienced subjects, particularly timelessness and the feeling of loss of control of mental processes. Feelings of unease, sometimes amounting to anguish, occur, and may well have some physical basis—perhaps associated with the acceleration of the heart rate. There is also, especially in the habitual user, a tendency to paranoid thinking. High or habitual use can be followed by a psychotic state; this is usually reversible, quickly with brief periods of cannabis use, but more slowly after sustained exposures.

PHYSIOLOGY

Cannabis smoked or taken by mouth produces reddening of the eyeballs (probably the forerunner of the general dilation of blood vessels and fall of blood pressure with higher doses), unsteadiness (particularly for precise movements), and acceleration of heart rate. The latter effect can be substantial, and although the insolubility of the cannabinoids in water makes intravenous abuse difficult, cardiac failure would be a serious risk with such use. The smoke produces the usual smoker's cough, and the tar from reefer cigarettes is as carcinogenic in animal experiments as cigarette tobacco tar. Although increase in appetite is commonly experienced, no explanation for it exists, and cannabis use does not have any striking effect on the blood sugar. In animals, with chronic administration of substantial doses, food intake is reduced and weight loss occurs.

An important finding in animals is that cannabis prolongs sleeping time after a dose of a barbituate such as pentobitane (Nembutal). This has been shown to be due to an impairment of the ability of the liver to break down (metabolise) the barbituate, as a result of inhibition of the microsomal enzymes. The importance lies in the fact that many drugs used in medicine are also dealt with by these enzmes; and it is to be expected that their recent or habitual cannabis user. The effect is not due to THC itself, but mainly to another constituent of the resin, cannabidiol. One hopes that cannabis users seeking medical treatment would inform their doctors accordingly; the main danger would be of overdosage or of overprolonged action.

A recent report has concerned the loss of brain substance, as measured by the technique of air encephalography, in a group of ten young heavy cannabis users. The enlargement of the ventricles of the brain is of the type that occurs in old age, or in middle years with chronic alcoholics. The work needs confirmation, since although the subjects had taken hundreds of doses of cannabis, they had also had a number of doses of LSD or amphetamines, and occasionally heroin. One is, however, bound to take it seriously, since cannabis, the main drug used by the patients, is cumulative, with a very high affinity for fat, and able to impair cell division by lymphocytes in tissue culture.

Cannabis has been found to produce foetal deformities and foctal resorption in animals (rats, rabbits and hamsters) in doses (per unit weight) ranging down to that used in man. The effect has been shown to be dose-related, and (unlike the teratogenic effect in animals of many drugs, but like thalidomide and other known human teratogens) is exerted at a small fraction of the dose liable to kill the mother. It is not clear what the effect in the human is, and it is to be hoped that it is the human equivalent of foetal resorption (miscarriage) rather than teratogenicity. Tests for chromosome damage have been negative, so that there is no evidence for a heritable genetic defect; but the same tests showed an impairment of cell division, and it may well be this, applied to the developing foetus, which causes the reduction deformities. The teratogenic effects appear to be due to some factor other than THC in the resin.

CANNABIS AND CRIME

There is much debate about the connection between cannabis and criminality. A reasonable view, covering other aspects of behaviour, is that cannabis may accentuate a particular mood or facilitate a train of action and such a process could well explain the cases of violence described. A similar position could hold about the connection with sexual behaviour. But here two other contrasting factors enter: the alteration in time sense would change the apparent duration of sexual intercourse; and activity with images of it. There is, too, the unexplored possibility that the circulatory effects of cannabis include a mild genital engorgement.

More important, however, is likely to be the effect of repeated use described as the 'amotivational syndrome'. This term dignifies a still imprecisely characterised state, ranging from a feeling of unease and sense of not being fully effective, up to a gross lethargy, with social passivity and deterioration. It is difficult to assess, when personal traits and intellectual rejection of technological civilisation are also taken into account. Yet the reversibility of the state, its association with cannabis use, and its recognition by cannabis users make it impossible to ignore.

ESCALATION THEORY

Attention has mainly concentrated on progression from cannabis to heroin or other opiates. Although only a very small proportion of casual users progress, it is much commoner with heavy users, and the vast majority of opiate users have prior experience of cannabis. Although it is often said that there is no pharmacological basis for such progression, this in fact exists, since cannabis increases suggestibility and shares with heroin (though in milder form) the ability to produce euphoria and analgesia.

But the situation is a more general one. It seems probable that amphetamine use also predisposes to heroin use; and the overlap in actions between cannabis and LSD makes intelligible the observed progression to LSD. The role of prior use of 'soft' drugs, or use of drugs by 'soft' techniques in predisposing to more serious abuse needs much more study, particularly by methods which can establish objectively the actual amount of drug used. Although it can only be one of many factors, it could be important in the prevention of serious abuse.

TOLERANCE AND DEPENDENCE

Tolerance to the behavioural effects of cannabis and of THC in animals has now been repeatedly demonstrated. As with the fat-soluble barbiturates, the first few doses may cumulate, masking the underlying development of insensitivity to the drug's effects. It is not clear whether the tolerance results from increased destruction of the drug or a resistance at the cellular level.

In man, the evidence is largely anecdotal and uncontrolled (this applies to Weil and Zinberg's data, since the experimental subjects but not the naive were told what they were to receive). There is limited evidence that THC disappears somewhat faster from the blood of users as compared with naive subjects. Perhaps the best evidence is still that in the Laguardia report, where it was found that a three times higher dose was required to produce a given degree of ataxia in users than in non-users. Withdrawal symptoms of morphine or barbiturate type do not occur; but, after heavy use, depression, anxiety, sleep disturbance, tremor and other symptoms develop, and many users find it very difficult to abandon cannabis use. In studies on self-administration by monkeys, spontaneous use did not occur, but once use was initiated, drug-seeking behaviour developed. Subjects who have become tolerant to LSD or opiates as a result of repeated dosages respond normally to be cross-tolerance between cannabis and alcohol.

IN CONCLUSION . . .

The salient fact about cannabis is that it is a mixture of substances, whose psychically active principle is highly fat-soluble. It seems likely that for the foreseeable future it will be the crude material that is used. The outstanding problem, therefore, is that of the effects of chronic use, not only of THC but of the other constituents. The significance of teratogenesis, of microsomal inhibition, of the amotivational syndrome, and of the observations on brain needs clarifying. Hitherto, dependence-liability has rested largely on assertion, but definite evidence should be forthcoming. Methods of measurement of the cannabinoids or their products in blood or urine should also be to hand before too long. One can say, at last, that "work is in progress."

Many general points have been omitted. But three final comments are needed. First, no comparison has been attempted with other drugs such as alcohol which, because of the peculiarities of cannabis, is in any case complicated. But it must be emphasized that such a comparison requires a major effort of the imagination. To estimate the probable result of treating cannabis like alcohol one must suppose it to be as readily available, with equivalent advertisement and promotion, in an equivalent range of potencies, and used by a comparable proportion of the population. It is peculiarly difficult to extrapolate in this way, given only our knowledge of widespread use of relatively weak crude material in the USA, of less common use of more active material in this country, and poorly characterised endemic use in developing countries. Second, too much stress has been laid on reports such as those by the Indian Hemp Commission: these were relevant to knowledge of the day and the social conditions of a subject country with a low expectation of life, but not to modern conditions in which society and its members expect so much of each other.

Finally, cannabis occupies a fascinating position in the debate of what society should tolerate, and the outcome of the debate will be important. Despite the damage done in later life by alcoholism, it is possible to draw a line between it and cannabis: there seems no rational basis for drawing a line between cannabis on the one hand and LSD, the amphetamines or the less potent opiates on the other.

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[From the Weekly Compilation of Presidential Documents, Monday, Mar. 27, 1972]

MARIJUANA REPORT

Q. Mr. President, do you have a comment, sir, on the recommendation of your commission on drugs that the use of marijuana in the home be no longer considered a crime?

THE PRESIDENT. I met with Mr. Shafer. I have read the report. It is a report which deserves consideration and it will receive it.

However, as to one aspect of the report, I am in disagreement. It was before I read it and reading it did not change my mind. I oppose the legalization of marijuana and that includes its sale, its possession, and its use. I do not believe you can have effective criminal justice based on the philosophy that something is half legal and half illegal. That is my position, despite what the Commission has recommended.

JOHN SHERMAN COOPER: THE GENTLEMAN FROM KENTUCKY

Mr. CHURCH. Mr. President, it was not possible for me to be present the other day, when tributes were paid to the distinguished senior Senator from Kentucky, JOHN SHERMAN COOPER. I would not want this session of Congress to end without adding my own plaudits to the many others he has received from his colleagues.

Senator JOHN SHERMAN COOPER, a gentleman in the finest Kentucky tradition, will be missed in the Senate as few men are when he departs. He leaves a record of public service, rich and varied, but in no field has his contribution been greater than that of foreign affairs.

As an adviser to Secretary of State Dean Acheson at the NATO Council of Ministers in the early days of the alliance, as an American delegate to the General Assembly of the United Nations, and as our Ambassador to India and Nepal, JOHN SHERMAN COOPER came to be held in the high esteem of those who dealt with him.

It is with respect to his bringing this expertise to the Senate Foreign Relations Committee that I would speak today. Senator COOPER knew war personally. A veteran of World War II who enlisted in the ranks, became a commissioned officer, and was awarded the Bronze Star, the Senator has worked constantly, as a member of the committee, in the cause of peace.

He felt strongly that Congress should play its constitutional role in matters of war and peace. The abdication of power by the legislative branch to the Executive troubled him deeply. JOHN SHERMAN COOPER is not a man who would shun his responsibility, and so he sought ways for Congress to assert its authority in regard to the central issue of our time, the war in Vietnam. His purpose was to prevent the war from growing larger and thereafter to bring our participation in it to an end.

Reluctant though it has been to directly challenge any of our several Presidents on the war itself, Congress has at least attempted to impose certain limitations upon it. In all instances this has been accomplished finally by resort to the legislature's vestigia power over the public purse. The first successful use of the appropriations power to limit the war was the original Cooper-Church amendment, adopted in December, 1969, which prohibited the use of funds under the Defense Appropriations Act for sending American ground combat troops into Laos or Thailand. A year later, in January, 1971, Congress enacted a second Cooper-Church amendment, this one prohibiting the use of funds for the return of either American ground troops or military advisors to Cambodia. Since they invoked the use of the purse strings, these amendments have been observed. With Senator COOPER, it was my privilege to have been a cosponsor of both amendments.

But the mark of Senator COOPER'S real humanity is not to be found so much in legislative accomplishments as in his persistent, outspoken opposition to the American bombing in North Vietnam. One of the first Senators to speak out in condemnation of the bombing, JOHN SHERMAN COOPER urged its cessation during the administration of Lyndon B. Johnson. His resolution did not falter after the renewal of the bombing by President Nixon. Indeed, as late as October 2, 1972, he voted for an amendment that would have cut off funds for the bombing, not because he thought it would win the approval of Congress or even prove enforcible, but because he felt obliged to express his own deep feelings through his vote. He said:

I vote for the amendment to express my feeling that I deplore this bombing and killing on both sides and I must say this as a human being. This is my only statement.

So he leaves us, a man of conscience, a man of strong convictions, a man of peace. May his retirement prove as thoughtful and productive as his years in the U.S. Senate.

SHRIVER URGES PROGRAMS TO STRENGTHEN FAMILIES

Mr. MONDALE. Mr. President, yesterday in Lansing, Mich., Sargent Shriver delivered a deeply thoughtful speech on the American family.

He spoke of the need to protect family life from the strains our increasingly complex society is placing on it; the need to help families deal with the problems associated with mobility and isolation.

And he spelled out in painful detail the unmet needs of millions of children for adequate health care, nutrition, education, and child development services.

Mr. President, this was more than a speech. It was a very honest review of the pressures many families are under, and a compassionate philosophy for strengthening and supporting them.

We do not hear enough discussions of this kind. Too many individuals in public life are content to utter platitudes about the American family. Sargent Shriver has done far more than that, and all of us concerned about families and children are indebted to him for his effort.

I commend this speech to the attention of my colleagues and concerned citizens across the land, and ask unanimous consent that it be printed at this point in my remarks.

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

SPEECH BY SARGENT SHRIVER—THE FAMILY

The preamble of the Constitution enumerates the most fundamental purposes of our nation. Among these is "to establish justice". Another is: "to ensure domestic tranquility."

Recently, I spoke about establishing Justice in America. Here, I outline a program for domestic, or as we would probably describe it today, civic tranquility.

There is only one path to civic tranquility in any nation. Tranquility cannot be imposed through force, by police methods from outside-in. It must be developed, created, slowly, through nurture, in strong and good families.

What a government does, or does not do, deeply affects every family within its jurisdiction. Wise decisions by government cannot be made without a clear social policy for protecting family life. Sadly, this nation has never formulated such a policy. Our political leaders have neglected the most basic institution of all.

By contrast, George McGovern and I propose—not only a national policy for families—but, rather, a political vision whose starting point is this maxim: What is good for families is good for nations; what hurts families, hurts nations. This maxim is simple. It is direct. It is profound.

For thousands of years, in scores of different cultures, the institution that has served human beings best and disappointed them least is the family. In the family, normally our deepest values are learned; our innermost identity is acquired. In the family we experience the most intimate, most moving moments of our lives.

The most basic human emotion of all—love—is learned first in the family, before it becomes a model for the world; love between man and wife; the love of a father and mother, for their children; the love of children for them; the love of brother and sister.

If family life is unhappy, few other satisfactions make up the loss. If family life offers satisfactions, defeats of many other kinds are lightly borne.

No other institution so nourishes us with images of compassion, sympathy, trust and hope. The fate of no other institution so precisely measures the greatness or the decline of national life. Without good families, children do not learn to trust; they do not learn compassion; they do not acquire the sensitivities and instincts on whose strength civilization rests.

Without good families, there is no internal source of civic tranquillity. Why then, are we so neglectful of the politics of family life?

Our young people get very little training, often none, in how to create and nourish loving families.

Industrial and social developments—highways and high rises and factories—arrogantly disrupt family patterns that have endured for centuries.

Legislators, activists, and political technicians too seldom measure the consequences of governmental policy for actual families.

Cruel segregation by all prevents humans at the varying stages of life from being vivified and nourished by each other, young by old, old by young.

The concept of "taking care of" has been diminished to a purely economic bond. The family comes to resemble a service station rather than a home.

No wonder we have heard for years about the erosion of family life, the breakdown of the extended family, the battle between generations, and the inability of the family to impart basic values that make life civilized, democratic and humane.

THE PAST AND PRESENT

The "crisis of the family" has no simple cause. Social pressures have been forcing family life to change for the past one hundred years. Some of these changes are beneficial; some are damaging.

For most of our history, the strong and nurturing family was taken for granted. America was founded by strong families, who, working together and in support of each

other, were able to survive the dangers, risks, troubles, and pains of exile in order that they might live according to their deepest values. These families had a passion for justice, freedom and excellence which could be sustained—against all odds—because each person could depend on a whole family for comfort and support.

A hundred years ago, families worked together. Young men and women saw their mother's and their father's work and were apprenticed to it. Unmarried aunts and uncles, grandparents, hired laborers, and neighbors made daily family life thick with personality and interest.

Immigrant families cherished their solidarity, and centered their lives on neighborhoods, even on certain blocks, in which many adults and many children shared a common life. Working men and women worked in or near the same establishments. Relatives and neighbors cared for each other's children and tended each other in birth, in sickness and in death.

Then our society changed. Families moved away from relatives and friends. Economic advancement began to take precedence over family loyalty.

Today, many American families are faced by profound dilemmas—dilemmas posed by massive changes in our national style of life which have not been met by appropriate national action. These are the dilemmas so many of us feel have influenced our lives, but about which our national leadership these past four years has been mute, or worse, dishonest.

I speak here of the dilemmas created by mobility, by the vast increases in the numbers of working mothers, by the economic problems overtaken so many families and over which they feel no power. Let us discuss these dilemmas of mobility, mothering, money and malaise.

Mobility. Most American families move four, five or six times from the time of marriage, and many of these moves are not only from one neighborhood to another, but from one city to another. Relatives often live in other towns or states, separated by hundreds or thousands of miles. To a child, a grandmother or grandfather can seem like a distant stranger.

Ninety-five percent of families with preschoolers have no other adult at home to lend an extra pair of hands and extra heart to the tasks of nurture and affection. More than one-fourth of all American families have strangers living next to them. In the suburban home and the urban high-rise, the nuclear family—mother, father, and children—live in isolation, without knowledge of or feelings about the people whom they see every day. Families have little concern for each other—and all feel perhaps for the first time in one thousand years, alone.

Friendships are formed for the moment, out of convenience, and children have little opportunity to observe a variety of adults whom they can respect, on whom they can model themselves.

Isolation is most painful for the family in difficulty. Living among strangers, where can they turn? In our society, no substitutes for the older social institutions—the extended family and the neighborhood community—have been systematically encouraged.

The next dilemma results from a major change in the large number of mothers who have chosen or been compelled, to seek employment. More than half of American mothers and one-third of mothers of preschoolers work outside the home. For many of these mothers, there is a painful conflict, described by Premier Golda Meir—"The eternal division, this double pull, this alternating duty toward her family and her work."

For other mothers, there is naked anger that in a society which gives lip service to family life they are forced by economic pressure to give up the full time mothering to which they feel committed—and which they know they are uniquely able to provide. For still other mothers, the opportunity to work provides a personally satisfying way to actualize their own potential, to provide economic resources for their family, and to make significant social contributions.

All families with working mothers share a common concern, how to provide their children with wholesome care while parents are at work. Our nation has no satisfactory provisions for the children of such parents today. Hundreds of thousands of children are left alone, or cared for by siblings who are too young to assume responsibility. Hundreds of thousands of others accompany their parents to the work site, where no special care is available. Hundreds of thousands of other children are left in settings that are destructive.

Nobody doubts the great formative importance of the first years of life. Yet as a nation we leave millions of children in circumstances that guarantee that they will never achieve their optimal development . . . and that some will be damaged and try to damage others.

The third dilemma faced by many working families is that of money. This is not a new dilemma, but it has become especially severe for the poor and for many working families in which both parents must work, or the father must hold two jobs.

One-third of all American families earn less than the government standard for a low family budget. Fully one-half of all families—even where both parents work—earn less than $10,000 per year, barely enough for a family of four in some cities and certainly inadequate for a family of five or more. I am not speaking of families who are seeking luxuries, but rather those who try to provide food, clothing, shelter, basic health care and a minimum of amenities.

Parents who long to take gentle and loving care of their children are often prevented, by long working hours away and short tempers at home, from being the kind of parents they once dreamed they would become.

Many families live in constant financial fear, particularly in matters of health. Serious illness can decimate the resources even of the well-to-do family.

Our nation ranks 14th among industrial countries in the death of infants during the first year of life, 11th in the percentage of mothers who die in childbirth. It is hard to imagine that there are ten nations where mothers are more likely to survive childbirth than in the United States.

What can be more moving than the sight of a sick child? Yet twenty-five million American children suffer from poor health. Is there a nation so wealthy as ours that leaves the physical well-being of its children so much up to chance?

Many poor children are victims of inadequate pre-natal care; inadequate medical care during infancy; poor nutrition; lead poisoning; anemia; parasites; and a variety of other curable or completely preventable diseases commonly untended among the poor.

The fourth dilemma that faces many American families is the deep malaise infecting many families; a lack of pleasure in being together; a dispersla of the family, one going this way, one that, in pursuit of fun; no pride of accomplishment in doing well as parent or as child.

When society does not support and value families, what value can a parent place on mothering or fathering? Too many parents allow television to be their substitutes: The average child under seven watches four hours of television every day.

For many children, values are borrowed from peers, rather than from the mature wisdom of their parents or other adults whom they love.

Young parents often come to parenthood without experience in caring for children, unsure of what to do or how to do it, uncertain of their own importance to their children.

If parents feel their children's values come from television and from friends; if parents feel uncertain of their own value and authority, it is little wonder they do not have the sense they are the most important people in the lives of their children, the shapers of their children's beliefs and ideals.

This unnameable malaise infects the treatment given also to the elderly. Where once they were revered and played a central role in the development of families, today the elderly are often left to sit alone in their own apartment or, worst of all, placed in nursing homes where too often the quality of care is an outrage.

What sort of society are we? The abuse of our elderly is common, and the abuse of children by parents has also, for the first time, become a shocking relevation: One in every ten children is physically mistreated.

A society that suffers this malaise loses respect for the lives of those who most need love—the very young and the very old.

But this unnameable malaise also has another form: we Americans shower children with gifts—with toys, and souvenirs, mementoes, clothes and vehicles: scooters, tricycles, bicycles, motorbikes. If money were love, our children would have evidence of vast affection.

But the hardest gift of all to give our children—all the more if they are children who have everything—is purpose. So many children of America seem to share a common sickness, a plague perhaps upon the land: a common aimlessness and lack of goals. Paul Goodman called it "growing up absurd."

Where do they learn this aimlessness? Perhaps they watch. They keep their eyes on us—their parents; their teachers; the policemen, the politicians and professors; the businessmen and coaches; and their idols in the movies.

Robert Coles lists those children's questions that penetrate our own adjustments, startle us, expose us:

"Why do people kill one another? Why do we live this way and other children, whom we see on television, live in another way? Why is it that on television we keep hearing that people have headaches and stomachaches? And why are they so nervous?. What is it, being nervous?

"What is it like to be poor? What is it like to live in a country where bombs are falling all the time? What would you really like to be doing, daddy? Why do we say one thing outside the house and something else when we are alone?

"Is it true, mother, that the country is in trouble and that the world might be all blown up?

"Why did they arrest people who work for the government? Aren't you supposed to be honest if you work for the government?"

We can avoid these questions. We can give evasive answers. Then, turned away, the children accept adjustments we accept. They become like us. They become mere images of us. That is the malaise.

These, then, are the dilemmas: mobility, mothering, money and malaise. For four long years, each has been identified time and again by concerned citizens, by the Congress, and by experts in family life. What has been the response of the current administration?

GOVERNMENT EFFECTS UNDER NIXON

I wish I could report that our government has opened its heart to families, or at least that its own policies have helped to weaken families. The tragic truth is that this administration has contented itself with voicing platitudes about family life. It has failed

to take concerted action to aid American families. It has failed to give moral leadership—it has failed even to develop comprehensive policy for families.

The problems of the family are not merely problems of funding. They are not merely problems to be solved by government programs. But government must remove obstacles to family life; rectify injustices; and compensate for damages done the family by modern industry and shortsighted governmental policies. Only then will the family have a chance to help itself.

Richard Nixon, for example, promised this nation that there would be no hungry children in America by Thanksgiving, 1970. Since that promise, Richard Nixon has sold millions of dollars worth of wheat to Russia, but the number of hungry children in America still exceeds three million.

Richard Nixon has withheld $700 million appropriated by the Congress for food, for pregnant women and young children.

Richard Nixon promised in 1969 "a national commitment to provide all American children an opportunity for healthful and stimulating development during the first five years of life." Yet in 1972, under Richard Nixon, children receive only 10% of the federal money allocated for personal health services; in 1960 they received 50%.

Richard Nixon vetoed programs for crippled children and programs for retarded children.

Richard Nixon refused to supplement a program to help the states screen, diagnose, and treat children eligible for medicaid before their maladies grow and become infinitely more expensive. He has been penny wise and pound foolish, concerning the health of children.

Richard Nixon said in 1969: "This administration is committed to a new emphasis on child development." Yet his family assistance legislation requires even the mothers of three-year-old children to work if benefits are to be obtained. It provides benefits at a level so low that the only thing guaranteed is a life without dignity, a family in which a healthy environment for the child is impossible.

It provides day care for no more than 350,000 children full time whereas the number of virtually abandoned children in desparate need of adult affection is ten times that number; and millions need some help at some time. It provides day care centers which investigators have found to be little more than warehouses for young children.

Richard Nixon vetoed Senator Mondale's comprehensive child development bill. On that occasion, Mr. Nixon exceeded even his own considerable standards for hypocracy by alleging that child care "threatened American family life." This bill represented the first effort of our nation to set up a comprehensive network of neighborhood centers of great variety—including high quality day care for working mothers, educational intervention programs for young children, compensatory programs for older children and nutritional and health services for children in need.

The Mondale Bill passed both houses of Congress. It was endorsed by over 100 major organizations including all major religious organizations, and all major non-sectarian organizations, concerned with family life. Many of its provisions are supported by the White House Conference on Children, by the joint commission on the mental health of children, and by five volumes of Congressional testimony. Yet Nixon vetoed the bill.

The crisis of the family in America runs deeper, however, than the failures of Richard Nixon. All Americans must share the blame. Our time today would not be usefully spent in accusation alone; we must offer new and comprehensive insights and proposals.

M'GOVERN-SHRIVER PROGRAM

George McGovern and I want ours to be remembered as the Administration that put families at the center of political concern. What is good for families is good for nations; what hurts families, hurts nations. Eleanor McGovern and my wife Eunice are as committed to a family-centered administration as the Senator and myself. We will involve every member of our Administration in the labor of strengthening family life by all means possible. The McGovern-Shriver Administration will try to measure and evaluate governmental policies in many ways, but always we shall include, whenever appropriate, one clear test: does it help—or hurt—the American family?

The Environmental Protection Agency requires hearings that produce evidence about the impact of federal policies upon the environment. We believe that there should be a family protection agency, requiring hearings that produce evidence about the impact of federal policies upon families.

For example, we carefully monitor the prices of automobiles. Why don't we require hearings on the impact of rising food prices on every family in the land? This is the biggest item in the family budget; it is central to the family's health. It should be monitored.

We will attack the problem of mobility. The practices of the Department of Housing and Urban Development will, in our Administration, guarantee that families and neighborhoods take precedence over highways and thoughtless redevelopment.

We will ask large employers to modify policies which require employees to move frequently. We will ask industries to monitor the impact of their work on the families of their workers. We will make certain that as a major employer the federal government leads the way in adopting practices that strengthen family life.

Secondly, we will attack the dilemmas of mothering. A McGovern-Shriver Administration will commit itself to providing a network of high quality day care centers. Such legislation will be based on one fundamental principle: it must be the family that is strengthened, not the government.

Centers established with federal funds will be controlled by the parents themselves and by the neighborhoods where the centers are located. Our approach will be a family approach and these centers will serve as a general support system for family life.

Parents will be able to turn to these local centers to develop their own sensitivities and skills. Older men and women of the neighborhood will be invited to share with younger parents their wisdom in raising children. Adolescents in the neighborhood will be invited as apprentice child care workers—older children caring for younger children under the supervision of adults—to the benefit of all three generations.

Many women today work outside the home, not because they have to, but because they want to. Exactly in the same way, we will defend the right of women who choose to fulfill their vocation in the home, not because they have to, but because they want to. Women are tied to no one ideology and to no one role—nor should they be. As many options as possible should be kept open to every woman.

Hence, we also propose a program of home visitors to help mothers, otherwise isolated, resolve the normal developmental and disciplinary problems every family encounters. Such programs—already proven to be successful—help older children to raise standards for younger children, deeper family solidarity, and heighten respect for child raising throughout the community.

We also propose to expand the parent-child centers—first established under O.E.O.—to which neighbors bring their own children. These centers have three key advantages: parents in the neighborhood get paid for helping with the children of others; they learn skills in childcare that make them eligible for paying jobs in later years; and both their children and other children benefit by the resources of the center.

Such programs will strengthen every family and every neighborhood in the country.

Thirdly, we will attack the dilemma of money and employment, by trying to increase the range of work opportunities. The length of the work day should be tailored to family needs—in many cases, to school hours. Employers should as a matter of course grant maternity leave and design working hours to protect the needs of children.

We will be especially sensitive to the needs of families of the blind child, the deaf child, the emotionally disturbed and mentally retarded child, and the crippled child. Providence distributes such challenges unevenly, and in a social order like our own—fragmented and mobile—only government can provide the resources many of these families require. No handicapped child should fail to fulfill his potential due to his family's inability to afford therapy.

Many retarded children in this country are not getting any education at all. Every child, regardless of its mental ability, has a right to receive an education in this country.

Therefore, we will sponsor the passage of an Equal Opportunity Act similar to the one passed in Pennsylvania, to provide such education.

And we will attack the malaise that has infected family life. We propose to expand this nation's skills in child care and family life throughout the entire population, by sponsoring special programs.

Drawing on the skills of our elderly, as foster parents.

Drawing on the skills of persons of special insight or experience in our neighborhoods, who enjoy teaching others.

Launching programs in community centers, high schools and colleges that offer students insight and skills into the practical problems of family life and child development.

Sponsoring neighborhood clinics in which experienced adults and trained professionals combine their skills to help every family in the normal difficulties and perplexities of raising children.

We will do all we can to dispell the hopelessness that characterizes the institutionalized child needlessly separated from his parents. Today, 90% of child welfare funding goes to "after-the-fact" programs; to foster care, to juvenile homes, to detention centers, and to institutions for the retarded and disturbed. Yet most children are almost always better cared for in their own home. We will help families to keep their children at home using local schools, local recreational facilities, and workshops to give them assistance.

When only institutions can provide special care, we will try to make such institutions home like, loving, educational and small. Today, under the Nixon Administration, the conditions in many child institutions are barbarous and unfit even for animals.

This man, who utters such pieties about children, sets low federal standards even for institutions that collect more money per child than Harvard or Yale. Children live in them in filth, subject to physical abuse, enduring the torments of endless neglect.

For our part, a McGovern-Shriver Administration will make distant institutionalization less necessary by building resources at the neighborhood level. We will assure:

Neighborhood rehabilitation services for children convicted of crimes.

High quality family foster care homes and halfway homes for children whose families

are temporarily unable to care for them properly.

Appropriate medical care and counselling for runaways.

Finally, two other problems of concern to every parent must also be mentioned: the threat of drugs and the consequences of sexual promiscuity. The roots of both of these threats are cultural; social policy must attack them at their roots.

Every family in America lives, it seems, even unwillingly, in a sea of drugs. Television advertises drugs for every sort of ailment, physical or mental. Supermarkets offer huge cases of drugs as though they were candies. Our children grow up with the inescapable impression that taking drugs is as ordinary as brushing teeth.

A McGovern-Shriver Administration will attack the culture of drugs at its root: the drug industry, the medical schools, mass advertisers and mass distributors.

We will have the Federal Drug Administration make drastically expanded studies of drugs and ban the use of those that are junk, or harmful, or of unknown effect, or useless.

We will offer incentive to medical students to study the effect of prescription-filling and drug-taking in family environments in diverse neighborhoods, so that they can see at first hand the varied social effects of daily reliance on drugs—and of the almost superstitious practice of writing out a prescription—almost any prescription—just to make a patient "feel better".

We will establish new standards for the advertising of drugs in environments accessible to children; new standards for the honesty and completeness of drug company descriptions of the contents and effects of their products; and new standards for the drug company's knowledge of the effects of their products before they market them.

Further, we will give the National Institute of Health as its highest priority the study of the cultural conditions that stimulate drug addiction or the mechanism that produces it. Why is it that a young and energetic nation should ingest $5 billion worth of prescription drugs, almost $3 billion of non-prescription drugs, an estimated $6 billion of heroin and untold other sums on other illegitimate drugs every year? What is it about us that prompts this reliance and how can it be halted?

The Federal Drug Administration will be authorized to discourage the advertising of drugs as an escape from ordinary emotional problems.

No struggle against drugs will be successful unless the whole drift of our society is reversed. The task will be long, but it must be begun.

A similar threat to the family springs from the sexual promiscuity of many teenagers. Courses on sex-education are given in the schools—but not courses on family life. No one teaches young people how to become good parents.

A hundred erotic solicitations every day bombard our young people from advertising, films, songs, and fashions—but family life is depicted in unreal, condescending ways or even ignored.

The consequence is that sexual activity is uprooted from its central concrete context—in the family—and made into an end in itself apart from the complexities of mutual fidelity and children and loyalty and nourishing. Instead of expressing the whole of a mature family life, the current model for love is too often sex for the sake of sex. A great deal is said especially by the young about "sincere and mutual caring," but we watch what people do, rather than what they say, commitment or long-range or total caring seem too seldom to be involved.

The rise of venereal disease is reaching catastrophic proportions. Unwanted pregnancies among teen-agers scar the future lives of thousands of girls.

Families have first responsibility for moral and emotional development. Still, the lives of adolescents center for many hours of the day and night around school activities. Thus we will encourage schools to take responsibility not only for education in mental skills, but also for education in skills of caring, compassion, and helping others. If our young people lead rich emotional lives in helping the elderly, the blind, the retarded—in taking care of children—in teaching others—in visiting the sick and the lonely—then their hearts will not be empty, and not so vulnerable to every passing fantasy.

Prudishness will not halt promiscuity. But a richly textured emotional life will make it less compulsive.

We also propose to enlarge the activities of parents public health nurses and neighborhood volunteers, to counsel young men and women in familiar neighborhood settings—to answer their questions about sexual and other matters—to help them in their many dilemmas—to offer them a willing ear, the wisdom of experience, and the trust of friends. Three-way conversations by people who know and trust one another—parents, children and counsellor—have proven their effectiveness to many grateful families. Yet in the end, all questions of morality come back to the influence of the family.

How do children learn to be moral? You would think that no subject would be of greater interest to a wise state—no other subject so thoroughly explored by scholars and desired by parents. Instead, much to our shame, we discover that very little serious research on the moral development of the child has been conducted. We read a great deal about the "adjustment" of children, a great deal about their "emotional health," a great deal about "normal behavior"—but very little about how to install a passion for justice and honesty and fidelity, how to teach compassion and humility, how to make striving for excellence second-nature and heroism a way of life. Parents need to know how to teach such qualities. The few studies that do exist suggest that children learn their moral attitudes more from parents than from any other source. Practical instruction of parents, therefore, is of the utmost importance. We will sponsor the needed research through the National Institutes of Health and make certain that the fruits of these studies reach every parent.

George McGovern and I make the family central in our plans with one idea in mind. The liberties of all Americans—the health of our laws and customs—depend on the vigor of family life. The family is the teacher of the heart. We recall the words of Learned Hand: "I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it." There is only one realtistic read to domestic tranquility—to law and order—to the flowering of liberty and justice and equality—to the spread of wisdom, caring and compassion. And that road lies through strong and vital family life in every family of the land. It is a long road. It must be taken. Every voyage, however long, begins with the first step. What we have begun here today is the construction of a family policy for America—to guide every agency of government.

George McGovern and I intend to establish justice in America. We will ensure domestic tranquility. We will bend our every energy for the sake of all within this room and all within the range of hearing—for all of us belong to families, and all our families need, deserve, and will obtain the privileged assistance of the government of the United States.

INTERNATIONAL ENERGY SUPPLIES AND REQUIREMENTS

Mr. BROCK. Mr. President, all of us are acutely aware of the increasing drain on our sources of energy and of the need for a long-term policy to encourage the exploration for and development of fossil fuels.

An article appearing in the September 14 issue of Public Utilities Fortnightly traces the growth of energy consumption throughout the Common Market and the United States. It includes projections for the future and suggests a policy for international exchange of energy.

The author, Carroll V. Kroeger, has worked in natural gas industries of the United States, Canada, New Zealand, and Australia for more than 20 years and has assisted in introducing natural gas into England and Europe.

I ask unanimous consent that the article, "Change and Exchange in International Energy Supply," be printed in the RECORD at this point.

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

CHANGE AND EXCHANGE IN INTERNATIONAL ENERGY SUPPLY

(By Carroll V. Kroeger)

Meditations IV, Marcus Aurelius, A.D. 121–180:

"Observe always that everything is the result of a change, and get used to thinking that there is nothing Nature loves so well as to change existing forms and to make new ones like them."

THE MACROENERGY PERSPECTIVE

Population

The world, as we know it, contains a land mass of about 148 million square kilometers. Upon this live approximately 3.5 thousand million people at an average density of twenty-three persons per square kilometer. However, the distribution of human and natural resources over this land mass is not uniform. The groups of people with the highest standard of living are situated on about 7.6 per cent of the total land area and comprise only 13 per cent of the world population.

LAND AREA AND POPULATION

	Land in thousands of square kilometers	Population millions	Population density
World	148,354.0	3,449.0	23
United States	9,363.4	200.3	21
New Common Market:			
Belgium	30.5	9.606	315
France	551.2	50.074	92
Germany	248.5	59,949	241
Italy	301.2	52,550	174
Luxembourg	2.6	.336	130
Netherlands	33.6	12,661	350
Denmark	43.0	4,860	113
Ireland	70.3	2.906	41
Norway	323.9	3,801	12
United Kingdom	244.0	55.230	226
Common Market total	1,858.8	251.973	142

The population density of the United States is close to the world average, but in the New Common Market Area people are distributed unevenly from about one-half the world average in Norway to 15 times in the Netherlands.

Energy consumption

The consumption of energy in the world in 1969 was about 6,406 million metric tons of coal equivalent (TCE), or about 1,804 kilo-

grams per capita. Almost 37 per cent of this energy was provided by solid fuel, 40 per cent by liquid fuel, 20 per cent by natural gas, and the remainder by hydro and nuclear electricity. A cinematic view over the past two decades provides a better perspective. Consumption of world energy has increased almost 2.4 times since 1951 and the per capita use has risen from 1,070 to 1,804 kilograms.

Changes have been taking place in the proportion of fuels consumed. In 1951 solid fuel supplied more than 60 per cent of all of the world energy. Approximately 26 per cent was provided by liquid fuels, 12 per cent by gas, and 2 per cent by hydro-nuclear power. Thirteen per cent of the world population consumed about half of the world energy in 1968:

1968 ENERGY CONSUMPTION—MILLION METRIC TONS COAL EQUIVALENT

	Consumption	Per capita—kilograms
World	6,406.16	1,640
United States	2,189.45	10,774
New Common Market:		
Belgium-Luxembourg	54.21	5,429
Denmark	25.15	5,142
France	177.17	3,518
Germany	295.06	4,850
Ireland	8.63	2,953
Italy	129.24	2,431
Netherlands	60.00	4,661
Norway	17.06	4,430
United Kingdom	286.01	5,139
Common Market, total	1,052.53	4,450

Marked changes have taken place in the forms of energy supplied in Western Europe during the past two decades; 833 million TCE were consumed in Western Europe in 1959 increasing to 1,245 million TCE in 1969 or an increase of about 60 per cent. In 1959 more than 67 per cent of the primary energy was provided by solid fuels, 28 per cent by liquid fuels, 3.3 per cent by hydro power, and 1.7 per cent by gas. During the decade 1960–70 the use of coal declined to 457 million TCE, providing only 36.5 per cent of the energy supply. Liquid fuel consumption increased over three times to provide more than 52 per cent of the total. Gas use increased over five times and hydroelectricity nearly doubled. In 1960 solid fuel supplied the New Common Market 492.1 million TCE or 68 per cent of the total primary energy; 27.5 per cent was provided by liquid fuels and the remainder from gas and hydro power. By 1968 the use of coal had declined to 42 per cent and liquid fuels had increased their share of the market to almost 50 per cent. Gas use had increased to more than 5.5 per cent and primary forms of electricity to 2.5 per cent.

Between 1956 and 1968, per capita energy consumption increased from 7,928 to 10,331 kilograms per person. Total use increased from 1,334 to 2,078 million TCE or more than 60 per cent. The use of solid fuel reached a low point in 1961 at 352.6 million TCE and increased to 457.8 million TCE in 1968. Solid fuel supplied about 31 per cent of the energy consumption in 1956. Although the amount of coal use increased during the following years, the percentage of total energy supply declined to 22 per cent by 1968. The use of liquid fuels increased from 534.2 to 844.5 million TCE during the same period, an increase of 68 per cent. In 1956 the use of liquid fuels comprised 40 per cent of the total and increased to 41 per cent in 1968. Gas supplied 373.6 million TCE or 28 per cent of the total primary energy supply, increasing to 746.0 million TCE or 36 per cent of the total.

Gas consumption

Of the major forms of primary energy, gas provided approximately 20 per cent of the world energy supply. World consumption of natural gas amounted to 650 thousand million cubic meters of manufactured gas equivalent in 1951, increasing 3.4 times to 2,237 thousand million cubic meters in 1968.

The gas market in the United States matured more rapidly than in the New Common Market Area. In 1968 about 60 per cent of the world natural gas energy was consumed in the United States. This amounted to 1,346 thousand million cubic meters or more than eight times the total gas consumption of the New Common Market. The number of gas consumers in the New Common Market and the United States are comparable:

GAS CUSTOMERS IN MILLIONS

Year	Common Market	United States
1962	35.0	34.7
1963	35.3	35.6
1964	36.0	36.5
1965	36.4	37.3
1966	37.0	38.2
1967	37.5	39.1

With an equivalent number of customers, a much higher level of per capita gas consumption exists in the United States. In 1951 the per capita consumption was 3,400 cubic meters, increasing to 6,700 cubic meters in 1968. This compares with 255 cubic meters per capita in the New Common Market, increasing to 650 for the comparable period.

Energy exchange

Exchange of energy in the world is not new. World trade in fuels has been growing for many years. Changes in national demand and types of fuel combined with disparity between areas of production and market location have brought about an increasing trend in world energy exchange.

International trade in solid fuels was the first to develop. This has continued to increase even though the percentage of solid fuels of total primary energy demand has declined over the past decades. In 1960 about 131 million metric tons of solid fuels were exchanged on the international market, increasing to almost 169 million metric tons in 1968. Net solid fuel imports into Western Europe reached a peak in 1965 at 54 million metric tons and declined to about 36 million metric tons in 1968. A stage of maturity was reached in the New Common Market in 1964, with imports of almost 28 million metric tons and a gradual decline thereafter. The United States has been exporting solid fuels for many years with quantities approaching those imported by Western Europe.

The major development in energy exchange has been the increase in international trade of petroleum. World trade in crude oil increased from 602 to almost 920 million metric tons during the five-year period 1964 to 1968, an increase of more than 65 per cent. The major importers of crude oil have been Western Europe and Japan. Imports of crude petroleum increased from 47 million metric tons in 1951 to 470 million metric tons in 1968, an increase of ten times.

The trend in the New Common Market Area was similar, increasing from 153 to 411 million metric tons during the nine-year period 1960 to 1968. Imports into the United States have been controlled by a quota system set by the federal government and have been held relatively constant at about 45 million metric tons during the period 1965 to 1969.

Initial net importation of natural gas across national borders developed in the United States starting in 1957 with importation from Canada of substantial quantities. These have increased since that time to a level of almost 35 thousand million cubic meters in 1968. The development of natural gas imports in Western Europe and Japan has been a relatively new development as a result of two factors: new technology for commercial liquefaction, transport, and storage; and the discovery of large natural gas reserves in Western Europe, Africa, and the Middle East. Activity in contract negotiations for importation of natural gas transported by pipeline and LNG tankers is well-known and increasing.

The following lists some of the contracts which have been signed for the importation of natural gas into Western Europe:

Importing country	Exporting country	Annual volume in milliard cubic meters	Term of contract in years
United Kingdom	Algeria	1.0	15
France	do	4.0	15
do	Netherlands	7.0	20
Germany	do	12.0	20
do	U.S.S.R.	7.0	20
Belgium	Netherlands	5.0	20
Italy	Lybia	2.4	20
do	U.S.S.R.	6.0	20
do	Netherlands	6.5	20
Austria	U.S.S.R.	1.2	23
do	do	.5	20
Spain	Algeria	1.0	15
do	Lybia	1.0	15

In the United States, large LNG importation schemes have been proposed to the Federal Power Commission, but government approval processes have delayed implementation beyond the original schedules. The major sources for these programs have been Africa and South America. Spot cargo deliveries have been allowed for peak-shaving purposes.

Gross national product

High energy commission is associated with the level of the standard of living of the population of any given area. Energy is required for high comfort levels in regions of severe climatic conditions. It also is required in manufacturing and distribution as a raw material and to replace or supplement human or animal physical energy. An accepted indicator of the economic level is the Gross National Product.

The United States and the New Common Market Area of Western Europe have many common features. In terms of population, the Common Market countries contain approximately 250 million people and the United States about 200 million. GNP at market prices and exchange rates for the New Common Market in 1968 was $508 million. The comparable GNP for the United States was $881 million.

Macroenergy conclusions

From a cinematic view of the world and patterns of energy development, a number of conclusions may be drawn:

Everywhere the per capita use of energy has been increasing.

The energy markets of the United States and the New Common Market are the most advanced.

The proportion of energy supplied by solid fuel has been declining and the proportion by liquid and gaseous fuel has been increasing.

With a disparity between industrialized and developing regions of the world, a shift in the share of energy use will take place.

It is doubtful that enough energy resources exist to meet the future world demand.

The exchange of energy in the future will increase on a global basis.

International competition for future energy supplies will intensify with serious economic and sociopolitical consequences.

THE MICROENERGY PERSPECTIVE

Life cycle change process

A universal characteristic of life is change. Everything develops, grows, adapts to circumstances and events, matures, and de-

clines. The point which marks the end of change in a person, family, city, state, nation, or any type of organization is the end of its life. The pattern of such change is the life cycle. The length of an industry life cycle depends upon the nature of the product and the organization. Traditionally, extractive and basic processing industries have had very long life cycles.

Dramatic changes do not occur instantaneously. Perception of change depends upon the individual view of the environment related to reality. If the environment of an individual or firm is viewed in terms of snapshots each day, little change will be perceived. A perception of change is made by comparison, thus a number of photos become a motion picture and movements or changes become more apparent.

Traditionally, the growth and development of energy supply organizations have been dependent or related to the development of a town or city. A city like a business or industry has a life cycle. A city or town is made up of people and the development of population is an important measure of the status of a city. An interesting life cycle example is given by a typical German city.

Perception of change in energy consumption over a ten- or 20-year period gives more insight into the change process than looking at single years. Changes over a generation may not be sufficient to determine the stage of development on the life cycle curve. In the United States, the coal industry required a developmental period of fifty years to reach a state of maturity (1855 to 1905). This same period saw the decline of wood as a major source of energy. The point of maturity for coal was the start of the developmental period for oil and natural gas.

The New Zealand gas industry presents an interesting example of an industry development and decline over a period of ninety years (1880 to 1970). The first gas company was formed in 1862, only twenty-two years after colonization of the country began. By 1916, gas was being distributed in 56 towns and cities. Because of increasing costs, of labor and raw materials which had to be imported, and strong competition of government-subsidized electric power, the gas industry began to decline. In 1951 there were 205,000 gas customers in New Zealand. By 1960 these had declined to 168,000 and to 120,000 in 1970. By 1970 the number of towns with gas service had declined to 25.

Environmental dynamics

A snapshot or short-subject cinematic view may not disclose the state of exploitation, maturity, or decline on the life cycle curve of a specific organization or industry. A decade may disclose only that a business or organization is growing, static, or declining. It will not help predict the points of inflection or turning points which are critical. A long-term point of view is important in developing an understanding of the change process in an organization or industry and taking preventive measures for the preservation of the well-being of the organization or industry.

Environmental dynamics is a reluctant vector representative of a large number of forces: technical, economic, and sociopolitical.

Change results from external factors which may speed up the growth and development or slow down the deterioration once a state of maturity has been reached. Much of the development of an energy industry has resulted from changes in the technical or economic factors. At critical states other factors can play important roles in the change process. The rate of exploitation can depend upon how receptive or hostile the environment may be.

Industry development patterns

Examination of energy industry patterns throughout the world discloses the following simularities:

Stage I: Development of marketing, production, and distribution for individual towns and cities.

Stage II: Expansion of supply area by interconnection of a number of towns and cities.

Stage III: National co-ordination of marketing, production, and distribution through interconnected national networks.

The first stage has been the origin of any energy industry. Typically, depending upon the decade and century of development, systems have been installed to provide service to a portion or all of a population concentration. Life cycles can be plotted for these types of organizations similar to the typical German city. In many instances, these organizations have passed maturity and are either static or declining. The New Zealand gas industry is an example of this type of pattern.

Stage II development patterns enable an energy organization to expand beyond the environmental factors affecting a single municipal unit. A regional supply group can develop into a portfolio management for the development and exploitation of a number of markets which can differ in product mixture and stages of growth. West Germany is a good example of Stage II development. Several hundred municipalities distribute gas and electric fuel. Some of these still produce their own supply, others purchase their requirements, and some have pooled production arrangements. In the gas sector, changes are taking place as locally produced and imported natural gas from Holland and the U.S.S.R. has become available. There is, however, no single organization with national responsibility. The same situation applies in the United States. Local or regional companies supply selected market areas without national interconnection or national coordination.

Stage III is a relatively new type of organization which has evolved in Europe during the past decade. The Netherlands, Belgium, France, and the United Kingdom are typical of this type of pattern. To varying degrees, a single national organization has the responsibility for the co-ordination of supply, marketing and distribution throughout the country. In some instances the organization is a joint arrangement between private and government interests as in Belgium and the Netherlands. Others are primarily government organizations as in France and the United Kingdom. These organizational forms are still evolving—as an example, the new British Gas Corporation.

The classification of liquid energy organizations, because of their international and multinational character, is more difficult. They can be placed in the following categories:

Class I: Private National Production, Refining Transportation, and Marketing, or combinations thereof.

Class II: Private Multinational Production, Refining, Transportation, and Marketing.

Class III: Joint Venture Private and Government Production, or Refining, or Marketing, or combinations thereof.

Class IV: Government National Production, or Marketing, or fully integrated operations.

Class V: Government Multinational Production.

Microenergy conclusions

From a review of the life cycle process of world energy supply organizations and the evolving change in organizational structure, a number of conclusions may be drawn:

Energy supply organizations develop through successive states of exploitation, maturity, and decline.

Time scales are being compressed by technological change in the development of new sources of supply and advances in the interchangeability of fuels.

Energy dynamics are intensifying as a result of the increasing effects of economic, technical, and sociopolitical factors.

Industry development patterns suggest a trend toward ever larger supply areas.

With the development of mixed-economy systems in the western part of the world, national governments have been taking an increasing role in the planning and co-ordination of energy supply, marketing, and distribution.

Awareness of the relationship and role of national governments in the international liquid energy supply organizations is increasing.

Past interests have centered on problems of internal national government regulation and control of energy supply, marketing, and distribution.

PERSPECTIVE FOR THE FUTURE

Energy projections

Projections for the future are fraught with uncertainty but can be useful in establishing parameters for planning. The amount of land area and ultimate natural resources of the world are fixed. The number of people and their requirements for energy in the future are unknown. However, predictions based upon an understanding of the developments of the past are possible. By simple projection the future population can be estimated.

POPULATION IN MILLIONS

Year	World	New Common Market	United States
1980	4,330	272	237
2000	4,750	313	300

These projections assume that the population growth life cycles will continue in the exploitation state.

World energy requirements likewise can be estimated:

ENERGY REQUIREMENTS IN MILLION TONS OF COAL EQUIVALENT

	1980	2000
World:		
Solid fuel	2,900	3,800
Liquid fuel	4,000	6,600
Gas fuel	1,800	2,900
Hydro-nuclear	300	500
Total	9,000	13,800
New Common Market	1,900	3,150
United States	3,100	4,900

Simple projections assume continuation of past trends into the future. Some points for speculation and their impact as change are apparent. With increasing population, energy use will continue to increase within supply capability. The greatest potential for increase is within the developing market areas of the world. It is doubtful that supply resources exist for world population to attain the per capita consumption level of the United States. At some point, a natural balance must be achieved between supply and demand.

Long-range projections are dependent upon all of the environmental dynamics which influence change processes in energy life cycles. Breakthroughs in new technologies, change in sociopolitical or economic factors, can have a great impact. Such projections are useful to point out the disparity between future supply and demand patterns. They are not intended to reflect actual consumption levels which will be attained.

Energy consumption over a period of time represents a portion of a life cycle. World energy consumption is in a state of exploitation. The use of solid fuel has reached a state of maturity. Gas and liquid fuels also have been in an exploitation state. The points of inflection for leveling off or turning to a static or declining state for any fuel will be

influenced by dependence upon national production or expansion by importation from external sources.

Sociopolitical dynamics

Projections for future energy demand may not be accurate, but do point out future problem areas for energy dynamics. At some point supply cannot meet demand. A point of inflection is reached where rationing must take place. The method of rationing may be by natural economic forces in the marketplace or by governmental policy controls. Political forces will become increasingly important in the future energy picture. The international energy supply and demand pattern emerging is one of complex portfolio management with producing areas in various states of economic development and market areas in different states of economic development. Political considerations include concern for security of supply, balance of payments, national security, and other matters of national concern. Also of interest are the effect upon internal matters, such as the impact upon employment in local industries, pricing to local consumers, etc. With national interests involved, it is difficult to see how international exchange of energy can take place in the future without government involvement and large readjustments in policy and organizational change.

Organizational dynamics

Analysis of the pattern of evolving organizational developments can lead to some predictions of the future stages and classes of organizational forms. These will develop as part of a trend toward greater government involvement in the energy business. Thus, it is logical to expect that in the future there will emerge more and more government participation in international liquid energy firms:

Class VI: Government multinational marketing to deal with Class V developments.

Class VII: Government multinational integrated operations with energy exchange control by international treaties.

The driving forces of sociopolitical dynamics already are at work to bring about these developments. Interplay between areas of liquid fuel production and marketplace intermixed with the complexities of international relations, and in some cases of rising nationalism, are interesting environmental dynamics. A look at the life cycle states of development of emerging and fully industrialized nations helps to explain barter deals to further national interests. The impact of multinational operations will assume greater importance in the future with respect to flow of funds and monetary policies. Significant changes are emerging in the sociopolitical area which will influence both national and international energy outcomes. Certainly the day rapidly is approaching when a single country will no longer be able to look only at its internal energy affairs without consideration and concern for the international competition for future energy supplies.

The impact of change on the United States energy market is well-known. The effect of the interplay between many environmental dynamic forces is becoming apparent in many sectors. Former policies are under review at all levels. A supply crisis has developed. Many decisions must be taken to solve the future energy problems.

Gas energy development

The ultimate solution of the gas supply shortage probably will be a combination of the many considerations: new resources of natural gas from the Artic with an integrated Alaska-Canadian-United States network, offshore deep water, deep horizon production, synthetic natural gas produced from both coal and petroleum feedstocks, and imported liquefied natural gas.

The magnitude of the co-ordination of all of these could be mind-boggling if viewed solely from the perspective of past management and organizational approaches. It is significant that the American Gas Association has moved its headquarters from New York to Washington, D.C., and a reorganization has been made which has much orientation in the direction of sociopolitical factors. The U.S. gas industry is in a Stage II pattern, and moving in the direction of Stage III. It is a matter of speculation as to the future extent of government involvement in this process.

The European gas scene is more advanced in the state of development of new organizational patterns. The reasons for this are well-known. The discovery of large natural gas reserves in the past decade compressed the time scales for life cycle development. For the first time, sufficient reserves were available for planning and introducing a new fuel on a national scale. The change process required new innovative approaches which successfully have been implemented. Change has become a way of life in the European gas industry and there is no indication that it will not continue for a long time to come. The trend would indicate the next stage of development could be:

STAGE IV: Co-ordination of supply within the New European Common Market and interconnected supply networks.

A careful balancing of national interests and co-ordination of locally produced natural gas with imports from the U.S.S.R. and North Africa will be required. Since these factors will influence the interests of the entire Common Market, it is likely that new policies of co-operation and co-ordination will evolve. This should result in co-operation in matters such as standardization. The next twenty years should see the development of an integrated pipeline network with large diameter supply systems across the Mediterranean through Spain into southern France, several systems emanating in the U.S.S.R. through Eastern Europe and connecting to the European system, and possible North Sea systems terminating on the continent as well as the United Kingdom.

Managerial and organizational impact

Change will become a way of life for the future energy organization and energy manager. Trends toward a multidimensioned industry with rapidly changing environmental factors will require multidimensioned managers to operate multidimensioned organizations. Organizational forms will not remain static but will be fluid in structure to adapt and respond to new challenges and opportunities. The multimanager will have to consider simultaneously all of the environmental dynamics affecting the organization. Decision making will no longer be in the sequential timing mode. The manager of the multidimensioned firm will be a combination administrator, leader, planner, statesman, and entrepreneur. New systems for continuous monitoring of environmental dynamics will be required. Organization teams will work on project assignments and then be reassembled into new groups as new problems emerge.

The multimanager will understand group dynamics and be able to motivate his teams to achievement in the most efficient manner. New governmental and private organizational forms will be required to meet the changes and the challenges of the coming twenty years in both Europe and the United States.

CONCLUSION

A study of the life cycles of any business or industry can be productive in gaining greater insight into the present and future. Change is accelerating in the energy business. Perception of change requires a cinematic view. Energy dynamics no longer are national in character. Past methods may not be sufficient for managing change in the future. A review of past and projected consumption patterns for energy can lead to the conclusion that change will intensify as problems of market development, efficient rationing of resources, and balancing of supply and demand are co-ordinated on a national and international level.

Environmental dynamics of the present and future will require new multidimensioned organizations structured for flexibility and staffed with multidimensioned managers. There is nothing new in the change process as Marcus Aurelius perceived almost two thousand years ago. It is our perception of change and the actions we take as a result of that perception related to reality that will determine the effect of change on our individual life cycles.

THE PROBLEM OF COURT DELAY AND THE SPEEDY TRIAL ACT

Mr. HRUSKA. Mr. President, the Subcommittee on Constitutional Rights recently reported S. 895, the proposed Speedy Trial Act of 1972. All members of this subcommittee fully support the concept of speedy justice, but recent Supreme Court opinions and statements of jurists, scholars, prosecutors, and defense attorneys have raised serious questions about the desirability of inflexible time limits for criminal trials.

A new Federal court rule, rule 50(b) of the Federal Rules of Criminal Procedure, went into effect on October 1, less than 2 weeks ago, requiring each district court to formulate plans for speedy trials with time limits for the pretrial, trial, and sentencing stages of a criminal proceeding. Further legislative action in this area should be deferred to give the courts an opportunity to test the effectiveness of the more flexible rules approach.

The Department of Justice has submitted to the subcommittee a comprehensive analysis of the problem of court delay which I would like to bring to the attention of the Senate. In addition, Whitney North Seymour, the U.S. attorney for the southern district of New York, has written a letter to the chairman of the subcommittee, Mr. ERVIN, concerning the adverse effects on the court system which would result from the adoption of an inflexible time limit on criminal cases.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the Department of Justice report and Mr. Seymour's letter.

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

OFFICE OF THE DEPUTY
ATTORNEY GENERAL,
Washington, D.C., October 3, 1972.

Hon. SAM J. ERVIN, Jr.,
Chairman, Constitutional Rights Subcommittee, Senate Judiciary Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: This is in response to your request for the views of the Department of Justice on the proposed amendment in the nature of a substitute for S. 895, the proposed "Speedy Trial Act of 1972".

The Department of Justice has previously submitted its views on S. 895. Then Assistant Attorney General William H. Rehnquist testified before your Subcommittee on September 14, 1971, and subsequently submit-

ted additional comments and suggestions to you on October 19, 1971.

The Department notes that in the nine months after the hearings on S. 895, your Subcommittee substantially revised that bill. It now differs materially from the original proposal reviewed by the Department of Justice. Since transmittal of the revised bill to us for comment on July 7, 1972, we have subjected it to an extensive analysis. We appreciate the opportunity to offer our views with respect to the substitute bill.

Our views result from a study of events that have occurred, experiments that have been conducted, rules that have been promulgated, experiences reported, and observations of scholars and practitioners who have spoken all during the months since the conclusion of the hearings on S. 895.

CAUSES OF DELAY

The Department of Justice has a stewardship obligation to the system of criminal justice as a whole. In this age of constantly increasing caseloads, the Department necessarily has a great interest in improving the criminal justice system, including minimizing delay. In that regard, we have sought to add more manpower and resources to the justice system. We have proposed, or strongly supported, measures to increase the number of federal judges, to establish public defenders for federal districts with heavy caseloads, and to increase the number of federal prosecutors and marshals.

We recognize, however, that while the infusion of additional manpower and increased resources will provide some relief, it will not provide a cure for the cause of delay.

On March 11, 1971, President Nixon, at the National Conference on the Judiciary, held in Williamsburg, Virginia, said:

"But if we limit ourselves to calling for more judges, more police, more lawyers operating in the same system, we will produce more backlogs, more delays, more litigation, more jails and more criminals. 'More of the same' is not the answer. What is needed now is genuine reform—the kind of change that requires imagination and daring, that demands a focus on ultimate goals, just as you have indicated imagination and daring and are focusing on ultimate goals.

"The ultimate goal of changing the process of justice is not to put more people in jail or merely to provide a faster flow of litigation—it is to resolve conflict speedily but fairly, to reverse the trend toward crime and violence, to reinstil a respect for law in all of our people."

As President Nixon indicated, the real answer to court delay lies in "imaginative and daring" reform of the federal justice system. Speedy justice can only be achieved when the underlying causes of delay are identified and eliminated.

Some of the causes of delay in the federal criminal justice system are the excess of burdensome procedures and litigation which need not necessarily be handled in the court system. Substantial amounts of court time that could otherwise be spent in conducting trials are consumed by pretrial motions to suppress evidence, preliminary hearings where defendants have been released prior to trial, compulsory grand juries, extended *voir dire* by counsel of petit jurors, post-conviction and post-appeal collateral attacks, and the increase of justiciable issues in both the criminal and civil courts.

A brief discussion of three of these areas will illustrate how they contribute to court delay. First, as one judge recently noted, there are as many as five trials in a criminal case today.

[A d]efendant is entitled to a preliminary hearing to determine whether or not there is sufficient evidence to hold him for trial. That is one trial. The defendant is entitled to a determination whether any statement he made, any confession he made was legally admissible. That is the second trial. The defendant is entitled, if there is an identification question involved, to a hearing as to the validity of the identification—the so-called *Wade-Stovall* hearing. That is a third trial. If tangible property was seized, the defendant is entitled to a motion to suppress. That is the fourth. And, finally, if the People survive all of these motions, the defendant is actually entitled to a trial on the merits. [*Bail, Preventive Detention and Speedy Trials*, 8 Columbia Journal of Law and Social Problems 1, 19–20 (1971).]

In most cases, the issue at these hearings is not directed toward assuring that an innocent defendant is not convicted, but rather to judge whether the police officer in investigating the case acted fairly and constitutionally. The result of these hearings is that substantial amounts of court time are consumed on peripheral issues.

Second, under existing law there is virtually no limit to the post-conviction, post-appeal habeas corpus-type petitions that can be filed by a prisoner. Thus there are instances substantiated by federal court records in which prisoners have filed as many as forty or fifty petitions, and there is one case with fifty-seven petitions. It is entirely permissible under existing law for a prisoner to file a federal petition claiming that a confession given by him was coerced. Much later he may file another petition contending that evidence seized in his home was a product of an unreasonable search and seizure. Still later he may challenge the composition of his jury, or claim that adverse publicity prior to trial prejudiced the result. In short, prisoners under present law may have their convictions relitigated again and again on the basis of alleged constitutional infirmities, many of which are new interpretations suggested by an imaginative, litigious defense attorney. Countless hours are expended by the courts, defense attorneys, and prosecutors on collateral attacks which result in relitigating old cases rather than trying new ones.

Third, in the last decade, there has been a substantial increase in the types of issues and cases that courts are adjudicating. This increase in justiciability is due in part to the litigiousness of the bar and in part to the willingness of the courts to consider new types of issues. In our view, as long as the courts continue expanding the types of issues they will consider and the Congress is unwilling to prescribe limits, the courts will be unable to give adequate time and attention to the trial of criminal cases.

The Department of Justice continues to believe, as Mr. Rehnquist stated in his testimony on S. 895, that "any serious attack on delays in the administration of criminal justice must be aimed not merely at obtaining speedy trials—though this is an essential element of such a program—but must also be aimed at the broader goal of assuring prompt administration of criminal justice at all levels." It was for that reason that he requested that your Subcommittee couple provisions for the modification of existing post-conviction procedures with the other provisions of S. 895. To assist your Subcommittee, the Department drafted legislative language which would revise the federal habeas corpus statutes, and this proposal, together with the Department's recommended technical changes and suggestions to S. 895, were forwarded to you in October of last year. We regretfully note that the provisions for habeas corpus reforms were not incorporated in your proposed amendment. In addition, subsequent events compel us to question the desirability of inflexible speedy trial rules.

RECENT DEVELOPMENTS

In the period of time which has elapsed since Mr. Rehnquist's testimony, there have been several significant developments which have caused us to reassess the need for S. 895. The first was the action taken by the Judicial Conference of the United States suggesting new Rule 50(b) of the Federal Rules of Criminal Procedure which has been approved by the Supreme Court and by the Congress. Rule 50(b), which became effective October 1, 1972, requires each district court to prepare a plan for achieving the prompt disposition of criminal cases. The district courts must include within their plan time limits for pretrial, trial, and sentencing procedures, as well as special provisions for "high-risk" cases. The Administrative Office of the United States Courts has circulated a model plan for implementation of Rule 50(b) to all judges and clerks of the District Courts and Courts of Appeals, and the Department of Justice has directed each United States Attorney to assist the Chief Judges of their respective districts in the formulation of district court plans. The Department feels that the implementation of flexible rules is a more realistic approach to the problem of court delay since each district differs in geographical size, population density, types of cases filed, judge strength, support personnel, and physical facilities.

As you stated when you introduced S. 895, the requirement that each district court prepare plans for achieving speedy trials "is possibly the most important part of the bill". The Department of Justice supports having each district court formulate plans for prompt trials and specifying their manpower and resource needs. This will not only give to all of those having a role in providing an effective system of federal criminal justice a true picture of the needs of the system, but will engender in the federal district courts and, we hope, in all other instrumentalities of the federal criminal justice system, the compelling need to think of methods by which the goal of prompt trials in criminal cases may be advanced.

The enactment of S. 895 on the heels of the action of the Supreme Court and the Congress is unnecessary. We would suggest, therefore, that further action on S. 895 be delayed until experience can be gained under the flexible rule approach of Rule 50(b).

Next, the Supreme Court has rendered two opinions on the issue of speedy trial. In December of last year, the Supreme Court said:

"The [sixth] amendment would appear to guarantee to a criminal defendant that the government will move with the dispatch which is appropriate to assure him an early and proper disposition of the charges against him. *The essential ingredient is orderly expedition and not mere speed.*" [*United States* v. *Marion*, 404 U.S. 307, 313 (1971) (emphasis added).]

More recently, on June 22, 1972, the Court emphasized that no inflexible yardstick can be applied to measuring the desired speed with which all criminal cases, regardless of their individual nature and circumstances, should progress through the courts. The Court stated:

"It is . . . impossible to determine with precision when the right has been denied. We cannot definitely say how long is too long in a system where justice is to be swift but deliberate." [*Barker* v. *Wingo*, —— U.S. —— (No. 71–5255, June 22, 1972).]

The Department of Justice is of the view that the Court's stressing of the importance of preserving flexibility in solving the problem of delay counsels against the legislative mandating of inflexible time limits.

The recent practical experience gained in the Second Circuit suggests again the potentially adverse effects which inflexible time limits may cause. In 1971, the United States Court of Appeals for the Second Circuit adopted rules for the prompt disposition of criminal cases. Those rules require the government to be ready for trial within 180 days after arrest or indictment. Chief Judge David Edelstein of the Southern District of

New York has praised the work of the Southern District in keeping the criminal calendar up to date, but on February 2, 1972, he expressed alarm over the increase in the civil case backlog. Judge Edelstein noted that civil litigants as well as criminal defendants have a "constitutional right to have their matters resolved at the earliest possible time, compatible with the efficient administration of the court's business", N.Y.L.J., February 3, 1972, p. 1. To illustrate the magnitude of the problem, he stated that if all 27 judges of that court devoted all their time to the trial of civil cases for two years, they could dispose of only one-half of the existing caseload. *Id.* at p. 4.

Before inflexible rules on speedy trial are adopted, we should be more sure of their consequences. The events of the past year in the Southern District of New York strongly suggest that the consequences of such rules have not been fully anticipated. Therefore, an examination of the judicial system that is comprehensive enough to include the implication of speedy trial rules is clearly required.

Within the past year, much comment has been made on the subject of speedy trial rules. Academicians, prosecutors, and members of the Bar have voiced their apprehension.

Chief Judge Edelstein's comments have already been noted. The United States Attorney for that district, Whitney North Seymour, Jr., addressing the American Bar Association convention in San Francisco, noted the desire of defendants and their counsel to delay trial. He also stated that "the key to speedy trials is not laws and rules alone, but rather the wholehearted cooperation of the investigative agencies, prosecutors, judges, and other personnel involved." (Congressional Record, September 13, 1972, pp. 30404–30405.)

Gilbert Rosenthal, Past President of the National Association of Criminal Defense Lawyers, stated at the ABA convention that "while it is true that the average defendant who is at liberty on bail will benefit by delay, it is equally true that he needs that delay." Mr. Rosenthal stressed that a certain amount of delay is necessary because a defendant cannot match the investigative powers of the government in an equal time situation. He also is of the opinion that inflexible speedy trial rules will deprive defendants of effective representation. Mr. Rosenthal stated:

"The inflexibility of go-go justice, merely to satisfy what is presently public clamor, will and does lead to the destruction of the private bar. And when you finally succeed in destroying the private bar, you will also succeed in destroying justice in this country."

President Dallin Oaks of Brigham Young University, formerly Professor of Law at the University of Chicago, stated at the same meeting:

"The problem of speedy trial is not likely to be resolved by any wonder drug, such as passing rules against delay. Congress can't close the Heavens by passing a law against rain, and a state legislature can't achieve a fair and effective solution to the problem of delay in disposing of criminal cases by requiring that trials be held within a particular period of time."

These authorities—a judge, a prosecutor, a defense attorney, and a scholar—have challenged the inflexible rule approach. Their reasons underscore the need for comprehensive study of the full implications of inflexible rules to achieve the goal of prompt disposition of criminal cases.

For the District of Columbia, the Department of Justice proposed to Congress in mid-1969 a comprehensive reorganization of the court system with a substantial increase in the number of judges, a court executive to bring modern management techniques to court operations, a full-fledged defender system, and an expanded bail agency with new definition of responsibility. These proposals for the Nation's capital were enacted by the Congress in the District of Columbia Court Reform and Criminal Procedure Act in 1970.

The enactment of that bill has produced dramatic results. In the year prior to the effective date of the bill, the elapsed time from arraignment to trial in felony cases averaged between nine and twelve months. By the end of the following year, persons charged with felonies came to trial within five to six weeks following arraignment. District of Columbia Courts, *Annual Report* 16 (1971). This reduction in time is an example of the type of benefits which result from improved management, allocation and coordination of resources within the criminal justice system.

These are the results of fundamental reform. They show that the speedy disposition of criminal cases can be achieved without an inflexible rule and without a sacrifice of justice.

Rule 50(b), the recent decisions of the Supreme Court, the experience in the Southern District of New York, and the conclusions of several perceptive observers suggest that inflexible rules are undesirable. The results of comprehensive reform in the District of Columbia suggest that with such an approach the inflexible rule is not even necessary.

S. 895—THE PROPOSED SUBSTITUTE AMENDMENT

The proposed amendment consists of three principal parts providing for:

(1) preparation by each district court of plans for achieving speedy trials;

(2) mandatory dismissal with prejudice of criminal cases not tried within sixty days; and

(3) establishment of five demonstration pretrial services agencies.

1. District Court Plan Provision:

The district court plan provision requires that within ninety days after the effective date, each United States District Court shall place into operation a plan for the trial of all jail and "high-risk" cases within ninety days from the date of detention or designation as "high-risk" cases. Within twelve months after enactment, each district court, with approval of the Judicial Council, must file plans with the Administrative Office of the United States Courts which will provide for the trial of defendants within 120 days of arrest or filing of indictment. Within 24 months, plans must be filed to provide for trials within sixty days. Thirty-six months after enactment, the sixty-day trial provision becomes effective for all defendants.

The Department of Justice supports having each district court formulate a plan for prompt trials and specifying their manpower and resource needs. This will not only give those responsible for federal criminal justice a true picture of the needs of the system, but will cause the federal district courts to think in terms of innovative proposals to reform the administration of justice. However, the Department is opposed to tying this provision to an inflexible and arbitrary time limit by which to determine whether a speedy trial has been obtained. The Supreme Court has never imposed an inflexible standard and we think it is particularly unwise to do so by legislation.

A similar district court plan provision has been adopted in the Federal Rules of Criminal Procedure. New Rule 50(b) of the Federal Rules of Criminal Procedure requires each district court to "prepare a plan for the prompt disposition of criminal cases which shall include rules relating to time limits within which procedures prior to trial, the trial itself, and sentencing must take place, means of reporting the status of cases, and other matters as are necessary or proper to minimize delay and facilitate the prompt disposition of such cases." We support the effort of the courts to improve the administration of justice in this manner. This approach is a sound alternative to S. 895.

2. Mandatory Dismissal After Sixty Days:

The mandatory sixty-day dismissal section provides that the trial of all federal criminal offenses shall be commenced within sixty days of arrest or the filing of an information or indictment. Certain periods of time are excluded in computing the sixty-day period, and any case not brought to trial within the sixty-day period is to be dismissed with prejudice upon motion of the defendant. The sixty-day requirement becomes operative three years after enactment. In the meantime, beginning one year after enactment, trials would have to be held within 180 days and, beginning two years after enactment, trials would have to be held within 120 days.

The thrust of this provision is that criminal cases will be dismissed if an arbitrary sixty-day time limit is not met. Even if the prosecution is ready for trial, the case will be dismissed if the court is unable to try the case within the sixty-day period. The failure to meet the time limit is the only consideration for dismissal; there is no requirement that the defendant be prejudiced by the delay. The dismissal will be an absolute bar to any subsequent prosecution based on the same criminal act .

The Department of Justice has a number of basic objections to this proposed law:

(a) The proposed law departs from the traditional Supreme Court view that speedy trial is a relative concept. In *United States* v. *Ewell*, 383 U.S. 116, 120 (1966); the Supreme Court stated: "[T]his Court has consistently been of the view that 'The right of a speedy trial is necessarily relative. It is consistent with delays and depends upon circumstances.'" It has been repeatedly stated that the determination whether a delay in bringing a defendant to trial results in a denial of his right to a speedy trial depends on "the particular circumstances of each case." *Hedgepeth* v. *United States*, 364 F.2d 684, 687 (D.C. Cir. 1966) (see cases cited in n. 2). The proposed law requires dismissal without regard to the particular circumstances of each case.

Recently, the Court has stated that the essential ingredient of the Sixth Amendment right to speedy trial is "orderly expedition and not mere speed", *United States* v. *Marion*, 404 U.S. 307, 313 (1971), and that a defendant's constitutional right to a speedy trial cannot be established by any inflexible rule but can be determined only on an *ad hoc* basis, in which the conduct of the prosecution and the defendant are weighed. *Barker* v. *Wingo*, *supra*. The Court stated that there were four factors to be considered in determining whether a particular defendant has been deprived of his right to speedy trial: length of delay, the reason for the delay, the defendant's assertion of his right, and prejudice to the defendant. By imposing only an arbitrary time limit, the substitute amendemnt significantly departs from the Supreme Court's interpretation of the right of speedy trial.

The courts have clearly stated that "there is no touchstone of time which sets a fixed maximum period that automatically requires application of the Sixth Amendment and dismissal of the indictment." *Hedgepeth* v. *United States*, *supra* at 687. To our knowledge no federal appellate court has ever found a denial of speedy trial solely because of a sixty-day delay from arrest to trial. To the contrary, the courts have ordinarily upheld much longer delays: *Barker* v. *Wingo*, *supra* (murder—five years); *United States* v. *Ewell*, *supra* (sale of narcotics—19 months); *Hodges* v. *United States*, 408 F.2d 543 (8th Cir. 1969) (Blackmun, J.) (counterfeiting—18 months); *Fleming* v. *United States*, 378 F.2d 502 (1st Cir. 1967) (unlawful transfer

of marijuana—11 months); *Harling* v. *United States*, 401 F.2d 392 (D.C. Cir. 1968), *cert. denied*, 393 U.S. 1068 (1969) (robbery—21 months).

We fear that the proposed departure from the traditional Supreme Court view of speedy trial will lead to the unwarranted dismissal of serious criminal cases, including cases in which the prosecution is ready to proceed but the court is unable to hear the case within the arbitrary time limit.

(b) Recent trends in the law have led to the proliferation of pre-trial and post-trial hearings. These hearings are taking judges away from the trial of criminal cases and are, as the Supreme Judicial Court of Massachusetts recently observed in commenting on the inordinate length of time consumed by a pretrial hearing, "amply demonstrative of the reason why there is heavy and constantly increasing congestion in the jury trials of criminal cases." *Commonwealth* v. *Scott*, 245 N. E. 2d 415, 420 (Sup. Jud. Ct. Mass. 1969). These hearings result in an enormous drain on available court resources, resources which would otherwise be available for handling the trial of criminal cases. At a time, therefore, when court decisions which protect the rights of the accused have significantly contributed to the delay in the trials of criminal cases, it is unwise to enact a law which would penalize society by authorizing automatic dismissal of criminal charges against defendants whose trials have not started within an arbitrary time limit. Society suffers under this approach because innocent defendants are not vindicated and guilty defendants are not forced to recognize their culpability, thus precluding possible rehabilitation.

(c) Our system of criminal justice presently depends on the guilty plea. Though the percentage of guilty pleas has dropped in recent years, the vast majority of all convictions (75% in the federal system) are still by plea rather than by trial. However, imposition of an arbitrary time limitation may lead to a substantial reduction in the number of guilty pleas. There is the real danger that defendants, recognizing that the operation of the system depends largely on a high percentage of them pleading guilty, would all demand jury trials to take advantage of the automatic dismissal after sixty days. If all the defendants demanded to go to trial, the system would be overwhelmed and a substantial number of cases would have to be dismissed for failure to meet the time limitation. This is a problem no due process system of justice should have to confront.

(d) One response by prosecutors and judges, facing unreasonable pressures to dispose of cases in order to avoid outright dismissal, would probably be to increase and magnify the concessions that guilty-plea defendants receive. The resulting effect from unjustified concessions in order to avoid outright dismissal would be much more harmful and degrading to our system of criminal justice than the delays which would otherwise occur. In our view, accepting guilty pleas to minor charges in order to "move" cases undermines the integrity of the criminal justice system.

(e) Sanctions other than outright dismissal are available to enforce the right to speedy trial. Professor Anthony Amsterdam of Stanford University Law School recently indicated that the dismissal of criminal charges may be an inappropriate form of relief for incarcerated defendants awaiting trial. Their situation can be relieved by simple release. Under those circumstances, there would be no need to end the prosecution. Also, he suggests that *mandamus* might be available to expedite the trial of a defendant who can show prejudice if his trial is further delayed. 11 Cr. L. 2494. The United States Court of Appeals for the Seventh Circuit took a similar approach in *United States* v. *Strunk*, ———F.2d ———(No. 70-44, August 16, 1972), and reduced the defendant's sentence by the length of time spent in jail prior to trial rather than dismiss the indictment.

(f) In trying to solve the problem of delay, uniform inflexible rules have failed to adequately measure or define delay. It has been suggested that delay in the criminal justice system should "signify the extra or abnormal time beyond that which (the prosecution) might reasonably be expected to bring a case to trial." "Lagging Justice", *Annals of the American Academy of Political and Social Science*, (March, 1970) pp. 8, 9. But if delay is "abnormal" time, what is "normal" time? In those states which have statutes which provide a specific time in which a defendant must be brought to trial, the time limitations vary from sixty days to one year. The report of the President's Crime Commission states that the normal time from arrest to trial of felony cases should not exceed four months. *The Challenge of Crime in a Free Society: A Report by the President's Commission on Law Enforcement and Administration of Justice*, p. 155. It would appear, therefore, that what is abnormal time in one jurisdiction might be well within the normal time limitation of another jurisdiction.

In formulating procedures for expediting the flow of criminal cases, there must be some determination of normal time. In order to make such a determination, the many variables that exist from district to district must be considered. It is clear that the capabilities and needs of the Southern District of New York differ greatly from those of the District of Montana.

(g) Since the right to speedy trial is applicable to the states by reason of the Fourteenth Amendment, *Klopfer* v. *North Carolina*, 386 U.S. 213 (1967), a congressional definition of this right is likely to affect proceedings in state courts as well. With respect to the states, Congress does not provide the necessary resources, and if the congressional definition of speedy trial were held binding on the states, it might well wreak havoc.

One possible alternative to the inflexible, legislatively imposed, sixty-day time limitation is the more flexible, court rules approach taken by the Judicial Council of the Second circuit. The Council adopted court rules (effective since July 5, 1971) which require that the government be ready to proceed to trial in ninety days if the defendant is in custody and six months in all other cases. These rules are far more flexible than S. 895. In addition, criminal cases would not be dismissed under the Second Circuit rules if the government was ready to proceed to trial but the court was unable to reach the case. While we even have reservations about the adoption by court rules of arbitrary time limits for the prosecution of federal criminal cases, we recognize that these rules provide a measure of what Mr. Seymour calls "commonsense flexibility". This is plainly necessary and S. 895 does not contain it.

The flexible approach of Rule 50(b) will permit each district to establish time limits that are appropriate in light of its criminal caseload, frequency of grand jury meetings, and any other factors which affect the progress of criminal actions. Since very busy urban districts have far different problems from the less busy rural districts, this approach—having each district propose time limits based on its circumstances—is more realistic than having one set of time limits for all district courts. Rule 50(b) would also permit each district court to modify its plan and time limits if the circumstances change. The Department of Justice favors the approach of Rule 50(b).

3. FIVE DEMONSTRATION PRETRIAL SERVICES AGENCIES

The bill also requires the establishment, on a demonstration basis, of trial services agencies in five federal judicial districts selected by the Chief Justice, other than the District of Columbia.

The pretrial services agencies are to supervise, control, and provide supportive services to, defendants released under the Bail Reform Act of 1966.

In the District of Columbia Court Reform and Criminal Procedure Act of 1970, Public Law 91-358, Congress expanded, at the urging of the Department of Justice, the District of Columbia Bail Agency by providing for an enlarged staff, an increase in appropriations and an expansion of duties and responsibilities, including authority to supervise and control pretrial releasees and provide them with supportive services. The great majority of the duties and responsibilities of the pretrial services agencies in S. 895 are identical to those of the new District of Columbia Bail Agency.

The District of Columbia Bail Agency clearly can serve as a demonstration project to determine whether Congress should authorize such agencies in other federal districts. Thus, there seems to be no pressing need for Congress to authorize the establishment of additional pretrial service agencies on a demonstration basis. However, the Judiciary Committee may wish to take evidence on this subject and if it is shown that there is a real need for a pretrial service or bail agency in certain other federal districts, as there was in the District of Columbia where the United States Attorney files over 16,000 criminal cases a year (six times as many as any other United States Attorney), then the Department of Justice would have no objection to establishing such agencies in those districts.

CONCLUSION

In sum, we are hopeful that the Department of Justice along with other interested parties can explore with Congress areas of real reform in the federal criminal justice system in order to relieve the system of many unnecessary and burdensome duties and procedures which consume the trial court's time and keep it from providing speedy trials. With respect to the three main provisions of S. 895, we support in principle the idea contained in the district court plan section but favor the more appropriate court rules approach in accomplishing this, we have no objection to congressional establishment of pretrial services agencies in certain federal districts along the lines of the District of Columbia Bail Agency, provided that a real need for such agencies is shown, and we oppose the provision for the mandatory dismissal with prejudice of criminal cases not tried within sixty days. We strongly believe that legislatively imposed time limits not only will defeat the ends of justice but avoid the real issue of reform in the federal criminal justice system.

In addition, the Department of Justice continues to have technical objections to certain provisions of the proposed amendment. We will detail these objections in a section-by-section analysis which will be forwarded to you at an early date.

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

Sincerely,

RALPH E. ERICKSON.

U.S. DEPARTMENT OF JUSTICE,
New York, N.Y., October 6, 1972.

Hon. SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: I appreciate your letter of September 6 saying nice things about my talk before the Criminal Law Section of the American Bar Association on achieving speedy trials in the Federal system. As you undoubtedly are aware, this

office has been in the forefront in developing new procedures to eliminate delay in Federal criminal cases and has actively participated in the drafting and implementation of the Speedy Trial Rules in the Second Circuit. Against this background, I respond to your invitation to comment on your bill requiring that criminal cases be tried within sixty days or face mandatory dismissal. It would be a disservice not to be perfectly candid, and I proceed in that spirit.

The basic objectives of S–895 are most worthy and should be embraced by everyone concerned with effective administration of criminal justice. But the factual premises are dismayingly uninformed and the ultimate sanction in the bill of dismissal of prosecutions is both overly simplistic and misdirected.

It is totally unrealistic to believe that, even in the most ideal world, all Federal criminal cases could be brought to trial within sixty days. Unquestionably, it is possible to do so with most routine stolen car or postal theft cases. In major urban centers, however, the unique feature about Federal cases is that they are frequently broad scale and complex, and consume hundreds upon hundreds of manhours in preparation and trial time. It is not unusual to have criminal trials in this District run on for several weeks, or even several months, particularly those involving securities manipulations, income tax evasion, organized crime, and various complex frauds. Although theoretically one might hold off indicting in a complicated multi-defendant case until sixty days before trial, that is really only a circumvention. Moreover, the practical fact is that in such cases, there are many developments between indictment and trial which cannot be anticipated and which directly affect preparation for trial, such as, for example, the decision by some defendants to plead guilty and become cooperating witnesses thereby changing the nature of the proof and often requiring additional investigation to develop corroborative evidence.

We have been operating under the six-month Speedy Trial Rule for more than a year in this District, and have required our staff to be ready for trial within sixty days in all routine criminal cases. We have pressed these timetables rigidly and conscientiously. Nonetheless, the number of cases which are not tried until after the six-month period has expired is substantial. The following figures have recently been compiled on trials of cases filed in 1971. (They are obviously not complete, since twelve months has not yet elapsed from the closing months of the year.) They show the spread of time between indictment and trial under the best Speedy Trial program in operation anywhere in the country:

Cases tried within 3 months	86
Cases tried between 3 and 6 months	67
Cases tried between 6 and 9 months	48
Cases tried between 9 and 12 months	15

It is self-evident from this experience that any approach requiring *trial* of all criminal cases within 60 days, 120 days, or even 180 days, is contrary to all practical reality.

The other point that should be made is that the sanction of *dismissing* the indictment where the case does not go to trial within 60 days (or within six months, for that matter) is not a penalty directed at those who are responsible, but rather penalizes the public at large. It is one thing to permit a motion to dismiss if the government attorney is not ready for trial when the responsibility at least can be pinned somewhere, but, where the fault for a case not going to trial may lie with defense counsel, or the insufficiency of judges, or any one of various other reasons, no one is effectively disciplined by dismissing the case. If punishment is the goal, it should be directed at those who are responsible for any delay, and *not* against the general public.

Frankly, I do not believe that the time is yet ripe for legislative action. The courts are currently in the process of developing new techniques through their rule-making powers. So far they are doing surprisingly well. Experience under these new rules will soon tell whether they work or not, and, if not, what remedy would be suitable. The legislative proposal embodied in S–895 lacks the necessary experience back-up and perspective, and, in my judgment, would do far more harm than good in its present form.

If you are still determined to press forward with a bill, I would be delighted to offer some suggested further amendments, but I assure you they would closely track the Second Circuit Rules and would substantially change the present thrust of your legislative proposal.

After these blunt observations, I do close with an expression of deep appreciation for your interest in this extremely important area. I believe that elimination of unnecessary delay is at the heart of fair and effective administration of justice.

Sincerely yours,

WHITNEY NORTH SEYMOUR, Jr.,
U.S. Attorney.

ALEXANDER SOLZHENITSYN'S NOBEL LECTURE

Mr. JACKSON. Mr. President, Alexander Solzhenitsyn, the 1970 Nobel Laureate in Literature, has not yet received his prize nor has he been able to deliver the lecture he prepared for the occasion. But the complete text of that lecture has now become available, and it confirms that the Soviet Union's most outstanding novelist is also one of the world's most outspoken humanists. One would expect that a man of such great gifts, a man who enjoys universal respect, would be a source of pride to his government. But in the Soviet Union, Solzhenitsyn is officially disgraced and his literary works banned.

Solzhenitsyn's Nobel lecture is more than an attack on totalitarian government and its well-known abuses. It is an appeal to civilized people everywhere to take seriously their commitment to individual liberty.

There are,

Writes Solzhenitsyn:

No internal affairs left on our crowded Earth. And mankind's sole salvation lies in everyone making everything his business; in the people of the East being vitally concerned with what is thought in the West, the people of the West vitally concerned with what goes on in the East.

And, Solzhenitsyn adds:

I venture to say that the spirit of Munich prevails in the twentieth century. The timid civilized world has found nothing with which to oppose the onslaught of a sudden revival of barefaced barbarity, other than concessions and smiles. The spirit of Munich is a sickness of the will of successful people.

With this failure of will, Solzhenitsyn has little patience and a stark prediction:

The price of cowardice will only be evil.

Mr. President, Alexander Solzhenitsyn's remarks on art, politics, and the responsibility of individuals and of nations deserve the closest study. I ask unanimous consent that the text of his Nobel lecture be printed in the RECORD.

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

A. SOLZHENITSYN, NOBEL LECTURE IN LITERATURE 1970

1. Just as that puzzled savage who has picked up—a strange cast-up from the ocean?—something unearthed from the sands?—or an obscure object fallen down from the sky?—intricate in curves, it gleams first dully and then with a bright thrust of light. Just as he turns it this way and that, turns it over, trying to discover what to do with it, trying to discover some mundane function within his own grasp, never dreaming of its higher function.

So also we, holding Art in our hands, confidently consider ourselves to be its masters; boldly we direct it, we renew, reform and manifest it; we sell it for money, use it to please those in power; turn to it at one moment for amusement—right down to popular songs and night-clubs, and at another—grabbing the nearest weapon, cork or cudgel—for the passing needs of politics and for narrow-minded social ends. But art is not defiled by our efforts, neither does it thereby depart from its true nature, but on each occasion and in each application it gives to us a part of its secret inner light.

But shall we ever grasp the whole of that light? Who will dare to say that he has defined Art, enumerated all its facets? Perhaps once upon a time someone understood and told us, but we could not remain satisfied with that for long; we listened, and neglected, and threw it out there and then, hurrying as always to exchange even the very best—if only for something new! And when we are told again the old truth, we shall not even remember that we once possessed it.

One artist sees himself as the creator of an independent spiritual world; he hoists onto his shoulders the task of creating this world, of peopling it and of bearing the all-embracing responsibility for it; but he crumples beneath it, for a mortal genius is not capable of bearing such a burden. Just as man in general, having declared himself the centre of existence, has not succeeded in creating a balanced spiritual system. And if misfortune overtakes him, he casts the blame upon the age-long disharmony of the world, upon the complexity of to-day's ruptured soul, or upon the stupidity of the public.

Another artist, recognizing a higher power above, gladly works as a humble apprentice beneath God's heaven; then however, his responsibility for everything that is written or drawn, for the souls which perceive his work, is more exacting than ever. But, in return, it is not he who has created this world, not he who directs it, there is no doubt as to its foundations; the artist has merely to be more keenly aware than others of the harmony of the world, of the beauty and ugliness of the human contribution to it, and to communicate this acutely to his fellow-men. And in misfortune, and even at the depths of existence—in destitution, in prison, in sickness—his sense of stable harmony never deserts him.

But all the irrationality of art, its dazzling turns, its impredictable discoveries, its shattering influence on human beings—they are too full of magic to be exhausted by this artist's vision of the world, by his artistic conception or by the work of his unworthy fingers.

Archeologists have not discovered stages of human existence so early that they were without art. Right back in the early morning twilights of mankind we received it from Hands which we were too slow to discern. And we were too slow to ask: For what purpose have we been given this gift? What are we to do with it?

And they were mistaken, and will always

be mistaken, who prophesy that art will disintegrate, that it will outlive its forms and die. It is we who shall die—art will remain. And shall we comprehend, even on the day of our destruction, all its facets and all its possibilities?

Not everything assumes a name. Some things lead beyond words. Art inflames even a frozen, darkened soul to a high spiritual experience. Through art we are sometimes visited—dimly, briefly—by revelations such as cannot be produced by rational thinking.

Like that little looking-glass from the fairy-tales: look into it and you will see—not yourself—but for one second, the Inaccessible, whither no man can ride, no man fly. And only the soul gives a groan . . .

2. One day Dostoevsky threw out the enigmatic remark: "Beauty will save the world". What sort of a statement is that? For a long time I considered it mere words. How could that be possible? When in bloodthirsty history did beauty ever save anyone from anything? Ennobled, uplifted, yes—but whom has it saved?

There is, however, a certain peculiarity in the essence of beauty, a peculiarity in the status of art: namely, the convincingness of a true work of art is completely irrefutable and it forces even an opposing heart to surrender. It is possible to compose an outwardly smooth and elegant political speech, a headstrong article, a social program, or a philosophical system on the basis of both a mistake and a lie. What is hidden, what distorted, will not immediately become obvious.

Then a contradictory speech, article, program, a differently constructed philosophy rallies in opposition—and all just as elegant and smooth, and once again it works. Which is why such things are both trusted and mistrusted.

In vain to reiterate what does not reach the heart.

But a work of art bears within itself its own verification: conceptions which are devised or stretched do not stand being portrayed in images, they all come crashing down, appear sickly and pale, convince no one. But those works of art which have scooped up the truth and presented it to us as a living force—they take hold of us, compel us, and nobody ever, not even in ages to come, will appear to refute them.

So perhaps that ancient trinity of Truth, Goodness and Beauty is not simply an empty, faded formula as we thought in the days of our self-confident, materialistic youth? If the tops of these three trees converge, as the scholars maintained, but the too blatant, too direct stems of Truth and Goodness are crushed, cut down, not allowed through—then perhaps the fantastic, impredictable, unexpected stems of Beauty will push through and soar to that very same place, and in so doing will fulfill the work of all three?

In that case Dostoevsky's remark, "Beauty will save the world", was not a careless phrase but a prophecy? After all he was granted to see much, a man of fantastic illumination.

And in that case art, literature might really be able to help the world today?

It is the small insight which, over the years, I have succeeded in gaining into this matter that I shall attempt to lay before you here to-day.

3. In order to mount this platform from which the Nobel lecture is read, a platform offered to far from every writer and only once in a life-time, I have climbed not three or four makeshift steps, but hundreds and even thousands of them; unyielding, precipitous, frozen steps, leading out of the darkness and cold where it was my fate to survive, while others—perhaps with a greater gift and stronger than I—have perished. Of them, I myself met but a few on the Archipelago of GULag, The Central Administration of Corrective Labour Camps—shattered into its fractionary multitude of islands; and beneath the millstone of shadowing and mistrust I did not talk to them all, of some I only heard, of others still I only guessed. Those who fell into that abyss already bearing a literary name are at least known, but how many were never recognized, never once mentioned in public? And virtually no one managed to return. A whole national literature remained there, cast into oblivion not only without a grave, but without even underclothes, naked, with a number tagged on to its toe. Russian literature did not cease for a moment, but from the outside it appeared a waste-land! Where a peaceful forest could have grown, there remained, after all the felling, two or three trees overlooked by chance.

And as I stand here to-day, accompanied by the shadows of the fallen, with bowed head allowing others who were worthy before to pass ahead of me to this place, as I stand here, how am I to divine and to express what *they* would have wished to say?

This obligation has long weighed upon us, and we have understood it. In the words of Vladimir Solo'ev:

Even in chains we ourselves must complete
That circle which the gods have mapped out for us.

Frequently, in painful camp seethings, in a column of prisoners, when chains of lanterns pierced the gloom of the evening frosts, there would well up inside us the words that we should like to cry out to the whole world, if the whole world could hear one of us. Then it seemed so clear: what our successful ambassador would say, and how the world would immediately respond with its comment. Our horizon embraced quite distinctly both physical things and spiritual movements, and it saw no lop-sidedness in the indivisible world. These ideas did not come from books, neither were they imported for the sake of coherence. They were formed in conversations with people now dead, in prison cells and by forest fires, they were tested against *that* life, they grew out of *that* existence.

When at last the outer pressure grew a little weaker, my and our horizon broadened and gradually, albeit through a minute chink, we saw and knew "the whole world". And to our amazement the whole world was not at all as we had expected, as we had hoped; that is to say a world living "not by that", a world leading "not there", a world which could exclaim at the sight of a muddy swamp, "what a delightful little puddle!", at concrete neck stocks, "what an exquisite necklace!"; but instead a world where some weep inconsolate tears and others dance to a light-hearted musical.

How could this happen? Why the yawning gap? Were we insensitive? Was the world insensitive? Or is it due to language differences? Why is it that people are not able to hear each other's every distinct utterance? Words cease to sound and run away like water—without taste, colour, smell. Without trace.

As I have come to understand this, so through the years has changed and changed again the structure, content and tone of my potential speech. The speech I give to-day.

And it has little in common with its original plan, conceived on frosty camp evenings.

4. From time immemorial man has been made in such a way that his vision of the world, so long as it has not been instilled under hypnosis, his motivations and scale of values, his actions and intentions are determined by his personal and group experience of life. As the Russian saying goes, "Do not believe your brother, believe your own crooked eye." And that is the most sound basis for an understanding of the world around us and of human conduct in it. And during the long epochs when our world lay spread out in mystery and wilderness, before it became encroached by common lines of communication, before it was transformed into a single, convulsively pulsating lump—men, relying on experience, ruled without mishap within their limited areas, within their communities, within their societies, and finally on their national territories. At that time it was possible for individual human beings to perceive and accept a general scale of values, to distinguish between what is considered normal, what incredible; what is cruel and what lies beyond the boundaries of wickedness; what is honesty, what deceit. And although the scattered peoples led extremely different lives and their social values were often strikingly at odds, just as their systems of weights and measures did not agree, still these discrepancies surprised only occasional travellers, were reported in journals under the name of wonders and bore no danger to mankind which was not yet one.

But now during the past few decades, imperceptibly, suddenly, mankind has become one—hopefully one and dangerously one—so that the concussions and inflammations of one of its parts are almost instantaneously passed on to others, sometimes lacking in any kind of necessary immunity. Mankind has become one, but not steadfastly one as communities or even nations used to be; not united through years of mutual experience, neither through possession of a single eye, affectionately called crooked, nor yet through a common native language, but, surpassing all barriers, through international broadcasting and print. An avalanche of events descends upon us—in one minute half the world hears of their splash. But the yardstick by which to measure those events and to evaluate them in accordance with the laws of unfamiliar parts of the world—this is not and cannot be conveyed via sound-waves and in newspaper columns. For these yardsticks were matured and assimilated over too many years of too specific conditions in individual countries and societies; they cannot be exchanged in mid-air. In the various parts of the world men apply their own hard-earned values to events, and they judge stubbornly, confidently, only according to their own scales of values and never according to any others.

And if there are not many such different scales of values in the world, there are at least several; one for evaluating events near at hand, another for events far away; aging societies possess one, young societies another; unsuccessful people one, successful people another. The divergent scales of values scream in discordance, they dazzle and daze us, and so that it might not be painful we steer clear of all other values, as though from insanity, as though from illusion, and we confidently judge the whole world according to our own home values. Which is why we take for the greater, more painful and less bearable disaster not that which is in fact greater, more painful and less bearable, but that which lies closest to us. Everything which is further away, which does not threaten this very day to invade our threshold—with all its groans, its stifled cries, its destroyed lives, even if it involves millions of victims—this we consider on the whole to be perfectly bearable and of tolerable proportions.

In one part of the world, not so long ago, under persecutions not inferior to those of the ancient Romans', hundreds of thousands of silent Christians gave up their lives for their belief in God. In the other hemisphere a certain madman, (and no doubt he is not alone), speeds across the ocean to DELIVER us from religion—with a thrust of steel into the high priest! He has calculated for each and every one of us according to his personal scale of values!

That which from a distance, according to one scale of values, appears as enviable and

flourishing freedom, at close quarters, and according to other values, is felt to be infuriating constraint calling for buses to be overthrown. That which in one part of the world might represent a dream of incredible prosperity, in another has the exasperating effect of wild exploitation demanding immediate strike.

There are different scales of values for natural catastrophes a flood craving two hundred thousand lives seems less significant than our local accident. There are different scales of values for personal insults: sometimes even an ironic smile or a dismissive gesture is humiliating, while at others cruel beatings are forgiven as an unfortunate joke. There are different scales of values for punishment and wickedness: according to one, a month's arrest, banishment to the country, or an isolation-cell where one is fed on white rolls and milk, shatters the imagination and fills the newspaper columns with rage. While according to another, prison sentences of twenty-five years, isolation-cells where the walls are covered in ice and the prisoners stripped to their underclothes, lunatic asylums for the sane, and countless unreasonable people who for some reason will keep running away, shot on the frontiers—all this is common and accepted. While the mind is especially at peace concerning that exotic part of the world about which we know virtually nothing, from which we do not even receive news of events, but only the trivial, out-of-date guesses of a few correspondents.

Yet we cannot reproach human vision for this duality, for this dumbfounded incomprehension of another man's distant grief, man is just made that way. But for the whole of mankind, compressed into a single lump, such mutual incomprehension presents the threat of imminent and violent destruction. One world, one mankind cannot exist in the face of six, four or even two scales of values: we shall be torn apart by this disparity of rhythm, this disparity of vibrations.

A man with two hearts is not for this world, neither shall we be able to live side by side on one Earth.

5. But who will co-ordinate these value scales, and how? Who will create for mankind one system of interpretation, valid for good and evil deeds, for the unbearable and the bearable, as they are differentiated today? Who will make clear to mankind what is really heavy and intolerable and what only grazes the skin locally? Who will direct the anger to that which is most terrible and not to that which is nearer? Who might succeed in transferring such an understanding beyond the limits of his own human experience? Who might succeed in impressing upon a bigoted, stubborn human creature the distant joy and grief of others, an understanding of dimensions and deceptions which he himself has never experienced? Propaganda, constraint, scientific proof—all are useless. But fortunately there does exist such a means in our world! That means is art. That means is literature.

They can perform a miracle: they can overcome man's detrimental peculiarity of learning only from personal experience so that the experience of other people passes him by in vain. From man to man, as he completes his brief spell on earth, art transfers the whole weight of an unfamiliar, life-long experience with all its burdens, its colours, its sap of life; it recreates in the flesh an unknown experience and allows us to possess it as our own.

And even more, much more than that; both countries and whole continents repeat each other's mistakes with time lapses which can amount to centuries. Then, one would think, it would all be so obvious! But no; that which some nations have already experienced, considered and rejected, is suddenly discovered by others to be the latest word. And here again, the only substitute for an experience we ourselves have never lived through is art, literature. They possess a wonderful ability: beyond distinctions of language, custom, social structure they can convey the life experience of one whole nation to another. To an inexperienced nation they can convey a harsh national trial lasting many decades, at best sparing an entire nation from a superfluous, or mistaken, or even disastrous course, thereby curtailing the meanderings of human history.

It is this great and noble property of art that I urgently recall to you today from the Nobel tribune.

And literature conveys irrefutable condensed experience in yet another invaluable direction; namely, from generation to generation. Thus it becomes the living memory of the nation. Thus it preserves and kindles within itself the flame of her spent history, in a form which is safe from deformation and slander. In this way literature, together with language, protects the soul of the nation.

(In recent times it has been fashionable to talk of the levelling out of nations, of the disappearance of different races in the melting-pot of contemporary civilization. I do not agree with this opinion, but its discussion remains another question. Here it is merely fitting to say that the disappearance of nations would have impoverished us no less than if all men had become alike, with one personality and one face. Nations are the wealth of mankind, its collective personalities; the very least of them wears its own special colours and bears within itself a special facet of divine intention.)

But woe to that nation whose literature is disturbed by the intervention of power. Because that is not just a violation against "freedom of print", it is the closing down of the heart of the nation, a slashing to pieces of its memory. The nation ceases to be mindful of itself, it is deprived of its spiritual unity, and despite a supposedly common language, compatriots suddenly cease to understand one another. Silent generations grow old and die without ever having talked about themselves, either to each other or to their descendants. When such as Achmatova and Zamjatin—interred alive throughout their lives—are condemned to create in silence until they die, never hearing the echo of their written words, then that is not only their personal tragedy, but a sorrow to the whole nation, a danger to the whole nation.

In some cases moreover—when as a result of such a silence the whole of history ceases to be understood in its entirety—it is a danger to the whole of mankind.

6. At various times and in various countries there have arisen heated, angry and exquisite debates as to whether art and the artist should be free to live for themselves, or whether they should be for ever mindful of their duty towards society and serve it albeit in an unprejudiced way. For me there is no dilemma, but I shall refrain from raising once again the train of arguments. One of the most brilliant addresses on this subject was actually Albert Camus' Nobel speech, and I would happily subscribe to his conclusions. Indeed Russian literature has for several decades manifested an inclination not to become too lost in contemplation of itself, not to flutter about too frivolously. I am not ashamed to continue this tradition to the best of my ability. Russian literature has long been familiar with the notions that a writer can do much within his society, and that it is his duty to do so.

Let us not violate the *right* of the artist to express exclusively his own experiences and introspections, disregarding everything that happens in the world beyond. Let us not demand of the artist, but—reproach, beg, urge and entice him—that we may be allowed to do. After all, only in part does he himself develop his talent; the greater part of it is blown into him at birth as a finished product, and the gift of talent imposes responsibility on his free will. Let us assume that the artist does not *owe* anybody anything: nevertheless, it is painful to see how, by retiring into his self-made worlds or the spaces of his subjective whims, he *can* surrender the real world into the hands of men who are mercenary, if not worthless, if not insane.

Our twentieth century has proved to be more cruel than preceding centuries, and the first fifty years have not erased all its horrors. Our world is rent asunder by those same old cave-age emotions of greed, envy, lack of control, mutual hostility which have picked up in passing respectable pseudonyms like class struggle, racial conflict, struggle of the masses, trade-union disputes. The primeval refusal to accept a compromise has been turned into a theoretical principle and is considered the virtue of orthodoxy. It demands millions of sacrifices in ceaseless civil wars, it drums into our souls that there is no such thing as unchanging, universal concepts of goodness and justice, that they are all fluctuating and inconstant. Therefore the rule—always do what's most profitable to your party. Any professional group no sooner sees a convenient opportunity to break off a piece, even if it be unearned, even if it be superfluous, than it breaks it off there and then and no matter if the whole of society comes tumbling down.

As seen from the outside, the amplitude of the tossings of western society is approaching that point beyond which the system becomes metastable and must fall. Violence, less and less embarrassed by the limits imposed by centuries of lawfulness, is brazenly and victoriously striding across the whole world, unconcerned that its infertility has been demonstrated and proved many times in history. What is more, it is not simply crude power that triumphs abroad, but its exultant justification. The world is being inundated by the brazen conviction that power can do anything, justice nothing. Dostoevsky's devils—apparently a provincial nightmare fantasy of the last century—are crawling across the whole world in front of our very eyes, infesting countries where they could not have been dreamed of; and by means of the hijackings, kidnappings, explosions and fires of recent years they are announcing their determination to shake and destroy civilization! And they may well succeed. The young, at an age when they have not yet any experience other than sexual, when they do not yet have years of personal suffering and personal understanding behind them, are jubilantly repeating our depraved Russian blunders of the nineteenth century, under the impression that they are discovering something new. They acclaim the latest wretched degradation on the part of the Chinese Red Guards as a joyous example. In shallow lack of understanding of the age-old essence of mankind, in the naive confidence of inexperienced hearts they cry: let us drive away those cruel, greedy oppressors, governments, and the new ones (we!), having laid aside grenades and rifles, will be just and understanding. Far from it! . . . But of those who have lived more and understand, those who could oppose these young—many do not dare oppose, they even suck up, anything not to appear "conservative". Another Russian phenomenon of the nineteenth century which Dostoevsky called slavery to progressive quirks.

The spirit of Munich has by no means retreated into the past; it was not merely a brief episode. I even venture to say that the spirit of Munich prevails in the twentieth century. The timid civilized world has found nothing with which to oppose the onslaught of a sudden revival of barefaced barbarity, other than concessions and smiles. The spirit of Munich is a sickness of the will of successful people, it is the daily condition of

those who have given themselves up to the thirst after prosperity at any price, to material well-being as the chief goal of earthly existence. Such people—and there are many in to-day's world—elect passivity and retreat, just so as their accustomed life might drag on a bit longer, just so as not to step over the threshold of hardship to-day—and tomorrow, you'll see, it will all be all right. (But it will never be all right! The price of cowardice will only be evil; we shall reap courage and victory only when we dare to make sacrifices.)

And on top of this we are threatened by destruction in the fact that the physically compressed, strained world is not allowed to blend spiritually; the molecules of knowledge and sympathy are not allowed to jump over from one half to the other. This presents a rampant danger: The supression of information between the parts of the planet. Contemporary science knows that suppression of information leads to entropy and total destruction. Suppression of information renders international signatures and agreements illusory; within a muffled zone it costs nothing to reinterpret any agreement, even simpler—to forget it, as though it had never really existed. (Orwell understood this supremely.) A muffled zone is, as it were, populated not by inhabitants of the Earth, but by an expeditionary corps from Mars; the people know nothing intelligent about the rest of the Earth and are prepared to go and trample it down in the holy conviction that they come as "liberators".

A quarter of a century ago, in the great hopes of mankind, the United Nations Organization was born. Alas, in an immoral world, this too grew up to be immoral. It is not a United Nations Organization but a United Governments Organization where all governments stand equal; those which are freely elected, those imposed forcibly, and those which have seized power with weapons. Relying on the mercenary partiality of the majority UNO jealously guards the freedom of some nations and neglects the freedom of others. As a result of an obedient vote it declined to undertake the investigation of private appeals—the groans, screams and beseechings of humble individual plain people—not large enough a catch for such a great organization. UNO made no effort to make the Declaration of Human Rights, its best document in twenty-five years, into an obligatory condition of membership confronting the governments. Thus it betrayed those humble people into the will of the governments which they had not chosen.

It would seem that the appearance of the contemporary world rests solely in the hands of the scientists; all mankind's technical steps are determined by them. It would seem that it is precisely on the international goodwill of scientists, and not of politicians, that the direction of the world should depend. All the more so since the example of the few shows how much could be achieved were they all to pull together. But no; scientists have not manifested any clear attempt to become an important, independently active force of mankind. They spend entire congresses in renouncing the sufferings of others; better to stay safely within the precincts of science. That same spirit of Munich has spread above them its enfeebling wings.

What then is the place and role of the writer in this cruel, dynamic, split world on the brink of its ten destructions? After all we have nothing to do with letting off rockets, we do not even push the lowliest of hand-carts, we are quite scorned by those who respect only material power. Is it not natural for us too to step back, to lose faith in the steadfastness of goodness, in the indivisibility of truth, and to just impart to the world our bitter, detached observations: how mankind has become hopelessly corrupt, how men have degenerated, and how difficult it is for the few beautiful and refined souls to live amongst them?

But we have not even recourse to this flight. Anyone who has once taken up the word can never again evade it; a writer is not the detached judge of his compatriots and contemporaries, he is an accomplice to all the evil committed in his native land or by his countrymen. And if the tanks of his fatherland have flooded the asphalt of a foreign capital with blood, then the brown spots have slapped against the face of the writer for ever. And if one fatal night they suffocated his sleeping, trusting Friend, then the palms of the writer bear the bruises from that rope. And if his young fellow-citizens breezily declare the superiority of depravity over honest work, if they give themselves over to drugs or seize hostages, then their stink mingles with the breath of the writer.

Shall we have the temerity to declare that we are not responsible for the sores of the present day world?

7. However, I am cheered by a vital awareness of world literature as of a single huge heart, beating out the cares and troubles of our world, albeit presented and perceived differently in each of its corners.

Apart from age-old national literatures there existed, even in past ages, the conception of world literature as an anthology skirting the heights of the national literatures, and as the sum total of mutual literary influences. But there occurred a lapse in time: readers and writers became acquainted with writers of other tongues only after a time lapse, sometimes lasting centuries, so that mutual influences were also delayed and the anthology of national literary heights was revealed only in the eyes of descendants, not of contemporaries.

But to-day, between the writers of one country and the writers and readers of another, there is a reciprocity if not instantaneous then almost so. I experience this with myself. Those of my books which, alas, have not been printed in my own country have soon found a responsive, world-wide audience, despite hurried and often bad translations. Such distinguished western writers as Heinrich Böll have undertaken critical analysis of them. All these last years, when my work and freedom have not come crashing down, when contrary to the laws of gravity they have hung suspended as though on air, as though on nothing—on the invisible dumb tension of a sympathetic public membrane; then it was with grateful warmth, and quite unexpectedly for myself, that I learnt of the further support of the international brotherhood of writers. On my fiftieth birthday I was astonished to receive congratulations from wellknown western writers. No pressure on me came to pass by unnoticed. During my dangerous weeks of exclusion from the Writers' Union the wall of defence advanced by the world's prominent writers protected me from worse persecutions; and Norwegian writers and artists hospitably prepared a roof for me, in the event of my threatened exile being put into effect. Finally even the advancement of my name for the Nobel Prize was raised not in the country where I live and write, but by Francois Mauriac and his colleagues. And later still entire national writers' unions have expressed their support for me.

Thus I have understood and felt that world literature is no longer an abstract anthology, nor a generalization invented by literary historians; it is rather a certain common body and a common spirit, a living heartfelt unity reflecting the growing unity of mankind. State frontiers still turn crimson, heated by electric wire and bursts of machine fire; and various ministries of internal affairs still think that literature too is an "internal affair" falling under their jurisdiction; newspaper headlines still display: "No right to interfere in our internal affairs!" Whereas there are no internal affairs left on our crowded Earth! And mankind's sole salvation lies in everyone making everything his business; in the people of the East being vitally concerned with what is thought in the West, the people of the West vitally concerned with what goes on in the East. And literature, as one of the most sensitive, responsive instruments possessed by the human creature, has been one of the first to adopt, assimilate, to catch hold of this feeling of a growing unity of mankind. And so I turn with confidence to the world literature of to-day—to hundreds of friends whom I have never met in the flesh and whom I may never see.

Friends! Let *us* try to help if we are worth anything at all! Who from time immemorial has constituted the uniting not the dividing strength in your countries, lacerated by discordant parties, movements, casts and groups? There in its essence is the position of writers: expressers of their native language—the chief binding force of the nation, of the very earth its people occupy, and at best of its national spirit.

I believe that world literature has it in its power to help mankind, in these its troubled hours, to see itself as it really is, notwithstanding the indoctrinations of prejudiced people and parties. World literature has it in its power to convey condensed experience from one land to another so that we might cease to be split and dazzled, that the different scales of values might be made to agree, and one nation learn correctly and concisely the true history of another with such strength of recognition and painful awareness as it had itself experienced the same, and thus might it be spared from repeating the same cruel mistakes. And perhaps under such conditions we artists will be able to cultivate within ourselves a field of vision to embrace the whole world: in the centre observing like any other human being that which lies nearby, at the edges we shall begin to draw in that which is happening in the rest of the world. And we shall correlate, and we shall observe world proportions.

And who, if not writers, are to pass judgement—not only on their unsuccessful governments, (in some states this is the easiest way to earn one's bread, the occupation of any man who is not lazy),—but also on the people themselves, in their cowardly humiliation or self-satisfied weakness? Who is to pass judgement on the light-weight sprints of youth, and on the young pirates brandishing their knives?

We shall be told: what can literature possibly do against the ruthless onslaught of open violence? But let us not forget that violence does not live alone and is not capable of living alone: it is necessarily interwoven with falsehood. Between them lies the most intimate, the deepest of natural bonds. Violence finds its only refuge in falsehood, falsehood its only support in violence. Any man who has once acclaimed violence as his method must inexorably choose falsehood as his principle. At its birth violence acts openly and even with pride. But no sooner does it become strong, firmly established, than it senses the rarefaction of the air around it and it cannot continue to exist without descending into a fog of lies, clothing them in sweet talk. It does not always, not necessarily, openly throttle the throat, more often it demands from its subjects only an oath of allegiance to falsehood, only complicity in falsehood.

And the simple step of a simple courageous man is not to partake in falsehood, not to support false actions! Let *that* enter the world, let it even reign in the world—but not with my help. But writers and artists can achieve more: they can *conquer falsehood!* In the struggle with falsehood art always did win and it always does win! Openly, irrefutably for everyone! Falsehood can hold out against much in this world, but not against art.

And no sooner will falsehood be dispersed than the nakedness of violence will be revealed in all its ugliness—and violence, decrepit, will fall.

That is why, my friends, I believe that we are able to help the world in its white-hot hour. Not by making the excuse of possessing no weapons, and not by giving ourselves over to a frivolous life—but by going to war!

Proverbs about truth are well-loved in Russian. They give steady and sometimes striking expression to the not inconsiderable harsh national experience:

One word of truth shall outweigh the whole world.

And it is here, on an imaginary fantasy, a breach of the principle of the conservation of mass and energy, that I base both my own activity and my appeal to the writers of the whole world.

NATIONAL SCHOOL LUNCH WEEK

Mr. PERCY. Mr. President, this week is National School Lunch Week, a time of special significance for every schoolchild in America.

The schoolchild who receives his lunch today is probably not aware of the efforts of many dedicated people over many years to develop and improve the lunch program. However, even before the parents of many of today's recipients of school lunches were born, the Federal Government recognized the need for schools to provide lunches for their students.

The first step toward the current school lunch program was taken in the 1930's, when salaries for lunchroom personnel were provided. Then in 1946, the National School Lunch Act, which provided cash and commodities for school lunches, was passed.

This landmark legislation owes its existence to a former distinguished and respected member of this body, Senator Allen J. Ellender. Without Senator Ellender's continuous efforts, a Federal program for school lunch would not have become a reality in 1946. Although Senator Ellender died this year, his leadership in establishing a national school lunch program continues to have significance in the daily lives of America's schoolchildren.

With the passage of this act in 1946, Congress set a broad and comprehensive goal to provide nutritious and well-balanced lunches to all schoolchildren in order to "safeguard the health and well-being of the Nation's children." Twenty-six years later, the national school lunch program has become a sophisticated and far-reaching nutrition program through the efforts of both Congress and the Department of Agriculture.

In 1966 we provided cash for breakfast programs and lunchroom equipment. In 1972 we took another step forward by passing amendments designed to encourage expansion of the lunch program to all needy children by guaranteeing a fixed amount of reimbursement for each meal served, among many other provisions for improvement.

As the school lunch program has grown and developed over the years, new features have been added. Currently, the program is attempting to focus attention on nutrition education. Providing nutritious meals for children is certainly an excellent beginning toward assuring that America's citizens receive proper nourishment. However, once our children are out of the public school system, they must have the background to understand the importance of providing adequate nutrition for themselves and their families. To this end, nutrition education is receiving increased emphasis in the school lunch program.

As ranking minority member of the Select Committee on Nutrition and Human Needs, I am concerned about all aspects of nutrition in this country. On August 15, I introduced a joint resolution authorizing the President to proclaim National Nutrition Week during the month of March. This measure is intended to help make all Americans, not only our public schoolchildren, aware of the need for good nutrition and of how good nutrition can be achieved. It is my hope that National Nutrition Week will serve to further the work of nutrition education begun during National School Lunch Week.

During these days, the national school lunch slogan, "You Are What You Eat," will bring the nutrition message to school children throughout the country. In order that my colleagues have a clear understanding of the approach being taken by the American School Food Service Association to incorporate nutrition education in the school lunch program, I ask unanimous consent that a recent memorandum from the association be printed in the RECORD at this point.

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

AMERICAN SCHOOL FOOD SERVICE ASSOCIATION,
Denver, Colo., October 6, 1972.

To: Members of the House of Representatives and the United States Senate.

Re: National School Lunch Week, October 8 through 14, 1972.

During the week of October 8 through 14, 1972 the slogan "You Are What You Eat" will carry a nutrition education message to schools throughout the country. The American School Food Service Association, comprised of 50,000 members who work in the school lunch programs across this country, prepared a poster with this year's theme "Tiger". These posters are being bought by Association members to display in their school lunchrooms.

In cooperation with USDA's Food and Nutrition Service, this theme Tiger has also been made into a 30-second public service announcement for TV. In this way both the Department of Agriculture and the Association hope to make Americans more aware of the nutritional benefits of lunch at school.

School children throughout the United States will have something in common on Wednesday, October 11. They all will be eating the same lunch that day at school. This day is Universal Menu Day in schools participating in the National School Lunch Program. Universal Menu Day means that all schools serve the same menu. Schools this year are serving spaghetti with meat sauce, tossed green salad, buttered French bread, peaches, peanut butter cookie and milk.

This menu is typical of the Type A lunch served each day at those schools participating in the National School Lunch Program. A Type A lunch provides one-third of the minimum daily requirements for each student, and includes a food from each of the four food groups—meat, fruit/vegetable, bread/cereal and milk. The lunch offers a balance of needed vitamins and minerals and supplies the correct number of calories needed for each of the age groups that school lunch serves.

In planning meals for the 25 million children who participate in the National School Lunch Program, school lunch personnel emphasize the entire menu—instead of a single recipe on the menu. With school lunch, the whole *is* more important than its parts! This year's theme "You Are What You Eat" graphically illustrates that nutrition message.

SUPPLEMENTAL APPROPRIATION FOR SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Mr. PERCY. Mr. President, last evening, during the Senate's consideration of the supplemental appropriation measure H.R. 17034, I joined with Senator JAVITS in requesting an increase of $5 million over the Appropriation Committee's request for moneys for the operation of the special fund of the Special Action Office for Drug Abuse Prevention. During the discussion of that matter and after agreement had been reached with the chairman and ranking minority member of the Appropriations Committee to accept our amendment, I was called off the floor and did not have the opportunity to present to the balance of my colleagues the justification for our request.

Accordingly, at this time I would like to outline the reasons why such monies are urgently needed for this program.

A year ago we were in the midst of working out an agreement here in the Senate regarding legislation to create in the White House a Special Action Office for Drug Abuse Prevention. The measure, originally introduced by me on behalf of the administration, was unanimously approved by the Senate in December of last year and, after some delays in the House, was signed by the President in March of this year.

Adequate funding of the programs of the Special Action Office is necessary if we are to fulfill the commitment we made to the American people a year ago to do everything in our grasp to control the pestilence of drug abuse that has afflicted so many of our citizens. Through the legislation we passed, and under the outstanding leadership of Dr. Jerome Jaffe, from my own State of Illinois, we now have at least one agency in government that is proving to everyone's satisfaction that significant progress can indeed be made in reducing the demand for drugs through new approaches in treatment, prevention, research, educational, and rehabilitation efforts involving drug abuse.

Here is the approach that is being taken:

Increased Federal funds have been approved to fight drug abuse. Since 1969, Federal support has increased fourfold for research, sixfold for treatment and rehabilitation, and thirtyfold for education and training.

The Special Action Office has scrutinized the budgets and evaluated the policies of all civilian Federal agencies engaged in drug abuse prevention, excepting those offices involving law enforcement. It has worked with each agency to establish specific goals and shape budgets to achieve them. A system

to monitor and evaluate these efforts has been organized.

Programs were developed to reduce drug abuse among GI's in Vietnam, and at other bases overseas and at home. Military policy has shifted to treat drug abuse as a medical problem—not simply as a disciplinary problem. A massive screening program has been set up to detect drug abusers who are then provided treatment and rehabilitation services.

The number of federally funded treatment programs has been sharply expanded toward the goal of providing care to all those who need it. The Veterans' Administration, which runs the largest hospital system in the world, has substantially increased its drug abuse services; 32 units have been developed since the Special Action Office began operations, and another 12 are now being organized. More drug abusers are under treatment today than ever before; more and better forms of treatment are becoming increasingly available.

Large numbers of narcotics users are voluntarily seeking treatment from programs using methadone. The Special Action Office in cooperation with the Food and Drug Administration helped conduct a nationwide review of all the methadone maintenance programs in the United States, and the status of the drug has been changed from a research tool to that of a recognized form of medical treatment, under strict government controls. The capacity to treat those who want treatment is being expanded.

With the help of the National Bureau of Standards, the Special Action Office has developed a technique to prevent the diversion of methadone to illicit channels, yet protect the anonymity of those under treatment. To reduce the possibility of diversion, a longer lasting methadone is under development.

Through new grant programs operated by the National Institute for Mental Health, the Special Action Office is assisting medical schools to expand their course work in drug abuse problems. Physicians and other medical professionals are being trained in the latest techniques for drug abuse diagnosis and treatment.

New treatment assistance in combating drug abuse is being offered to the States. The Special Action Office has assembled teams of professionals to help communities with special drug abuse problems, and to set up demonstration programs. The National Clearinghouse for Drug Abuse Information is being expanded to offer the latest information in the drug abuse field to professionals and others. On request, the clearinghouse furnishes information on medical and educational techniques and offers suggestions on how to establish local drug abuse programs.

A master reporting system to collect data on all kinds of drug abuse is being organized. . . . More specifically, in the area of education and training, prevention and manpower the Special Action Office has undertaken a number of projects.

These are but a few of the accomplishments of the Special Action Office. Now they need our help and they deserve it. In particular, the House has cut back on the moneys authorized for the special fund of the Special Action Office. Moneys have been cut from the recommended $40 million figure to an arbitrary $20 million. This is hardly an area where we can afford to scrimp. If we do, it would just be one more example of the hypocrisy of expressing our intent in legislation and seeing it undermined because of a lack of followthrough support—in this case, even where the legislation has proven in a few short months to be a decided success.

I urge that we assure sufficient funding of the Special Action Office by increasing the appropriation for the special action fund to more nearly the amount recommended both by the Government Operations Committee, on which I am ranking minority member, and the Committee on Labor and Public Welfare.

In this regard, Mr. President, I ask unanimous consent to include in the RECORD at this point a letter I presented to Senator JOSEPH MONTOYA, chairman of the relevant Appropriations Subcommittee describing the need for and reasons underlying this request for additional moneys.

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

OCTOBER 12, 1972.

Hon. JOSEPH M. MONTOYA,
Chairman, Subcommittee on Treasury, Post Office, and General Government, U.S. Senate, Washington, D.C.

DEAR JOE: As you know, I am a firm supporter of the efforts being undertaken by the Special Action Office for Drug Abuse Prevention under the able leadership of Dr. Jerome Jaffe, my constituent from Illinois. Dr. Jaffe was former Director of the highly successful Illinois Drug Abuse Program.

I introduced the original Administration Bill, S. 2097, on June 17, 1971, which provided extraordinary authority to transfer appropriations and programs from one agency to another. After due deliberation, it was decided by the Congress that such transfer authority should be deleted, and in its place the Director was given complete flexibility to target Federal funds in critical areas.

In light of my special interest in this very critical area, I was understandably concerned when I read Chairman Mahon's Report (H.R. 17034). It would appear from this report that funds for pharmacological research are not in jeopardy, but that there appears to be some misunderstanding with respect to the Special Fund, Section 223 of P.L. 92-255. To now reduce that appropriation by $20 million because the Office "was unable to provide the Committee with specific, objective proposals, plans or programs for the use of the funds requested" appears to be unwarranted. It seems to me that to require the Director to set forth his objectives and plans in the traditional budgetary sense is self-defeating, and removes the whole idea of flexibility by locking him into specific preconceived programs which he then must fund.

It is my understanding that Dr. Jaffe has identified a priority use for the Special Fund, and that it entails expanding the treatment and rehabilitation capacity in communities throughout the country. I view this personally as a judicious use of the taxpayer's money and wholeheartedly support him in this endeavor. In order to restore the full $40 million appropriation for Section 223, would it not be possible to obtain from the Special Action Office a listing of the cities where treatment is to be expanded, and an estimated cost figure for such expansion? It seems to me that this should more than satisfy the House's need for budgetary justification. In addition, it is my understanding that if the Senate were to restore the full $40 million, the House conferees would be amenable to such action.

Anything you can do to support these vital treatment and rehabilitation programs would be greatly appreciated.

Sincerely,

CHARLES H. PERCY,
U.S. Senator.

SUPPLEMENTAL APPROPRIATIONS

Mr. PERCY. Mr. President, I voted in favor of the supplemental appropriations bill in the Senate yesterday, even though I considered the sums appropriated for higher education programs were seriously deficient.

Students, parents, and educators all hailed the enactment of the Higher Education Amendments of 1972 as a piece of landmark legislation. Because the programs authorized in that bill will significantly affect every student, college, and university in this country, Congress created great expectations and high hopes among all those connected with postsecondary education. When our colleges and universities started their fall terms last month, there was an expectation that funds for the programs would soon be forthcoming.

Obviously, with the passage of this supplemental bill, funds will not be forthcoming as soon as we had all hoped, and we have in fact fallen far short of our goal of full funding for the authorized programs.

In an effort to increase the funding levels for higher education programs, I submitted testimony to the Labor-HEW Appropriations Subcommittee in support of the $3.9 billion Hollings-Case amendment that would have helped to fulfill some of those expectations and appropriate enough funds to operate new and old higher educations programs at an adequate level. Unfortunately, the amendment was not agreed to.

Despite the major shortcomings of the supplemental appropriations bill, I voted for it, and I did so for three reasons. The most important of these reasons is that the administration has asked for and the Appropriations Committee has agreed to provide a special supplemental appropriations bill shortly after Congress reconvenes in January.

This new bill will specify funding levels for those forward-funded programs under the higher education amendments that are not funded in this bill. The programs which suffer the most from the deficiencies of the measure we passed are not the existing programs that are already in operation but the new programs that have not yet become operational. I know the colleges and universities have already waited too long for these new programs to take effect, and I deeply regret that we cannot allow them to begin immediately. However, we do have assurances that these new programs will be funded in the next few months, and leaving these items out of the current bill gives it a much better chance for administration acceptance.

Second, higher education programs represent only a part of the entire supplemental appropriations bill. Programs in more than a dozen other areas are also relying on this bill for funding. Agricultural programs, environmental and consumer protection programs, and housing and urban development programs are only a few of the activities that simply cannot be sacrificed at this time in hopes of funding higher education programs at a higher level.

And third, I could not responsibly assume an adamant stand against this measure on the ground that its funding levels are not high enough, when Congress is even now facing a second Presidential veto of the fiscal year 1973 Labor-HEW appropriations bill because of its magnitude. We are all aware of the President's position against increased spending, and even though the unfunded programs are deserving of financing, I believe that insisting on a higher spending total in this bill would be futile in the face of the President's known and understandable desire to keep the budget under control.

As a result of these three considerations, I voted for passage of the supplemental appropriations bill despite its obvious deficiencies. I felt that no other responsible course was open to me. But I shall continue to have the needs of higher education assume the level of priority that they richly deserve. It is the best investment America can make in the future.

INDICTMENT OF FORMER BRIG. GEN. EARL T. COLE

Mr. PERCY. Mr. President, I have noted with much interest and a sense of sadness the news stories last night and today which reported the indictment of former Brig. Gen. Earl F. Cole for defrauding the Federal Government. Indictments returned by a Federal grand jury in the northern district of Virginia charge Cole and his former secretary, Mrs. Catherine Jean Baker, with one count of conspiring to defraud the Government by making false statements and claims, and 15 counts of actually making false statements and claims.

As ranking minority member of the Senate Permanent Subcommittee on Investigations, I participated actively in the subcommittee's investigations and hearings during 1970 and 1971, into corruption in the management of military club systems and post exchanges in South Vietnam, West Germany, and other U.S. military outposts throughout the world. Former General Cole was an important witness during 5 days of those hearings. Prior to his appearance before the subcommittee, Cole had been reduced to the rank of colonel, had been retired from the Army, and had been stripped of his Distinguished Service Medal. Although Cole denied any wrongdoing when he testified before us, a total of 26 persons, most of them witnesses in the hearings, accused Cole through testimony and sworn affidavits of having misused his powers as the military officer in Vietnam who had administrative supervision over the military club system and the post exchanges. Our investigation proved that Cole used his authority improperly in Vietnam in aid of certain vendors, notably one William J. Crum of Hong Kong and Saigon, by intervening on numerous occasions to assist Crum in becoming the single most important merchant to the Armed Forces in Southeast Asia. We also proved with documentary evidence that Cole carried the same tactics with him to West Germany, where he was the general officer in charge of the European post exchanges. His favored merchants received special treatment in dealing with the European command, and he intervened on their behalf on a number of occasions.

Cole vehemently denied all such transgressions when he appeared before us. Following his appearance at the end of our hearings, the subcommittee sent the transcript of his testimony and that of his accusers to the Department of Justice for determination of whether perjury or other crimes had been committed. Finally, more than a year later, he and his former secretary have been indicted on evidence originally discovered and disclosed by the Investigations Subcommittee. Cole and Mrs. Baker allegedly conspired, according to the indictment, to have Mrs. Baker obtain about $4,300 in living quarters allowances when in fact she lived in military facilities; to have Mrs. Baker obtain about $1,200 in travel expenses for private trips to Hong Kong, Singapore, Kuala Lumpur, and the United States, which were falsely called trips on official business; to have Mrs. Baker obtain overtime pay of almost $2,000 on a fraudulent basis.

Mr. President, the function and objective of the Senate Permanent Subcommittee on Investigations is to carry out with vigor and painstaking care our responsibility to study, investigate, and report upon corruption, improprieties, waste and extravagance in Government operations, among other duties with which we are charged by the Senate. However, in the military club systems case, our investigation was so thorough and so comprehensive, that almost all of those persons who were shown in our hearings to have engaged in wrongdoing of various kinds, have been indicted by Federal grand juries or military courts, and have been tried or are awaiting trial. They include the cabal of sergeants who conspired to profit personally from the club systems, including the former sergeant major of the Army, the former provost marshal general of the U.S. Army who has recently been released from prison after conviction on evidence first disclosed by the subcommittee, and one sergeant who was convicted by court martial and fined $25,000 and dishonorably discharged. Others are under indictment, awaiting trial, and still others have been discharged from Government employment.

Mr. President, it is gratifying to all of us who work arduously on these matters to learn that our efforts have produced significant results. In the military club systems investigation, more than 60 corrective and remedial measures had already been taken by the various Federal agencies involved before the subcommittee had filed its report in November of 1971. Many more have been taken since that time, and a Department of Defense study group is still seeking to implement our recommendations. A report from them is expected soon.

I believe that the tangible results which stemmed from this important investigation stand as a tribute to the chairman of the subcommittee, Senator JOHN L. MCCLELLAN, to the acting chairman during the club systems case, Senator ABE RIBICOFF, to the other members of the subcommittee and particularly to its talented and dedicated staff without whom we could never have developed and presented the evidence.

Mr. President, I ask unanimous consent that relevant articles from the October 13 Washington Post and the Evening Star be included at this point in the RECORD.

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

[From the Washington Post, Oct. 13, 1972]

EX-GENERAL, AIDE INDICTED IN FRAUD

(By Paul G. Edwards)

Former Brig. Gen. Earl F. Cole, accused during Senate hearings of taking bribes while he was a high-ranking officer in Vietnam, was indicted along with his former secretary yesterday on a charge of defrauding the government of $7,500.

Indictments returned by a federal grand jury in Alexandria charge both Cole and his former secretary, Catherine Jean Baker, with one count of conspiring to defraud the government by making false statements and claims and 15 counts alleging the actual making of false statements and claims.

Each count carries a maximum penalty of five years in prison and a $10,000 fine on conviction.

Cole, 52, was reduced in rank to colonel, stripped of his medals and forced to retire from the Army on June 30, 1970. He lives at 5420 Brookland Rd., Fairfax County.

Mrs. Baker, 48, served as his secretary and administrative assistant in Vietnam from 1966 through 1968. She now lives in Anchorage, Alaska.

The indictment charges that Cole engineered Mrs. Baker's transfer to Vietnam when he became deputy chief of staff for personnel and administration there. Through his recommendations, the indictment says, Mrs. Baker was rapidly promoted over a period of two years from a GS–5 to a GS–9 and her pay jumped from $6,800 to $9,800 during that period.

The indictment alleges that Cole helped his secretary secure $4,300 in living quarters allowances to compensate her for renting private quarters, when in fact she was housed in military facilities.

It also accuses the former general and his secretary of securing $1,200 in travel expense money for trips made by Mrs. Baker to Hong Kong, Singapore, Kuala Lumpur and the United States. The trips were falsely represented as official business, it charges.

Fraudulent overtime pay claims, amounting to almost $2,000, were filed for work done by Mrs. Baker in Vietnam while she was actually out of the country on the trips, the indictment alleges.

Cole's name was linked to alleged business-military corruption in Vietnam during Senate hearings in 1971.

Jack Bybee, former general manager of a slot machine monopoly in Vietnam, testified at those hearings that Cole was paid $1,000 a month to arrange warehouse storage of

illegally imported freezers, air conditioners and beer coolers.

The use of military warehouse space made it possible for civilian suppliers to save through volume purchases and to increase sales by being able to make quick delivery to post exchanges and military clubs, according to testimony at the hearings.

It was also alleged that some of the merchandise found its way into the Vietnamese black market, yielding huge profits to the sellers.

At the close of the Senate hearings, testimony was turned over to the Justice Department for investigation of possible perjury and tax evasion by Cole. U.S. Attorney Brian P. Gettings said yesterday there was insufficient evidence to indict Cole on those charges.

[From the Evening Star and Daily News, Oct. 13, 1972]

EXPENSE ACCOUNT

Former Brig. Gen. Earl F. Cole, who figured in a 1970 Senate investigation of irregularities in noncommissioned officers clubs in Vietnam, has been indicted on charges that he fraudulently aided his former secretary to travel illegally in the Far East and refurbished living quarters for them at government expense.

Cole, 53, of Alexandria, and his former secretary, Mrs. Catherine Jean Baker, 49, of Anchorage, Alaska, were named in a 16-count indictment returned yesterday in District Court in Richmond. The indictment accuses them of conspiracy, and of making false statements to the government and fraudulent claims, the Justice Department announced.

The indictment says Cole helped arrange Mrs. Baker's assignment from the Pentagon to Vietnam to work as his secretary, that he saw to it that she was promoted so that her pay rose from $6,857 to $9,308 in two years, and that he used his influence to have fraudulent temporary orders cut for Mrs. Baker to travel on official business to several Southeastern Asian cities so that she could obtain payments of per diem travel expenses to which she was not entitled.

The indictment also says Cole illegally used his rank and influence to arrange for Mrs. Baker to be provided with government housing while she accepted and received a $4,352.41 allowance for private living quarters, and that when Cole was transferred to Tan Son Nhut, just outside Saigon near the end of 1967, he arranged it so that quarters at what was known as BOQ3 be refurbished for himself and Mrs. Baker.

NURSING HOME CLOSINGS IN ILLINOIS

Mr. PERCY. Mr. President, in the past 18 months, 109 nursing homes have been closed in the State of Illinois for not meeting minimum health standards.

This has come about due to Governor Ogilvie's mandate to Dr. Bruce Flashner, deputy director of the State Public Health Service to clean up the State's nursing homes. Dr. Flashner has been moving to fulfill this mandate and to reverse the trend of deteriorating conditions in nursing homes.

Among other things, the State now has a computer system to keep track of nursing home services and problems and to pinpoint what homes need improvements and in what areas.

These new procedures have given the State of Illinois much improved controls over nursing home conditions.

Mr. President, I ask unanimous consent that an article in the October 10 issue of the Chicago Tribune describing the State's work in this field be printed in the RECORD at this point.

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

109 NURSING HOMES CLOSED IN 18 MONTHS

(By Pamela Zekman)

Stepped up enforcement programs initiated following the Tribune Task Force series on nursing home abuses have resulted in the unprecedented closing of 109 Illinois homes in the last 18 months.

The homes, including 15 in Chicago, have had their licenses revoked or have closed voluntarily because they cannot meet minimum standards ordered by city and state health officials.

WITHHOLD AID PAYMENTS

In addition, 29 homes have changed to lower levels of service and 34 have had public aid payments reduced or withheld for not complying with state standards, said Dr. Bruce Flashner, Deputy Director of the State Public Health Department.

Flashner was appointed to his post by Gov. Ogilvie following the Task Force series with instructions to clean up the state's nursing homes.

He said the governor's backing, such as making available $200,000 to develop a computerized inspection monitoring system, has enabled the state to fulfill this mandate and reverse the trend of degenerating conditions in nursing homes.

SHOW AREAS OF NEED

The computer system, "a mechanical ombudsman" that stores millions of pieces of information on the state's 1,070 nursing homes, does the work of 300 people, Flashner said. It is being evaluated for possible use throughout the nation under a $120,000 federal grant from the Department of Health, Education, and Welfare.

Russel L. Bryant, administrator of the Long Term Care section of the state agency, said the computers can tell what percentage of homes adhere to minimum standards and thus tell officials what areas are in need of improvement.

Recent surveys fed into the computers show that 19.25 per cent of the nursing homes fail to have sufficient physician review of medication orders at the required frequencies making this the leading problem today.

PROVIDES INCENTIVES

The next three leading deficiencies are: inadequate visits made by physicians [14.52 per cent]; inadequate staff supervision by nursing home directors [11.86 per cent] and failure to practice restorative patient measures 24 hours a day [10.15 per cent].

To provide for improved nursing home services, the state has released $12 million in additional funds to provide incentives for mental and social rehabilitation programs.

Flashner said these improvements plus a doubled inspection staff which conducted 3,349 surveys of 1,263 homes in the last year, has placed Illinois "far ahead of other states in the control of the nursing home industry."

"Our intention is not to close the homes down," he added, "but to improve standards so we can have good care. I think most of the nursing home industry accepts the idea that we're going to watch the homes closely and they are improving their standards as a result."

ILLINOIS CONTINUES TO AGGRESSIVELY PROMOTE EXPORTS

Mr. PERCY. Mr. President, Illinois for years has been one of the leading export States in this Nation. At the moment, Illinois is the leading State in exports of agricultural commodities and third in the export of manufactured goods.

To hold this position of leadership, Gov. Richard Ogilvie recently authorized an Illinois trade mission to the Soviet Union to seek ways to increase Illinois exports to that country. That mission was led by my distinguished House colleague, PAUL FINDLEY. Illinois hopes to sell more agricultural commodities as well as farm and machinery products.

I commend this initiative by Governor Ogilvie and hope it results in more trade between the State of Illinois and the Soviet Union.

Mr. President, I ask unanimous consent that an October 4, 1972, editorial from the Chicago Sun-Times on this subject be printed in the RECORD at this point.

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

[From the Chicago Sun-Times]

ILLINOIS FINDS NEW CUSTOMER

Illinois long has been an aggressive marketer of its own products. It maintains a business and development office in Washington. It has a trade office in Europe and plans one in the Far East. The state does $3 billion in export business annually and among the 50 states is No. 1 in export of agricultural products, No. 3 in export of manufactured products and No. 2 over-all. That's big business—and lots of jobs—and now the total is likely to swell because of some Illinois supersalesmanship behind the Iron Curtain.

An Illinois agricultural mission led by Rep. Paul Findley (R-Ill.) spent the final week of September in the Soviet Union and returned home confident the state would seal a variety of trade pacts with the Russians.

A Russian mission is expected to visit Illinois early next year to shop for breeder cattle, swine and poultry. Barter agreements are possible involving Illinois farm and manufactured products and Soviet materials. Findley predicted an early sale to Russia of a substantial amount of Illinois soybeans.

The Russians are attempting to fill a growing consumer demand for meat, but have a shortage of the protein required for livestock development. Illinois soybeans—the state produces 20 per cent of the world supply—could alleviate the shortage.

Every sale abroad helps Illinois in employment, income and over-all prosperity. Missions such as that led by Findley also assist in the further thaw of the chilled international relationships of the past. The trade mission, and Gov. Ogilvie, who authorized it, merit a salute.

LEAD POISONING: TIME TO TAKE ACTION NOW

Mr. PERCY. Mr. President, lead poisoning, the persistent and tragic menace which afflicts thousands of small children each year, has now appeared in massive proportions in those small and middle-sized communities previously thought safe from the dread disease. Paint chips with lead content from cracked or peeling walls, when consumed by children, are absorbed into the bloodstream. The lead is then carried to all parts of the body, including the brain, causing death or crippling neural disorders—blindness, retardation, and paralysis.

All the while this problem was assumed

to be primarily limited to the inner city, it was denied the serious attention it deserved. Now that the Illinois Department of Public Health has reported that in 15 Illinois communities ranging in population from 3,500 to 150,000 aproximately one child in five under the age of 6 has blood-lead levels above the limit considered safe, we are beginning to see the signs of public outrage.

While this is a sad commentary on our society today, the fact is that numerous social problems, including the drug abuse crisis, have remained largely ignored until they have surfaced in suburban towns and communities across the country. Realizing this hypocrisy, perhaps now we can really begin to deal with the lead problem in the manner it deserves and eliminate this pestilence for all time. What is needed is a national commitment to combat the causes and the effects of children's lead poisoning—clearly a preventable malady.

Instead, however, we find only half measures and a lack of program coordination. For example, the Department of Housing and Urban Development, in reaction to statistics showing that some 200 children die annually from lead poisoning and between 50,000 and 100,000 children take in enough lead each year to require medical treatment, last year banned the use of paint containing more than 1 percent lead by weight in the construction or renovation of federally assisted, owned, or mortgaged residential property. But this year HUD quietly circulated a directive to its regional offices exempting HUD-owned properties from the ban.

The Government must correct situations such as this, develop a uniform national policy for this critical problem, and devote such funds as are necessary to implement that policy. Current efforts tend to be directed at restricting the lead content in paints for future use. But how effective really are our programs to deal with the cracked and peeling leaded chips in the tenements and homes built years ago? And I might ask parenthetically, in view of the relationship of high lead levels in the blood to automobile exhausts, are we moving fast enough to eliminate lead from auto fuels?

Mr. President, I ask unanimous consent to insert in the RECORD at this point a most illuminating article by William Hines of the Chicago Sun-Times outlining the dimensions of the lead poisoning problem in Illinois communities.

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

[From the Chicago Sun-Times, Oct. 8, 1972]

LEAD POISON FOUND PERIL OUTSIDE SLUM

(By William Hines)

WASHINGTON.—Millions of children in communities of all sizes—not just the currently estimated 400,000 living in big-city slums—may be victims of mind-destroying lead poisoning, a newly published study by the Illinois Department of Public Health suggests.

A report on research, "Pediatric Blood Lead Levels," appeared in a recent issue of the Journal of the American Medical Assn. It shows that children in small to middle-size cities have quantities of lead in their systems that hitherto were considered characteristic of youngsters in the decaying cores of major urban centers.

The study covered 6,151 children 1 to 6 years old in 15 Illinois communities ranging in population from about 3,500 to nearly 150,000. Almost one child in five was found to have blood-lead levels above the limit considered safe in guidelines from the U.S. surgeon general.

AURORA CITED

In one middle-size city—Aurora—one child in 30 was found to have blood-lead levels high enough to warrant immediate medical care.

According to Dr. Philip R. Fine, principal author of the report, the study has serious implications for persons who tend to regard lead poisoning as just a ghetto problem.

Dr. Fine, health services coordinator for the Illinois Public Health Department said by phone in Springfield that "any number of children in school today" who have learning problems actually may be victims of brain damage incurred in infancy by eating flakes of lead-based paint and bits of dried window putty.

The report was based on a screening program undertaken in the summer of 1971. This last summer a similar project was undertaken in rural areas of the state, and although results have not yet been fully analyzed, Fine predicted that an alarmingly high incidence of lead poisoning will be revealed by this survey, too.

According to the JAMA article, the screening "was the first attempt in the United States to conduct a pediatric lead-testing program in communities of intermediate population." Earlier efforts were concentrated in the crumbling slums of major cities.

The 15 localities surveyed were:

Rockford, 147,370; Peoria, 126,963; Springfield, 91,753; Decatur, 90,397; Joliet, 78,527; Aurora, 74,182; East St. Louis, 69,996; Rock Island, 50,166; Chicago Heights, 40,900; Harvey, 35,068; Carbondale, 22,816; East Moline, 20,832; Robbins, 9,641; East Chicago Heights, 5,000; and Phoenix, 3,678.

The highest percentage of children with levels above the "safe" maximum of 40 micrograms of lead to each 100 milliliters of blood and the highest average blood-lead levels were detected in Peoria. Of 387 children screened there, 31.3 per cent had blood-lead over the safe limit. The average Peoria child's blood-lead concentration was 32.9 micrograms.

FORTY MICROGRAMS EXCEEDED

Slightly more than 3½ per cent of 449 children screened in Aurora were found to have blood lead exceeding the 80-microgram level at which medical treatment is urgent.

The average community has 18.6 per cent of its children with levels above 40 micrograms, and the average for children screened was a blood-lead reading of 25.5 micrograms. Cities with the highest levels, after Peoria, were Aurora, Springfield, East St. Louis, Decatur, East Chicago Heights and Carbondale.

Eight-tenths of 1 per cent of the children were classified as lead-poisoning cases under the surgeon general's 80-microgram guideline. In addition to Aurora, communities with the highest proportion of afflicted children were Peoria, Springfield, Rock Island and the adjacent Chicago suburbs of Harvey and Phoenix.

When lead is consumed, it gets into the blood stream and is carried to all parts of the body, including the brain. Its effect on cells of the central nervous system can lead to death.

Oftentimes lead is stored in certain parts of the body, notably the long bones of the arms and legs and when locked up this way, does no particular harm. But Vitamin D can release it into the blood stream, as can infectious diseases, such as colds.

SETBACK FOR SECURITIES PROCESSING

Mr. WILLIAMS. Mr. President, I was very sorry to see Congressman Moss' statement that he is leaving for California at 5:45 this afternoon and refuses to make any attempt to work out any differences between the House and Senate bills on clearance and settlement of securities transactions. The development of an effective regulatory system in this area is an important practical problem that should not be made the subject of moral posturing or ultimatums.

Mr. Moss' attempts to create the impression that the House bill represents an accommodation between his view that the SEC should have sole jurisdiction over all clearing and settlement activities and the Senate approach which provides for coordination between the SEC and the Federal banking agencies. While the House bill does assign certain functions to the banking agencies, it does so in a mischievous way which will have the effect of diluting the SEC's authority without giving the banking agencies any effective power to participate in the regulatory process. It omits the important provisions of the Senate bill which are designed to assure cooperation between the regulatory agencies and coordination of their respective activities. These provisions are essential if the bill is to achieve its stated objective, of facilitating an integrated national system for the clearing and settlement of transactions. For example, the House bill requires clearing agencies, depositories, and transfer agents to register with the SEC, but provides no means for getting information about their activities to the regulatory agencies which are responsible for inspecting and disciplining them.

The truth of the matter is that the House bill is a hastily prepared patchwork job, which would soon be back in Congress for repairs if it was enacted. Our staff has been going over that bill since we first received a preliminary draft of it last week. We have had to add back substantial parts of the Senate bill simply to remedy omissions and internal inconsistencies in addition to substantive differences between the two bills. Mr. Moss refuses to consider even these changes.

The source of these problems is the difference in the way in which the House and Senate bills were enacted. The Senate bill was introduced and acted upon in an orderly manner which enabled us to work out the mechanical problems and gave opportunity for all interested persons to be heard. The bill grew out of the interim report of our securities industry study which was issued on February 4 of this year. A bipartisan bill to implement those recommendations was introduced on March 6, and a bill incorporating the SEC's recommendations was introduced on March 23. After 3 days of hearings in May, the subcommittee on June 27 reported out a bill combining its proposals with those of the SEC in a coherent pattern. The bill was reported out by the full Banking Committee on August 2 and passed by the Senate and sent to the House on August 4.

In contrast, no hearings were held on

s House bill, until August 14, after the Senate bill had already been passed. On September 28, the House subcommittee finally approved a bill, which differs in structure from any of the bills previously introduced. This bill, which was not available until last week, is the one which the House now expects us to adopt without critical examination.

The delay in action by the House on this question results from their initial approach that no legislation would be introduced or acted upon until their full study was completed. When they finally reversed this position in realization of the need for action on the clearance and settlement problem and the leadership exercised by the Senate, it was too late for them to produce a carefully thought-out bill for action in this session.

We have consistently made clear to the House subcommittee our willingness to join with them on a bill which is workable and fair. It is not the House subcommittee's function to make unilateral decisions about how the views of its members should be reconciled with those of the Senate. The House of Representatives is not a court of appeals which sits in judgment on the Senate's decisions. Its Members have no closer access to sources of divine wisdom than do Senators. When Mr. Moss and his colleagues are ready to sit down and discuss our differences in a sensible fashion we shall be more than happy to meet them.

I know that the House's unwillingness to work out a constructive bill on this subject will disappoint those in the securities and banking industries who were looking to the Congress for constructive leadership in dealing with the securities paperwork problem. I hope that it will be possible to reach agreement on a bill early in the next Congress before too much valuable time is lost.

THE ABRAMS NOMINATION

Mr. STENNIS. Mr. President, there is a matter I would like to clarify with respect to the committee vote on the Abrams nomination. I would like to make clear for the RECORD that in reporting the Abrams nomination, 15 of the 16 members of the committee voted for and recommended that the nomination be confirmed. The other member of the committee, Senator SMITH, voted in favor of reporting the nomination. Senator SMITH at the same time made it clear that she was reserving all rights with respect to the position she might choose to take on the floor with regard to the nomination.

I wish to make it clear that contrary to some press reports, the position taken by Senator SMITH in committee was in no way inconsistent with the position she took with respect to her vote on the Senate floor with regard to General Abrams. There is no substance to the contention that Senator SMITH voted one way in the committee and reversed her vote on the Senate floor on the Abrams nomination.

FRANK MARZITELLI, FIRST CITY ADMINISTRATOR OF ST. PAUL, MINN.

Mr. MONDALE. Mr. President, the other day, the Mayor of St. Paul, Larry Cohen, appointed an old friend of mine, and a remarkable Minnesotan, Mr. Frank Marzitelli, to be St. Paul's first city administrator. He could not have made a more excellent choice, as a recent editorial in the Minneapolis Tribune makes clear.

I commend Mayor Cohen for his choice and congratulate Frank Marzitelli on his appointment to this new challenge in his already distinguished and impressive public career. 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:

ST. PAUL'S NEW ADMINISTRATOR

Mayor Cohen first did the conventional thing when it came time for him to appoint St. Paul's first city administrator. He offered the job of running the city's reorganized government to an outside expert—a Des Moines, Iowa, official. When the Des Moines man ultimately decided to reject the offer, however, Cohen did an unconventional thing and turned to an inside expert—Frank Marzitelli, a St. Paul native with a long record of service as an elected and appointed city and state official.

We think the choice of Marzitelli is a good one. For one thing, Marzitelli's close connection with the city and its government over the years will enable him to step into his new job without need for any extended period of orientation. He was directly involved with the city government as a councilman in the 1950s, for example, in addition to his work as executive vice-president of the St. Paul Port Authority the last 10 years.

Moreover, Marzitelli's ability as an administrator is well-established. He ran three different city departments during his term on the council. He gained additional experience during his four years as deputy state highway commissioner. And under his leadership, the Port Authority has been an efficient, effective agency for industrial redevelopment in St. Paul.

What St. Paul needs in its first administrator is a person who knows the city, its people and its problems, who can get a new government structure off to a good start. We think Marzitelli fits that bill.

CONGRESS ACTS TO ENHANCE THE DELAWARE ENVIRONMENT

Mr. BOGGS. Mr. President, in the closing days of this session the Congress has adopted, and sent to the President, four major new initiatives that will go far toward protecting and improving the environment of Delaware.

These bills are:

An ocean dumping bill to control strictly the pollution of our oceans.

A public works bill establishing a special beach erosion control program along the shores of Delaware Bay.

A coastal zone bill that will provide financial aid to Delaware in implementing its own effective coastal zone management effort.

A water pollution control bill establishing a more effective national program to abate water pollution.

I would like to outline for my colleagues the meaning of these four important bills for the nation and for the people of Delaware.

The Marine Protection, Research, and Sanctuaries Act of 1972, H.R. 9727, represents a major thrust toward the goal of a better environment, closing the most glaring loophole in our national effort to improve the environment.

It was my honor last year to introduce two bills to regulate ocean dumping, S. 1238 and S. 1286, which were subject of hearings last year by the Subcommittee on Air and Water Pollution at Rehoboth, Del.

I pushed for these bills, and I support the one the Congress has now adopted, which is very similar to my earlier proposal.

As Delawareans know only too well, cities and industries have dumped pollution at sea, which those cities or industries could not legally dump into the rivers and lakes of the United States.

That has been deplorable. This ocean dumping control bill, strongly supported by the administration, will shut tight that loophole. It will assure against the degradation of our coastal and valuable ocean waters.

Specifically, this bill gives to the Federal Environmental Protection Agency the authority to regulate ocean dumping. It will make certain that dumping does not occur that would "unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment."

Frankly, I am not certain that language is as strong as I would have liked. There obviously is some uncertainty in phrases such as "unreasonably degrade."

Nevertheless, the bill represents a major imperative first step, a step upon which we can build in the future.

Certainly, the requirements in the bill for comprehensive and continuing monitoring and research into problems associated with ocean dumping will provide great help in this.

Another feature in the bill is the creation of marine sanctuaries in the oceans as far out to sea as the edge of the Continental Shelf. These sanctuaries would set aside areas in the oceans needed to be conserved against any ocean dumping for purposes of conservation and the ecological balance.

Another significant provision for Delaware is contained in separate legislation, the Omnibus Rivers and Harbors-Flood Control bill, S. 4018. This bill establishes a special beach erosion project along the Delaware side of Delaware Bay.

Under this provision, the Army Corps of Engineers will undertake a program demonstrating new beach erosion control techniques at six Delaware beaches: Pickering Beach, Kitts Hummock, Bowers, Slaughter Beach, Broadkill Beach, and Lewes.

As I have told the Senate before, the erosion of the Delaware Bay shoreline has been a continuing natural process for more than a century. Stop-gap measures have not worked. Temporary work has been washed away by storms.

By creating this new demonstration

program in Delaware, we can look forward to the stabilization of our Delaware shoreline with new devices and systems. At the same time, we can provide new techniques that will provide answers to erosion of other beaches around the country.

Another bill holding great significance for Delaware is the Coastal Zone Management Act of 1972, S. 3507. In the previous Congress, I was honored to be the main sponsor of legislation similar to this bill. That earlier proposal was based on findings from the first complete study of America's coastal zone environment.

Subsequently, in this Congress, I cosponsored S. 582, a predecessor to this legislation, because I believe it is imperative that other coastal States join in Delaware in creating a sound, effective program to protect and enhance the coastal areas of their States.

The bill does just that. It creates the authority in the Department of Commerce for grants to states for developing coastal zone management programs, followed up with grants so the States can effectively administer a coastal zone management program.

Let me quote from the declaration of policy in this legislation, which I believe reflects my views on the urgency for this legislation.

The Congress finds and declares that it is the national policy (a) to preserve, protect, develop, and where possible to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the States to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development.

The fourth new legislative initiative approved by the Congress in recent days is the new water pollution control bill, S. 2770.

As my colleagues know well, this legislation creates a system for cleaning up pollution of our rivers and lakes in two ways.

It increases sharply the grants to the States so that communities will be able to build up-to-date sewer systems and treatment plants, without much cost to homeowners. In Delaware, for example, the bill would provide $32 million for new public sewage treatment systems this year, compared with less than $5 million last year.

That means we will be able rapidly to initiate and put into operation many new systems and plants serving the people of Delaware.

The bill also creates a phased program to clean up industrial pollution, leading to the national goal of no pollution. Phrased another way, this water pollution bill should make every river and lake in America safe for swimming and marine life within a decade.

This water pollution bill has particular importance for the Brandywine River in Delaware, which might benefit from this bill more than any river in the Nation. Of course, industrial and municipal pollution of the Brandywine would have to be controlled, as it would be controlled in any river system in our country.

But, this bill also contains a special provision designed to improve the Brandywine.

The bill establishes a special, new program to create model, pollution-free rivers. In such a model-river program, special new techniques would be developed and tried in order to eliminate existing and future pollution.

I was happy that we were able to win an indication from the Senate that the best place in the Nation for such a model river demonstration would be along the Brandywine.

In closing, Mr. President, I want to congratulate the many Members in the Senate who worked long and hard on these various bills in committee, on the floor, and in conference.

I think particularly of Senators COOPER, RANDOLPH, DOLE, and MUSKIE who were so helpful in the two bills that came out of Public Works Committee.

Senators HOLLINGS and STEVENS, of the Commerce Committee, provided important leadership on the bills that came out of that committee.

LIMITATION ON FEDERAL SPENDING — ADDRESS BY PRESIDENT NIXON

Mr. SCOTT. Mr. President, last Saturday the President addressed the Nation on the very urgent need for a spending limit on the Federal government this fiscal year. This is the only way we can possibly avoid a tax increase next year. If we do not enact such a ceiling, it will not be a case of robbing Peter to pay Paul; we will be robbing Paul to pay Paul.

Mr. President, I ask unanimous consent that the text of the President's address be printed in the RECORD.

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

ADDRESS OF THE PRESIDENT ON FEDERAL SPENDING BROADCAST LIVE ON RADIO FROM CAMP DAVID

(At 12:06 P.M. EDT)

Good afternoon.

I want to talk with you today about an issue which strikes directly at every pocketbook and every savings account in America, the clear and present danger that excessive spending by the Congress might cause a Congressional tax increase in 1973.

When the Congress votes to increase spending above the Federal budget, there are only two alternatives: either taxes will go up, or a new surge of inflation will begin and prices will go up.

I am totally opposed to either of these bad choices. I oppose higher taxes, and I oppose higher prices. My budget will not require higher taxes. It will not cause higher prices.

I shall fight every attempt by the Congress to boost that budget, because a big spending spree by the Congress will have only one result, a hangover of higher taxes or higher prices for every working family in America.

No goal and no program has any higher priority with me than protecting our people's growing purchasing power, and when taxes or prices go up, purchasing power goes down.

In order to clamp a lid on Congressional spending, I have proposed a 1973 spending ceiling of $250 billion, a proposal that will be voted on by the Congress next week.

Let me lay it on the line in clear and unmistakable terms. A vote against the spending ceiling could prove to be a vote for higher taxes. A vote for the spending ceiling will clearly be a vote against higher taxes.

This spending ceiling should get the active support of every American concerned with avoiding higher taxes or higher prices. It should be approved.

But if the spending ceiling is not passed, I still have one weapon left, the Presidential veto. And I will not hesitate to use that weapon on behalf of the American taxpayer. I will veto even bills whose purposes I agree with, if I conclude that the price tags of those bills are so high that they will lead to tax increases.

I consider the battle against higher prices and higher taxes to be the major domestic issue of this Presidential campaign. The issue is clear. I am holding spending at a range not requiring a tax increase now or over the next four years. I will not make any promises in this campaign that would require a tax increase now or in the future.

Our opponents in their platform, in their campaign promises, are committed to huge new spending programs that would add $100 billion to the budget and would require the largest tax increase in America's history. The major burden of those increased taxes would fall on America's 82 million wage earners.

My goal is not only no tax increase in 1973, but no tax increase in the next four years.

To achieve this, we must put a tax-proof ceiling on spending now and we must be sure there are no holes in that ceiling. To buy now and pay later would be the sure road to higher taxes or higher prices, or both.

Another reason this spending ceiling is needed is to enable us to fulfill our firm commitment to provide relief from property taxes. When property tax relief comes, and it will come if the Congress cooperates with me now on harnessing runaway spending, the first to receive relief will be those who most need it.

Today there are more than one million retired Americans over 65. They live in their own homes with an income of less than $2,000 a year. They pay an average from $300 to $700 of that $2,000 in property taxes. To allow that to happen to Americans who have worked all their lives to build this great country and to earn their retirement is a national disgrace.

Relief for those Americans is going to be a first order of business in our next Federal budget. It has been charged by some prominent economists that a tax increase in 1973 is unavoidable.

I disagree. There is nothing desirable and nothing inevitable about a tax increase in 1973 or beyond. But while a President can promise there will be no tax increase, as I have, he can keep that promise only if the Congress cooperates with him in holding down spending.

I do not point the finger of blame at the Members of Congress as individuals. As one who once proudly served in the House and Senate, I know how hard it is for the Congress to join with the President in achieving a goal which is so much in the interest of every American family.

But, let's face it, the Congress suffers from institutional faults when it comes to Federal spending. In our economy, the President is required by law to operate within the discipline of his budget, just as most American families must operate within the discipline of their budget.

Both the President and a family must consider total income and total out-go when they take a look at some new item which

would involve spending additional money. They must take into account their total financial situation as they make each and every spending decision.

In the Congress, however, it is vastly different. Congress not only does not consider the total financial picture when it votes on a particular spending bill, it does not even contain a mechanism to do so if it wished.

This is why the spending ceiling vote next week will be so critical to every family in America. The spending ceiling will give the Congress what it needs to bring order to its spending decisions and for the Congress to become a partner, rather than an opponent in the fight against higher taxes and against higher prices.

Congress works largely through committees and subcommittees. There are more than 300 of these committees and subcommittees. Each is an independent world of its own, specializing in one or more fields of activity. For example, one committe handles urban matters, another farm programs, still another public works programs. These 300 committees and subcommittees authorize spending for their favorite programs without direct regard for what the others are doing. Other committees appropriate the actual money for these programs and still other committees have the responsibility of raising the taxes to pay for the programs.

Since most programs have some attractive features, it is easy for the committees and the Congress itself to approve them one at a time simply because the one program then up for decision would advance a worthy goal. But no one individual or committee in the Congress is officially charged with keeping track of the totals involved in all of this.

The Congress, thus, has no sure way of knowing whether or when its many separate decisions are contributing to inflation and higher prices, or possibly to higher taxes.

The Congress operates the way a family would if all of the individual family members went out on their own, spent what they wanted or signed up for long-term payments for things they desired, without regard to what other members of the family were spending and without regard to the total income of the family and the total of the bills all of the members of the family were running up on their own.

That is why I am calling for a rigid spending ceiling for fiscal year 1973, so that we can make certain that Federal spending does not exceed $250 billion and thus does not contribute to higher prices or generate an urgent need for higher taxes.

People of good will can disagree over spending priorities, but if the Congress wishes to increase spending in one area, then it must be prepared either to reduce it in another area or to include higher taxes if we are to escape more inflation.

But the Congress is not meeting this responsibility. I do not make this statement in any partisan sense. Both of our major parties have their share of big spenders and there are responsible Democrats as well as responsible Republicans serving on the appropriations committees of the Congress, the Ways and Means Committee of the House, the Finance Committee of the Senate, who are as deeply concerned as I am about the trend toward higher spending and higher taxes.

The problem is the inherent weakness in the present structure of the Congress as a whole to deal with this danger. This has been confirmed by the House Ways and Means Committee, which is composed of some of the most experienced men in the Congress and which has a majority of 15 Democrats to 10 Republicans.

In reporting the spending ceiling legislation to the House, 21 Members of this Committee, 11 Democrats and 10 Republicans, included a frank discussion of the problem the Congress has with spending control. Here is a direct quote from the Committee's report.

"The need for an expenditure ceiling of this type arises from the difficulty Congress has experienced in establishing overall program priorities. Even when it is generally recognized that expenditures need to be limited, the total expenditures actually occurring seem to keep rising, because in a period of strong competing concepts of program priorities, all are accepted rather than choices being made among them."

Now that is what the Congress said, the Ways and Means Committee, by this overwhelming majority.

As things now stand, most observers predict that Congress will vote billions of dollars more than my January budget asks. Almost without exception the programs being considered are for good purposes, but when you take them all together, they add up to an inflationary catastrophe or a higher tax nightmare, and I do not intend to let this happen.

An example is a debate in the Congress and in this campaign over welfare. Our opponents have proposed in Congress, in their platform and in their campaign speeches, programs that would add millions to the welfare rolls and billions to the tax burden of working Americans.

I have refused to compromise my welfare reform program to meet the demands of those who favor higher welfare payments. I want this Nation to be as generous as possible in helping those who cannot help themselves, but I shall also be guided by this principle: I shall oppose any program which increases payments to those who do not work if it requires an increase in taxes for those who do work. If necessary, as I announced last July, I will continue to veto bills which call for significantly larger expenditures than my no-tax-increase budget. If those vetos are sustained by the Congress, we can hold the line against higher taxes.

But the spending ceiling would be better. It would be fool proof. A spending ceiling would be absolute insurance that no new taxes will be required and that no Federal spending excesses will destroy our successful anti-inflation program in which in this year we have cut the rate of inflation in half in this country and which we now have in the United States the lowest rate of inflation of any major industrial country in the world.

Beyond this, the new budget I am preparing for next year will be a no-new-tax budget. Further, to enable me to keep that promise, I shall make no promises in this campaign which would require an increase in taxes. Federal spending can be held down and in my budget this year and for the next four years, spending will be held down.

But a President, any President, must have a partner in controlling spending, and that partner must be the Congress.

My Fellow Americans, this Government does not need any more of your income and it should not be allowed to take any more of your salary and your wages in taxes.

America needs not a tax increase, but tax relief. The spending ceiling will get us started toward that goal. One quarter of a trillion dollars for 1973 is enough.

Thank you and good afternoon.

REPORT TO THE PEOPLE OF MISSISSIPPI FOR 1972

Mr. STENNIS. Mr. President, as the second session of the 92d Congress draws to a close, I wish to follow my usual practice of submitting to the people of Mississippi a report covering this calendar year. I have a deep and abiding respect for the responsibilities, obligations and opportunities vested in me by the people of my State. To me, my work is a privilege that I daily recognize and further I am encouraged and stimulated by the expressions of confidence and expectations of the people at home. This presses me to do my best. This report for the year 1972 is intended to inform Mississippians of some of the matters on which I have been working this year on their behalf and on behalf of our fine State.

This year our Nation has seen a number of historic occurrences, in foreign relationships and international agreements, in the evolution of national policies, and in reducing our role in the war in Southeast Asia. The voice of the people is being expressed more in the traditional ways of our democracy, and is less muted by the demonstrations and street violence of which we saw so much in the 1960's. There seems to be a growing return to the principle of respect for the opinions of others and willingness to reason with one another. Young people seem to me to have goals in life and willingness to work toward them. There is more demonstrated interest in religious values and the practice of them than in recent years. The signs for the future are good. Let us all hope that in our Nation there is beginning a wave of moral resurgence that will restore the true values that can give us national strength—respect for the home, the church, and for each other—and the return of the work ethic where each takes satisfaction in being able to do his work well. I have great faith in the American people and in the future of our Nation.

My report for the year gives me the opportunity to express my thanks to many. First I want to extend them to my constituents for their support, assistance, and encouragement. I thank the other members of the Mississippi delegation in Congress, for their unfailing cooperation. We are to see an unusually large change in the membership of our delegation in the House of Representatives, but I know that those who will take office in January are carefully selected, and will emulate the outstanding records of the fine men they succeed. I wish to thank my office staff for their hard work and loyalty, and the committee staffs with which I work. Finally, of course, my deep thanks go to my friends and family for their strong and understanding support.

My evaluation of 1972 is that it has been a year of progress, distinguished by showing beginnings that have great promise for the future. Although there is much to be done, there have been many accomplishments as far as our State is concerned, and I make my report for 1972 to the people of Mississippi under the following headings:

RURAL DEVELOPMENT

Last year I reported to you that I intended to continue to press for legislation aimed at the revitalization of rural areas.

I am pleased to be able to say that in August of this year the Congress passed and the President signed into law the rural Development Act of 1972. In the Senate this bill grew out of several earlier related measures in all of which I was a cosponsor. I believe that the final legislation incorporated the most desirable features of all the bills, and that it represents a milestone in the progress

toward revitalizing the rural areas of our Nation.

The Rural Development Act puts new authorities into the hands of the Secretary of Agriculture to promote economic growth in rural areas, and it does so without taking any money or attention away from existing farm programs. It utilizes the Farmers Home Administration, expanded as necessary, to carry out most of the rural development. The bill also creates an additional Secretary of Agriculture to oversee the program, and makes him responsible for coordinating the efforts of all the Federal agencies that are involved in rural matters.

The most important way to revitalizing rural areas is to provide financing. Whether we are speaking of community facilities, commercial developments, acquisition of land for farming purposes, or any other aspect of economic enterprise, the financing is the vital element, and heretofore has been the most difficult. The Rural Development Act recognizes this, and provides solutions. It authorizes the guaranteeing and the making of loans for commercial and industrial enterprises to start from the ground up or to expand in rural areas. It recognizes the need for community facilities to support such business enterprises, and authorizes grants and loans for water systems, waste disposal systems, access roads to industrial areas, streets, gas and electric systems, community centers, firehouses, and other similar necessities required to attract and hold business enterprises.

The importance of the family farm to rural areas is thoroughly recognized in the legislation. New farm credit programs are provided. Farm ownership loans are liberalized; farm operating loans are increased in size and are made available to 4–H Clubs, Future Farmers, and similar organizations; and farm real estate loans are made eligible for interest subsidies where necessary to keep a low rate of interest. Long-term contracts are made available to farmers for conservation practices on their lands.

For water supplies for municipal and industrial use, cost sharing is provided under the bill for watershed projects of the Soil Conservation Service and for resource conservation and development projects. Cost sharing is also provided for pollution abatement projects of all kinds. Technical and financial assistance is made available for fire protection in rural areas, and colleges and universities are given responsibility for research and technical assistance in all rural development programs. New rural housing programs are established. The bill is intended to give stimulus to every aspect of rural life, to bring the economic prosperity to those areas that is essential if population movement away from rural counties is to be halted. And if rural revitalization is accomplished, this will go a long way toward easing the many problems in the large cities, for the migration toward them from rural areas will cease. We need a balanced development of industry and agriculture throughout our country, and a balanced availability of opportunity for our citizens.

I am pleased with the authorizations provided by the Rural Development Act of 1972. However, this is only the first step. These programs have to be funded and Congress must continually followup to see that the intent of the legislation is carried out. As a member of the Senate Appropriations Committee I intend to help to see that the programs are soundly funded and well carried out. For the first time, the laws are available to help our rural areas to attain prosperity, and I intend to do all I can to see that this is accomplished.

BUSING AND SCHOOL DESEGREGATION

This year I have once again given considerable attention in the Senate to the problems of our public schools, and I feel that we have made progress and that this year has produced some really hopeful developments for the parents and schoolchildren of Mississippi.

Since 1969, when I first revealed to Congress and to the American people that public schools in the North and West were often far more racially segregated those in the South, and that the massive Federal desegregation drive directed against the South alone was a monumental exercise in hypocrisy, lawsuits to desegregate a few Northern and Western schools have slowly and inevitably progressed through the courts until finally, this year, busing and school desegregation have indeed come home to the North. As I had predicted, reaction against Federal interference with local schools has been just as ardent and hostile in the North as it was and continues to be in the South. Now the citizens of Michigan, California, Colorado, New York, Massachusetts, Wisconsin, Indiana, and other Northern and Western States have begun to appreciate a little bit of what we in the South have suffered, and just what it means when HEW and the Federal courts begin running the schools. Parents of schoolchildren in all parts of the Nation now realize that the problems of busing and Federal interference with local schools are truly national and not Southern problems. As this truth has begun to sink in, Senators from throughout the country have joined me in seeking legislation to halt forced busing and other abuses. Senators from all parts of our Nation have joined me in calling for a uniform national policy on school desegregation that all of us could live with, which would be reasonable and sensible and would assure to every child in America a quality education at his own neighborhood school.

Now that busing has come home to the North and West, it has become a major issue in the elections not only for President and Vice President, but for Senators and Congressmen as well. As primary elections were held and citizens all across the country expressed even more fervent opposition to forced busing, I called on Congress to act against forced busing, and also challenged all candidates for election to public office to take a firm stand on this vital issue.

As I had hoped, Congress in 1972 at last began to take serious and meaningful action toward solving our national school problems. In February of this year a Senator from Michigan introduced an amendment to the Education bill which would have taken away all power from Federal courts to order busing of schoolchildren and would have forbidden HEW from cutting off funds to schools which refused to bus. That amendment, which I vigorously supported in lengthy debates on the Senate floor, at first passed on a preliminary vote of 43–40, then was finally defeated by a single vote of 48 to 47.

Two other provisions in the education bill did pass, however which constitute real movement in the right direction toward solving some of the worst of our school problems.

The first, known as the Stennis amendment because I was its original sponsor, requires uniform nationwide application of school desegregation rules, and thereby forbids the discrimination which had so long been practiced against the South. When I first introduced my amendment as an addition to the Elementary and Secondary Education Act in 1970, it passed the Senate by a vote of 56–31. The amendment made it the policy of the United States Government that Federal guidelines and criteria must be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in local public schools. This positive step toward equal justice for the South was then severely amended by the joint House-Senate conference committee and rendered ineffective. We were not discouraged, however, and again in 1971 I introduced the Stennis amendment in its original form. Once again it passed the Senate and once again the joint conference committee rendered it largely ineffective by amendment to accomplish its intended purpose.

In 1972, however, our persistence paid off. The Stennis amendment passed both the Senate and the House and was agreed to by the conference committee in basically its original form, without weakening amendments and is now the law of the land. In any future actions the Federal Government will be required to treat all regions equally in school desegregation cases and will never again be abe to single out the South for special, unfavorable treatment.

The second important provision included in the 1972 Education bill, known as the Broomfield amendment for the Congressman from Michigan who sponsored it, placed a moratorium, or temporary halt, on all court-ordered busing for racial balance for a period of 18 months. I warned my colleagues at the time the Broomfield amendment was voted on that it would probably not be effective because the courts could say that they were ordering "desegregation" and not "racial balance." In the end I voted for the amendment anyway because I felt it was at least a first step in the right direction since it put Congress on record for the first time as firmly opposed to busing. Regrettably, as I had foreseen, Federal courts have thus far declared the amendment inapplicable in most cases. But the Broomfield amendment was by no means Congress' last word on busing and other school problems this year, and its passage was a definite bipartisan, national show of strength by our antibusing forces.

1972 was also important for us because this year for the first time, after I had long urged him to do so, the President of the United States publicly declared himself totally opposed to forced

busing, promised in a special message to Congress to use the full weight of his office against it, and appointed a special commission to study ways of stopping it. Based on that Commission's report, the President this year submitted a bill to Congress which proposed to: first, halt all new busing orders until July 1973; second, forbid absolutely all busing of children below the seventh grade, whether the busing orders were already in effect or not; and third, use Federal financial aid not for busing, but to improve inferior schools so that children could attend quality schools in their own neighborhoods rather than busing the children far away from their own homes to distant schools in other neighborhoods.

This bill, known as the Equal Educational Opportunities Act, for the first time promised tangible relief to the South because it authorized local school boards in the South to reopen school desegregation orders which did not comply with the bill, and recognized that the only goal of schools was to provide quality education equally to all children, but with the neighborhood as the only reasonable basis for school assignments, and firmly denounced and forbade busing to any school except the one nearest or next nearest the student's home. That bill passed the House of Representatives by an overwhelming vote after being strengthened to forbid busing of all students, not only in the first six grades, but all the way up through the twelfth grade. An amendment forbidding busing even to the next nearest school failed on an extremely close vote.

In the hectic closing days of the Senate session a liberal filibuster prevented the antibusing bill from coming to a vote. On three successive days we attempted to cut off the debate and force a vote on the bill. Each time we achieved a majority vote, once 45 to 35, once 49 to 39 and once 49 to 38, but each time we failed to receive the two-thirds vote needed to close off debate and to bring up the bill for final passage.

I am highly encouraged, however, by the fact that we now have the voting strength to pass the bill once we overcome the filibuster. We shall bring up the bill again at the beginning of next year, and hopefully with additional time will break the expected liberal filibuster and put an end to the excesses of forced busing once and for all.

THE SUPREME COURT

Equally important developments have occurred in the Supreme Court, whose role in the busing dispute will no doubt be vital. With the appointment of four new justices, the balance of power on the court has begun to swing away from its far-left leanings of the recent past. Although not all decisions this year showed that change, several of them did. In a school desegregation case from Emporia, Va., the four new justices all dissented from the five-man majority's desegregation ruling. The case is important because it is the first since the fateful Brown case in 1954 in which the Supreme Court was not unanimous, and it shows a definite turning point in Supreme Court philosophy.

Similarly, in the area of criminal law, although the five "holdover" justices voted to declare the death penalty unconstitutional this year, the four new appointees all dissented, arguing forcefully that capital punishment was an appropriate penalty in cases of murder or rape.

Although I am wary of too much reliance on mere statistics, the records of Supreme Court decisions since all four new justices have been on the bench show an unusual consistency in their return to judicial conservatism. In the cases on which the Supreme Court disagreed last year, the four new justices voted together 54 out of 66 times. In the cases where the court split by 5 to 4 vote, the four new justices voted together 13 out of 18 times. I cite these figures not to show that these justices somehow often vote the same way, which is not the case at all, but to show that they honestly share a common philosophy of judicial conservatism, which adds some much-needed balance to a Supreme Court which has all too long leaned far to the left.

In the coming term, the "new" Supreme Court will consider one vital school desegregation case in which the Court will have to decide whether the public schools of Denever, Colo., must desegregate their student bodies as schools throughout the South were required to do. The Denver school board is arguing that since Colorado had no State law requiring racial segregation of public school students the school board should not be required by the courts to integrate as the South was forced to do. Also, before the Court in the near future will be forced busing cases from Detroit, Mich., and Richmond, Va. Hopefully, in my next year's report to the people I will be able to note further progress in the tendencies of the Supreme Court toward conservatism and judicial restraint and that the long and often bitter fight we have waged in the Senate in the past few years to confirm more conservative justices will not have been in vain.

FORESTRY

All matters concerned with forestry are of great importance to our State. There are a total of a little more than 30 million acres of land in Mississippi, and of this more than half, about 17 million acres, is in forest land. A substantial part of the industrial enterprises in our State is based upon forest products. With these facts in mind, it is natural that I should have a strong interest in forestry matters, and that my efforts as a Senator should reflect this interest.

As you know, at the level of our State government, forestry matters are handled by our very fine State Forestry Commission, and an extremely competent professional staff operating under the State Forester. I assist them in every way I can, insofar as their work is affected by Federal authorizations and appropriations, but in as much as my work is at the national level of Government, I am naturally more deeply involved in the forestry operations and research of the Forestry Service, and the Department of Agriculture, and in forestry legislation of national application.

This year I have devoted considerable time and effort to legislation that is intended to meet an impending national problem in forest production. In the next 30 years the needs of the Nation in lumber, pulpwood, and other forest products will double. Much of this additional need will have to be produced in the South, where the long growing season and abundant rainfall lead to excellent rates of timber growth. Also, of the increased production, a very substantial part must come from privately owned nonindustrial forest lands. Over 300 million acres throughout the country fall in this category, and average growth on these lands is only one half the capacity. In Mississippi our average growth of wood is 52 cubic of wood per acre a year, as against a possible potential growth of 90 cubic feet on each acre each year.

On February 2 I introduced the Forestry Incentives Act of 1972. The purpose of this bill is to stimulate the growing of additional forest products on small nonindustrial private and non-Federal public forest lands.

Under the Forestry Incentives Act it will be possible to plant or improve 45 million acres in the next 10 years, and add 9 billion board feet of timber per year to the annual national harvest. And I want to stress that this is a national program in every respect. For example, in the North Atlantic Region, 68 percent of all the lands are forest lands, and of these, 70 percent are in private ownership. In the East there are 300,000 idle acres that are preeminently suited for growing the most valuable kinds of hardwoods.

Briefly, this bill would:

First, authorize the Secretary of Agriculture to carry out a forestry incentive program to encourage the protection, development and management of nonindustrial private and non-Federal public lands. Landowners would be encouraged to plant seedlings where needed and apply such cultural treatments as are necessary to produce timber, expand recreational opportunities, enhance environmental values, protect watersheds and improve fish and wildlife habitat.

Second, authorize the Secretary to share up to 50 percent of the cost of forest practices on non-Federal public lands; and up to 80 percent of the total cost on nonindustrial private lands. This covers, primarily, 80 percent of the cost of seedlings and their planting, and is of particular importance to the small and medium size privately owned farms.

Third, utilize the services of State and local ASCS committees established under the Soil Conservation and Domestic Allotment Act. These committees, now composed primarily of agriculturists, also include representation of forest owners, forest managers and wildlife or other natural resource interests.

Fourth, allocate Federal funds for cost sharing on a bid basis with priority accorded landowners contracting to carry out approved forestry practices for the smallest Federal cost share. This provision will spread Federal funds over a larger acreage.

Fifth, require the Secretary of Agriculture to investigate the effectiveness of loans, loan guarantees and annual payments for periods not exceeding 10 years as methods of achieving the ob-

jectives of the forestry incentive program.

Finally, require the Secretary of Agriculture to consult with State Foresters so that the forestry incentive program will be carried out in coordination with other related programs.

It will be recalled that the soil bank program resulted in a large increase in forest lands. From 1956 through 1964, 2,154,000 acres were planted. In spite of losses of some of these lands to highways and other developments, 90 percent of these lands are still bearing trees and are a major factor in our growth needs for future decades. The provisions of the Forestry Incentives Act will stimulate a similar but much greater expansion of wood production for the 1980's and 1990's, and beyond.

There are other benefits from the program that might be called indirect benefits because they are not directly addressed in the provisions of the legislation, but they are very real and valuable. This program helps relieve unemployment without any requirement for extensive training. In the future there will be more and larger job increases, from the harvesting, transporting, and processing of the timber. All of this contributes toward the revitalization of rural areas, so important throughout the country. The program combats the rising prices for wood products caused by limited timber growth. Also, there are the purely human benefits, such as environmental improvement, and outdoor recreation such as camping, for which opportunities are becoming limited.

The costs of this program are estimated to start at about $25 million a year, and the bill provides for this amount to be authorized annually. Ultimately the costs are expected to average $88 million a year. It is a long-term program, furthermore, and the needs for reforesting private lands throughout the country are great, so that the total costs eventually will be quite sizeable. There is, however, little choice as to whether we must try to solve the wood shortages of the future. The only choice is how to go about it.

My bill was favorably reported from the Senate Committee on Agriculture and Forestry by unanimous vote, and it was passed by the Senate without opposition in May.

In the House of Representatives, the companion bill, which was introduced by Congressman SIKES of Florida, unfortunately remained in committee as the Congress drew to a close. I regret very much that time and circumstances prevented the bill from passing in the House, so that it might become law this year. Nevertheless, I am encouraged by the progress that it did make in less than a year's time. I have received some assurances from key congressional figures in the House that similar legislation will be given early attention in the new Congress.

You may be sure that I will begin again in the next session to press for passage of this legislation. It is essential to the small tree farmer and to the fulfillment of our growing national requirements for forest products.

Research is an essential part of a healthy and flourishing forest industry. This year marks the 10th anniversary of the McIntire-Stennis Act, which provides for cooperative forestry research in the State colleges and universities that have forestry departments or train forestry students at the graduate level. Under this program each Federal dollar is matched by a non-Federal dollar, and it is a strong and growing program in 61 colleges and universities.

The program began at an annual level of $1 million a year, and is now budgeted at about $5 million. This year I was able to increase this to about $6.5 million, and I hope that the increase will be released by the President soon for use in this very constructive program.

I might add that I was deeply touched by the ceremony held at Mississippi State this spring, marking the 10th anniversary of this program. It was attended by distinguished members of the forestry community from all over the Nation. I was pleased that former Congressman McIntire of Maine, who joined with me in the original legislation, was present for the banquet.

Also, there are four federally financed permanent laboratories in Mississippi—at Gulfport, Stoneville, State College, and Oxford. I am glad to say that over the years I have had a role in the funding of all of them.

With respect to the Gulfport Laboratory, I testified to the Appropriations Committee in 1958 recommending $2.5 million for forestry research for forest genetics, planting, fire, insects, and tree diseases, including $350,000 for facilities at Gulfport. These funds were passed by the Senate and retained in conference. I was able to add additional funds for Gulfport in 1961 and in subsequent years, including $140,000 passed for fiscal year 1973.

In 1959 I testified to the Appropriations Committee for forestry research funds, including $300,000 for a laboratory at Stoneville for Southern hardwood research, and gave a speech on the floor on the same subject in 1960. Funds were provided for Stoneville in fiscal year 1961, and supplemented at my instigation in fiscal year 1962 and subsequently, including $350,000 for additional research passed by the Senate for fiscal year 1973.

Four years of effort culminated in construction in fiscal year 1969 of the Forest Tree Seed Laboratory operated by the Forest Service at Mississippi State University, and I have helped to see to the annual funding of the programs at that laboratory.

Funds for the Forest Soils and Hydrology Laboratory at Oxford were added in the House for fiscal year 1967, and were held in the Senate. The cost of this facility was $450,000, and annual funding of the programs has received my regular attention.

All of the programs and activities in which the Federal Government has a part are very carefully coordinated with the work of our State Forester and our State Forestry Commission.

In addition to the activities discussed above, there are, as most Mississippians know, six national forests in our State. In calendar year 1972, the U.S. Forest Service expended $11,936,860 in Mississippi. Some of the larger items that made up that total were $2,725,000 for national forest protection and management, $2,420,000 for forest research, $758,000 for State and private forestry cooperation, $1,040,000 for forest roads and trails, $1,200,000 for cooperative work of the Forest Service, $1,327,000 for watershed work and flood prevention, and $1,594,260 for payments to the State from the national forest fund.

The forests of the South are undergoing a great revival, after being decimated by heavy cutting early in the century. I am proud that our State is playing a leading role in this vast forestry effort. It will continue to receive my close attention in my work in the Senate.

PUBLIC WORKS PROJECTS

Our State is fortunate to be so richly endowed by nature with many fine, clean streams, lakes and reservoirs. Our water resources are among our most valuable assets, and their proper development is one of the most vital factors in our future economic growth. The development of water resources can be carried out in harmony with the preservation of the natural beauty to be found in Mississippi, and the careful consideration of environmental values is an essential part of all planning and construction of impoundments and waterways. The program must be carried out in an orderly atmosphere of coordinated planning aimed at the greatest public good.

As I have indicated elsewhere in this report, I am privileged to chair the Public Works Subcommittee of the Senate Appropriations Committee. We have jurisdiction of the funding of various agencies which have public works programs, such as the Bureau of Reclamation and the Atomic Energy Commission, but for the purposes of our State, the most important agencies are the Corps of Engineers, the Tennessee Valley Authority, and the Appalachian Regional Commission. The Appalachian program is covered in a separate section of this report.

The Public Works Appropriations Bill this year provides $3,504,000 for TVA to complete Yellow Creek Port. This barge, rail, and industrial park facility is a cooperative venture between TVA and the State, with additional county effort. Located in Tishomingo County, on an arm of Pickwick Lake, the Port will provide a cargo transfer point between rail and highway traffic and the river barge route on the Tennessee River waterway system. Congressman Jaime Whitten and I have cooperated in pressing for this project, as well as others in our State. Yellow Creek Port holds great promise for the economic development of the northeastern corner of Mississippi.

I am very encouraged by recent developments with respect to the Tennessee-Tombigbee Waterway. This vast project when completed will provide a waterway for barge traffic linking the Tennessee River System on the north with the port of Mobile on the south. It will have tremendous national and regional economic benefits, and in particular it will provide a very strong stimulus to economic and industrial development along its route in western Alabama and eastern Mississippi.

The first appropriation for construction was made by Congress two years ago,

and added to both last year and this year, in amounts totalling 18 million dollars. However, a law suit filed by an environmental organization has delayed the start, and it was not until August of this year that the way was cleared to advertise the first contract, for construction of the Gainesville lock. The contract has been awarded, and as this report is being written plans are underway for a groundbreaking ceremony at Gainesville.

I am also pleased with developments concerning Tallahala Creek Lake, in Jasper County. Over a period of several years I have been adding money to appropriation bills to accomplish the engineering design of this project. There have been delays caused by impoundment of this money in budgetary reserve, but these troubles have now been overcome. I was able to get the administration to include in the budget for this fiscal year all of the remaining money to complete design, an amount of $400,000. This made the project eligible for start of construction if the money could be provided. I was able to add $350,000 more for construction, and if that money does not become frozen by the administration, actual work on the project should begin about next May.

The Tallahala Creek Dam and Lake will provide flood control and water supply for the Laurel area. For the State of Mississippi, the Pat Harrison Waterway District serves as sponsor for the project, which will have a total Federal cost of $19,200,000, and will return about $2.30 in benefits for every dollar of cost.

Under the project for the Mississippi River and Tributaries I was also able to add funds for work beneficial to our State. These additions were for work on levees and bank revetment on the main river and flood protection and drainage in the Yazoo River Basin.

Every major sized public works project must be specifically authorized by legislation before it can become eligible to be funded in an appropriation bill. This year, in late September, the Senate passed an authorization bill for flood control projects, and I was able to have included in it two major Army engineer projects for Mississippi. They are Edinburg Dam and Lake in parts of Leake and Neshoba Counties and Bowie Dam and Lake in Covington County. It was necessary to push ahead throughout the executive branch to get these reports processed through all the agencies and passed through the Office of Management and Budget to Congress in time for consideration. Unfortunately there were other Mississippi projects that because of the shortage of time before adjournment did not complete processing in time to reach Congress and so will have to be authorized in a future bill. In any case, I am pleased that these two large projects were authorized in our State.

Edinburg Dam, west of Philadelphia and near Edinburg, is a part of a comprehensive plan for development of water resources in the Pearl River Basin. Its estimated cost is $38.2 million, and it is to provide flood control, water quality control, recreation, and fish and wildlife benefits. The sponsor for this project is the Pearl River Basin Development District.

Bowie Dam, near Hattiesburg, is a part of the comprehensive plan for water resource development in the Pascagoula River Basin. To be built at an estimated cost of $32.4 million, it is for flood control, water quality control, fish and wildlife, and recreation. It is sponsored by the Pat Harrison Waterway District.

In the subsequent House authorization bill there was included a pilot program for control of bank erosion in the Yazoo Basin Delta and hill areas, at an estimated cost of $9,500,000. All three projects then were accepted in conference and included in the final version of the authorization bill.

The next step for these projects is for them to be voted funds by Congress to start engineering design. I hope to be able to accomplish this next year. Any action that will quicken the development of the water resources of our State is a step toward prosperity in the future.

MISSISSIPPI TEST FACILITY

Three years ago, based on progress of the moonshot program, the National Aeronautics and Space Agency phased out production of the Saturn rockets used in these space flights. These rockets had been tested at the Mississippi Test Facility—MTF—in Hancock County, and had been shipped from there to the Kennedy Space Center in Florida for use in the moonshots.

Without this testing program MTF appeared to be doomed to shut down. This would have been a disastrous economic blow to our gulf coast area, and in addition it seemed clearly unwise to close down such an expensive modern facility without exploring all possible alternative uses. Together with other members of the Mississippi delegation in Congress I have made strong efforts to see that other Government agencies, with expanding programs, make use of the existing facilities at MTF and the support capabilities of the NASA organization. We have been successful in assembling at MTF a diverse group of agencies, all engaged in scientific research operations. They have made good use of the facilities, and are also profiting from being located together, where they can readily interchange information.

These activities at MTF have continued to grow during 1972. We now have 12 different Federal programs operating there, and are still making further progress. In the appropriations for fiscal year 1973 I was able to obtain in the Senate bills two additions of funds to be used at MTF. One would provide for the establishment there of a regional environmental laboratory for the National Park Service. The other would make money available so that the U.S. Geological Survey can provide data to the States of Mississippi, Louisiana, and Arkansas from the new earth resources technology satellite program. The information from this satellite system, which deals with all land and water resource problems, will be very useful to State planners, and to Federal research laboratories within our State.

In addition, 1972 has seen assurances that MTF is to share in the work on the coming Space Shuttle program of NASA. This reuseable satellite is the space program of the 1970's. The main engines, I am glad to say, are all to be tested at MTF. I think this decision demonstrates that it would have been unwise to place the Mississippi Test Facility on a stand-by shut-down basis after the Saturn program.

HIGHWAYS AND AIRPORTS

As you know, your gasoline taxes support the bulk of the programs that provide for the construction and safety of our highways. Your Federal taxes go into the national highway trust fund. In calendar year 1972, about 40 million dollars in money from this Federal fund is being invested in Mississippi roads and highways.

In the first 7 months of 1972 alone, Federal funds in the amount of $30,005,636 were authorized in Mississippi, for highway-related projects with a total cost of $42,918,722. This work is done, of course, under the supervision of your very competent State highway commission and State highway department. The money financed 179 miles of road and 63 bridges. In addition hazardous highway areas were given special consideration and treatment, railroad crossing signals were installed, junkyards were removed or screened under the highway beautification program, directional signs placed, drainage improved, and slopes protected.

Under the national highway traffic safety program, some 28 grants are being made in Mississippi, in a total amount of about $1,100,000. These grants involve such endeavors as driver testing, films, simulators, support to emergency medical assistance, control of drinking drivers, traffic engineering, and other very worthwhile efforts to reduce the tragic accident toll on highways.

Federal assistance for airport development is also significant to our State. In 1972, 12 grants are being made in Mississippi, in a total amount of $3,124,354. The largest of these grants are for airport improvements at Gulfport, Jackson, Bay St. Louis, and Holly Springs. Other grants went to Crystal Springs, Houston, Kosciusko, McComb, Waynesboro, Wiggins, and Tylertown.

EDUCATION FUNDS

We are all very fully aware of the many difficulties that have been encountered by our public school systems in the last several years because of Federal rulings, guidelines, and court decrees. These aspects of our school problems are discussed in another section of this report, and as indicated there, I am hopeful that in the long run we will reach an equitable solution to these problems.

The education of our children and young men and women is tremendously expensive. It would be well if I reviewed briefly the Federal funding available to our education programs, so that this can be considered as a part of the overall picture of our dealings with the Department of Health, Education and Welfare in school matters.

In 1972, funds received in Mississippi from the Office of Education of HEW totals $93,255,000. This very substantial sum is used throughout our elementary and secondary school systems, our colleges, and in associated educational endeavors.

The major part of this money, about $56,900,000, goes to elementary and sec-

ondary education. About $19,800,000 is used for our colleges and universities. Vocational and adult education receives about $8,700,000. Many other useful purposes are funded, such as professional development of our teachers, education of the handicapped, and matching funds for our very fine State public library program.

HEALTH, CARE, AND INSURANCE PROGRAMS

Very large sums from the Federal treasury are allocated to States for health and care programs. In calendar year 1972, Mississippi will receive as grants for public assistance about $243,700,000. This money is used for maintenance assistance to needy persons, such as the aged, blind, disabled, and dependent children deprived of parental support or care. It is used for medical assistance of many kinds, and for social services programs for children, the handicapped, disabled, and needy. An additional $14,000,000 will be expended for rehabilitation services and facilities to assist mentally and physically handicapped persons to prepare for and obtain employment.

Additional grants are received by the State for specified health programs, in the amount of about $19,500,000. These are distributed through the Health Services and Mental Health Administration and the National Institutes of Health, and are extremely useful in meeting the research and treatment needs of the many victims of accident and disease.

In addition to the above programs for health and care, the social security program in Mississippi will total about $452,500,000 in 1972. The bulk of this, about $315,400,000, is for old-age and survivors insurance benefit payments. Another $54,000,000 is for disability insurance benefit payments. These social security payments are all under programs in which the recipients have earned the benefits, and for which they have paid social security taxes through the years.

RURAL WATER AND WASTE SYSTEMS

Rural community water works and waste disposal systems are extremely important to the health of our rural areas, and they are essential in attracting new businesses, light industry, and new residents in those areas. To foster and encourage the construction of these systems, the Farmers Home Administration of the Department of Agriculture makes loans and grants to local governments and to nonprofit organizations. Construction grants may not exceed 50 percent of the cost of the system. Interest rates on loans may not exceed 5 percent and the length of loans may not exceed 40 years. The projects must serve residents of the open countryside or residents of towns of less than 5,500 in population.

In 1972 in Mississippi, 169 loans were made, in 68 different counties, totalling $24,777,500. The two largest loans were $1,050,000 to the Alcorn County Water Association, and $913,000 to the West Lamar Utility Association. Loans of over half a million dollars were made to Wesson, Hazlehurst, North Covington Water Association, Olive Branch, and Southwest Jones Water Association, and there were many other loans in excess of $200,000. It can be seen from these figures that these are enterprises of considerable magnitude and scope.

Thirty-seven grants were made for water or waste systems in Mississippi this year, totaling $1,822,100. Six of these were for $100,000 or more, to the town of Derma, Harmony Water Association in Clarke County, North Covington Water Association, Poor House Water Association in Grenada County, Town of Artesia, and East Madison Water Association.

With the passage of the Rural Development Act of 1972, which is discussed elsewhere in this report, increased authorizations are available for rural water and waste systems, and increased emphasis is placed upon their importance in the revitalization of the rural areas of our nation. I intend, as a member of the Agriculture Appropriations Subcommittee of the Senate Appropriations Committee, to continue my efforts to see that these programs receive a more rapid rate of funding.

I believe it should be a goal to strive toward to have every rural community in Mississippi served by a good water system and an adequate sewage disposal system and treatment plant. The goal will take time and effort to attain, but it is possible to achieve it, with time. This will be one of the real keys to the consistent growth of our economy, the health and well being of our people, and the preservation of our environment.

URBAN WATER AND WASTE SYSTEMS

Just as the Farmers Home Administration provides financial assistance for rural water and waste systems, so do three other Federal agencies have programs to assist towns larger than 5,500 population with water and sewer projects. These are the Department of Housing and Urban Development, the Environmental Protection Agency, and the Economic Development Agency. Each provides these grants for different reasons, and under authorities of different laws, but the end results are the same. Our towns and cities are able to obtain much needed financial assistance in providing essential public facilities that are very expensive and difficult to finance entirely out of local resources.

The Department of HUD makes such grants as a part of their community development program. In addition, this Department also makes loans for building public facilities. This year HUD is making grants in Mississippi for water and sewer systems that total almost $3 million, and loans of about $750,000. Among the cities that have supplemented their large local investments with HUD grants for water or sewer systems are Iuka, New Albany, and Amory.

The Environmental Protection Agency makes wastewater treatment construction grants as a part of the Federal program to maintain and improve the quality of water in our rivers, lakes, and streams. This year EPA is making over $16 million in grants for treatment plants, sewers, and pump stations. Twenty-six Mississippi cities and towns are utilizing these grants to assist in improving their public facilities. Grants over a million dollars each were made at Jackson, Grenada, and Oxford; about half a million dollars at Pascagoula and Vicksburg; over $100,000 at New Albany, Union, Greenville, Hollandale, Inverness, Lambert, and Wesson; and in lesser amounts to many towns. From a Federal point of view the construction accomplished with these grants is a valuable part of the national drive to improve the environment by keeping the waters of the country clean, and from a State and local point of view the grants enable communities that are already hard pressed financially to provide facilities that they must have if they are to continue to grow and to develop their economies.

The programs in this field of activity carried out by the Economic Development Agency are discussed with the other programs of that agency in the section of this report that follows.

ECONOMIC DEVELOPMENT PROJECTS

The Economic Development Administration, established by the Public Works and Economic Development Act of 1965, assists in developing the economy of areas where unemployment is above average or where family income rates are lower than average. Grants and loans are made by EDA for public works, such as water and sewer systems, that will encourage economic growth. Business loans are also made to establish industrial facilities and increase payrolls in these areas, to improve the economic situation.

So far in Mississippi in 1972, as this report is written, the EDA has made expenditures of $4,759,311, and other applications are pending.

Grants were made for 14 water or sewer systems in amounts varying from $23,400 to $1,077,000. Seven other water and sewer grants were made as supplements to grants from other Federal agencies, in amounts up to $180,000.

EDA grants were made for development of industrial parks in Copiah and Harrison Counties in the amounts of $133,000 and $419,000 respectively, and for $590,000 for industrial port development in Hancock County. Twenty two grants were made for planning and technical assistance in developing projects to improve economic conditions, and a business loan of $27,800 was made in Sunflower County for a vegetable processing plant.

I intend to press for approval of the remaining applications that are pending for the year. These are excellent programs, very useful in developing our economy, and I am pleased with the success we have had in obtaining them.

THE GUNBOAT "CAIRO"

As I indicated in my report to you last year, I have been working on legislation that would provide for the reconstruction and restoration of the Gunboat *Cairo*, and for displaying it at the National Military Park in Vicksburg. I prepared and introduced a bill in April 1971, together with Senator Eastland, to accomplish this. A similar bill was introduced in the House by the Mississippi delegation there.

I am glad to say that after much effort and numerous delays, the bill has been passed by both the Senate and the House, agreement reached on a compromise solution between the Senate and House versions of the bill, and the legislation has been cleared to send to the President to sign in to law. This is the authorization for the project, of course,

and not the actual appropriation of the money to accomplish the work. The latter will be a subsequent congressional action, which I hope can be accomplished in the next Congress.

The Gunboat *Cairo* was one of seven ironclads which were part of the Union Western Flotilla. The *Cairo* was a part of the Mississippi River Squadron and participated in the campaign against Vicksburg. She was sunk in the Yazoo River on December 12, 1862, by two electrically detonated underwater mines, then called torpedoes. The vessel was raised during the period 1960-63. It is now at a shipyard at Pascagoula, and the many artifacts recovered with it are in storage.

The *Cairo* had been launched at St. Louis in January, 1862. The vessel was built by James B. Eads, who built the Eads Bridge over the Mississippi at St. Louis, and designed and built the jetties at the mouth of the Mississippi River. She is 175 feet long and 50 feet wide, and the wooden hull is covered with 2½ inches of iron armor plate.

This unusual vessel, with its many artifacts, will be a unique historical exhibit, and when displayed in the military park in Vicksburg, will help to draw many additional visitors to Mississippi.

WATERSHED PROJECTS

Mississippi receives much fine assistance from the Soil Conservation Service of the Department of Agriculture. The SCS works with soil and water conservation districts, State planning and development districts, county governments, towns, landowners in land treatment measures, soil surveys, structural measures for flood protection, resource conservation and protection, water supply, and recreation projects. They provide expert technical assistance and serve as the agency through which Federal funds are provided for watershed projects under Public Law 566 of 1954, and flood protection projects under the Flood Control Act of 1944.

In 1972, $8,343,220 was obligated for watershed and flood protection projects. This included almost $4 million for 14 watershed projects in 26 counties. The projects underway include Chunky River, Muddy Creek in Tippah County, Second Creek in Adams County, Tescumbia River, Upper Bogue Phalia, Chiwapa, Standing Pine, Town Creek in Lee, Pontotoc, Prentiss, and Union Counties, Tri-County Hopson Bayou, Big Creek in Jasper, Jones and Smith Counties, Chuquatonchee, Holliday Creek, Richland Creek, and Upper Leaf River.

Flood prevention projects were allocated $4,415,000. These included five projects in the Little Tallahatchie Basin, in Benton, Marshall, Tate, Yazoo, Carroll, Montgomery, Chicasaw, Webster, Grenada, Tallahatchie, Yalobusha, Lafayette, Holmes, and LeFlore Counties.

This is very effective work that is being done to conserve the irreplaceable natural resources of soil and water and protect the environment. I intend to continue to support these and future SCS projects strongly.

APPALACHIAN COMMISSION PROGRAMS

In 1967 an amendment I offered in the Senate resulted in a change to the Appalachian Regional Development Act of 1965, so that the 20 northeast counties of Mississippi became eligible to participate in programs financed by the Appalachian Regional Commission. The purpose of these programs is to stimulate the economy in the areas covered by the act, which extend southwesterly from a part of New York State to the northeastern part of our own State.

We are in the fifth fiscal year since my amendment was approved. Since that time projects with a total cost of over $70 million have been completed or approved. About $25.5 million in Appalachian funds, $20 million in other Federal funds, and $24.5 million in locally raised money have been expended or budgeted for these projects.

During this calendar year projects with a total cost of over $21 million have been funded, utilizing $7.2 million in Appalachian money, and $9.5 in other Federal funds, together with almost $5 million in State and local money.

These are projects of many varieties, but all serve purposes of health, education, or economic development. They include access roads to industrial parks, vocational training facilities, expansions of hospitals and other health facilities, water and sewer systems, child care and training facilities, and the improvement of junior college equipment and buildings. Among the largest projects are the New Albany water and sewer project with a total cost of $2.3 million, the Alcorn Water System at a cost of over a million dollars, and the Columbus sewage treatment plant at a cost of over $5 million.

As the chairman of the Public Works Subcommittee of the Senate Appropriations Committee, I have the opportunity to review carefully the budget submissions for the Appalachian Commission programs. These projects accomplish much good, and I am pleased that Mississippi has taken full advantage of them, within the 20 counties that are eligible.

I have voiced my view to the Appalachian Commission that it is time that the Appalachian corridor highway program, which to date has not come south of Tennessee or west of Georgia, be extended to Mississippi. I will continue to seek authorization and funding for this extension.

NATIONAL PARKS

Last year, when the Gulf Islands National Seashore was established on some of the islands off our gulf coast, this made the U.S. National Park in our State. The other two, of course, are the Natchez Trace Parkway and the Vicksburg National Military Park.

These national parks are a great asset to our State, and I make a special effort to support their activities. They are very convenient for Mississippians to visit, and in addition they attract many people from outside the State, and constitute an essential part of our growing tourism industry. The National Park Service does a fine job of running the parks, and should be congratulated for the high standard of appearance that is maintained on the premises and the unfailing courtesy their employees show the public.

Further, the National Park Service spends a very considerable amount of money in our State. This year $700,000 will be spent at the Gulf Islands National Seashore, almost $4 million at the Natchez Trace Parkway, and over $400,000 at the National Military Park in Vicksburg. These amounts of money are a significant addition to the growing economy of our State. It is good business to have the parks, as well as a pleasure to be able to enjoy them.

THE U.S. NAVAL HOME

I am very pleased that the United States Navy has chosen Gulfport, Miss., as the site of its home for veterans. The Navy Home has been located in Philadelphia, Pa., since the mid-1800's. The mission of the U.S. Naval Home is to provide an honorable and comfortable home for old and disabled personnel of the Navy, Marine Corps, and Coast Guard, while operating as a part of the Navy, who are entitled to benefits of the institution.

The cost of renovating the present home would have been too great and prospects for expansion too limited to justify spending the large sums of money to support it due to crowded conditions there. The Navy decided that the location in Gulfport would save the Government money and provide better services and facilities for the men who live in the center.

The Navy completely reviewed its needs and based its recommendation to move to Gulfport on several factors, including the availability and desirability of existing Government-owned property in the gulf coast area and the fact that a Veterans' hospital and the Navy's Seabee base are located there. The Navy Home will be constructed on the site of the former Gulf Coast Military Academy, which is presently Keesler Air Force Base Annex Three. The Air Force personnel now stationed at the Annex will be transferred to facilities at the main Keesler base in Biloxi with no loss of jobs or manpower.

The Gulfport site was chosen after an exhaustive study of many sites all over the nation. The Navy narrowed its list down to six possible sites and conducted extensive investigations to select the site most likely to save tax money and to provide the best possible services to the veterans who will use the facility. The fact that our gulf coast was selected is further proof that our State is blessed with a most attractive climate and favorable living conditions.

The Navy expects that by 1975 the facility will house some 600 retired sailors and marines, in contrast to the 262 residents now housed at the Philadelphia installation. The annual salaries for civilian employees at the Naval Home presently total over $_ million, and this payroll will increase with the increased number of residents. A high-rise, apartment-type complex will be constructed at the site to provide living space for the retirees. Roads, support facilities, and administration buildings will also be built, making this one of the finest installations of its kind. The estimated ultimate cost of the project will be approximately $11 million dollars.

The location of the national Navy Home in Gulfport is very good news for Mississippi. It will mean a great deal to the entire State.

ENVIRONMENTAL LAW SUITS AND THE POWER CRISIS

As chairman of the Public Work Subcommittee on Appropriations, I held hearings this year over a period of several weeks. A clear pattern emerged which concerns me very deeply, involving all public works, but especially electric power.

The Chairman of the Federal Power Commission testified that the Nation's demand for electric power will quadruple by 1990. He said that for the first time in our peacetime history the energy situation approaches a condition of national crisis. Environmental court suits have slowed the development of energy resources such as off-shore oil and gas, the siting of new powerplants, and licensing of nuclear powerplants.

The Chairman of TVA and the Chairman of the Atomic Energy Commission confirm that an electric power crisis is at hand. In many areas, the power reserves to meet peak summer and winter loads are simply not available.

Plainly, the situation in the power field is thoroughly out of hand, and in a turmoil. Here the Nation is faced with a power crisis, and almost certain brownouts or blackouts, and our hands are tied by confrontations in the courts. The same thing is occurring in all the fields of public works—in flood control, harbor and waterway projects, highways or any public improvement project. Projects are halted in the middle of construction at tremendous cost to the Government—benefits of projects are foregone while construction costs mount—communities are denied the projects they want because outsiders object—all at great cost.

Projects of all kinds attract the attention of the environmental groups and their lawyers. I dare say that if you tried to build the Statue of Liberty today, you would have an environmental lawsuit on your hands.

In our State, the Tennessee-Tombigbee Waterway was halted for over a year by a court suit being handled by the lawyers of a New York environmental organization. The cost of this delay in benefits foregone and in increased construction costs can run into millions. The bond posted by the plaintiff in this case was $1. This particular case has been settled, I am glad to say, and as indicated elsewhere in this report, the construction work is proceeding. Nevertheless, this is a case where unnecessary delays have occurred in a project which is in the public interest and which has the support of the majority of the people in the region.

I believe in conserving natural resources and protecting the environment. I also believe in economic progress, which we must have in order to achieve our environmental goals. What I oppose completely is the situation which enables almost any group, whatever its size, name, or purposes, to file a suit against any Federal project, however worthy, and be able to halt it temporarily, at no risk to the group and at great cost to the Government and to the people who live in the area and need the project.

I think this is an excessive opportunity for irresponsible actions. I believe that it is time that the courts require a proper bond in these cases—one that represents the size of the possible damage to the government and the people of the area, resulting from project delay.

I think there is good cause for deep concern on the part of members of Congress and of all citizens. Our public works programs are slowly being ground to a halt, and we are facing a crisis in electrical power. The crisis can be solved, but not if environmental extremism is allowed to halt the economic progress we need so badly in order to pay the back debts that are owed for having abused the environment in the past, and to clean up our land, air and water.

This is a problem that Congress must face, and it cannot wait too long for solution. I intend to do my part in the coming sessions of Congress to try to arrive at an equitable and practical legislative solution to this complex problem.

TAXES AND THE NATIONAL BUDGET

The events of this year confirm in my mind more strongly than ever a conclusion that I think has been clear for some time. It is not a pleasant conclusion for any of us to have to face, but I believe that the state of the national budget is such that a tax increase is inevitable.

Since 1930, this nation has been embarked on a consistent policy of spending, more than it earned. Of the last 42 years, there have been only 6 years where the budget showed a surplus at the end of the year, and these were only moderate surpluses. On the contrary, many budget deficits have been extremely large, and in the last few years have been of a magnitude that should alarm every American citizen.

The 3-year period that will end with the current fiscal year will see a deficit of over 100 billion dollars. This will be over a fifth of the total national debt that we have accumulated since we became a nation. The United States is going downhill, at runaway speed, toward bankruptcy. If this is not stopped within a reasonable time, then I have a real fear of inability to have representative government that will be able to bring about a remedy. We are reaching a fiscal crisis.

In a recent speech on the Senate floor, referring to this fiscal situation, I commented that President Nixon and members of his Administration have made many hard decisions over the last 4 years, for which I commended him at the time, and have supported his position in many instances. I said that I wanted to suggest to the Chief Executive that he should tell the American people: "Of course, we cannot go on year after year spending far more each year than we have. Of course, we cannot continue to add new programs and extend old ones, all on deficit spending. Of course, we must buckle up our belts and do on a little less if we are to preserve our fiscal system and our free and open economy. Of course, we are going to have to increase taxes some just to avoid going further in the red, and thus bringing to the brink of disaster our financial structure, both public and private, throughout the Nation." I pointed out that the people already know these things, anyway. The commonsense of the common man tells him they are true. He is entitled to have them pointed out by those at the top in authority.

The most important problem before this nation today is to get the Federal finances in order. Prosperity without fiscal responsibility is not possible.

COMMITTEE WORK

The matters I have discussed so far in this report are for the most parts those which are of direct interest to Mississippians because they effect their daily lives, their work, and the communities in which they live. These matters are of intense interest to me, of course, and to them I devote a large part of my time and effort.

In addition to his work on behalf of his constituents, each Senator has additional duties. The Senate as a body is an organization that represents the union of 50 States, with each State equally represented. A Senator speaks for his State in national matters, and acts for his State in the passage of legislation, for when the legislation is signed into law the people of his State—and all States—are obligated to obey the law. This is a responsibility which of course is taken very seriously by members of the Senate.

The formulation of legislation is largely accomplished in committees, each having jurisdiction over specified activities of government. When a bill is prepared hearings are held, alternatives are explored, and thorough consideration is given to the detailed requirements of the proposed law. Consequently, committee work is a very important part of the efforts of each Senator, and the assignments to committees that he holds are important to what he is able to accomplish.

I feel very fortunate in my committee assignments. They require much time and hard work, but they give me opportunities to participate in the formulation of legislation that is important to the State of Mississippi and to the nation.

I am privileged to serve as chairman of the Armed Services Committee, one of the major committees of the Senate, which deals with all military matters involving the military protection and security of the American people. The work of this committee is not only of paramount importance concerning our national security but also our support of the security of the free world. As chairman, I have gotten into many policies of the entire Government because the subject of national security is vast and related to many other aspects of our society.

Every year, one of the main functions of the Senate Armed Services Committee is to authorize funds for procurement of weapons, an amount that is about one-quarter of the total Department of Defense budget. This year, the committee held 19 days of hearings over a period of four months and then met in executive session for 10 days to determine, to the best of its ability, how most wisely to spend money on weapon systems to achieve the maximum defense at the minimum cost. The bill we reported

out was debated on the Senate floor for 8 days, went to conference with the House, and became law on September 26, 1972, with most of the decisions of the Senate Armed Services Committee intact.

I have long been concerned about the rising cost of weapon systems, and the committee held a hearing in May, as a continuation of hearings that began last December, in an effort to understand and perhaps suggest remedies to the problems of cost and waste in weapon production. I am determined that we not waste $1 that is spent in the defense of our country—that every dollar will yield full value. My main objective, though, as chairman of the Armed Services Committee will be and always has been, a strong national defense. We can trim the defense budget by better procurement practices and other means, but we must continue to have essential modern weapons and quality men.

I serve on the Aeronautical and Space Committee, a major committee which has jurisdiction over the moon landing program and space exploration. I am also chairman of the Select Committee on Standards and Conduct for the Senate.

I am particularly gratified to be a member of the Senate Appropriations Committee, which has the duty of acting upon and approving or modifying all requests for funds from the executive branch of the Government. Only two other Democrats are senior to me on this major committee, and I serve on six of its subcommittees. This also involves serving on important conference committees to resolve differences between House and Senate appropriations bills and to write these bills in final form. As I mentioned previously, I am chairman of the Public Works Appropriations Subcommittee, which establishes the funding level for all such projects throughout the Nation.

In August of this year I accepted an assignment as a member of the Joint Committee on Reduction of Federal Expenditures. This committee is made up of six members each from the House and Senate, together with the Secretary of the Treasury and the Director of the Office of Management and Budget. I accepted this assignment because I am convinced that this is an area of activity that must receive major emphasis in the immediate future and in the coming years. The fiscal policies of this Nation must be restored to a rational basis, so that there is an end to the continual practice of extravagance, is spending more than our income each year.

The time I devote to committee work is in my judgment well spent, for it permits me to look after the interests of my State and its people in the formulation of the public laws of our Nation.

CONCLUSION

The problems, both foreign and domestic, that our Nation has had to face in 1972 have been many and difficult. The situation has been complicated by the fact that it has been an election year as well. This has not made the passage of legislation any easier. In spite of the complexities of the situation, however, the 92d Congress made good progress in many respects in the second session, and the groundwork has been done for much additional progress during the 93d Congress. There is much hard work ahead, and the diversities of public opinion on many important matters will challenge the abilities of all three branches of the Federal Government.

In closing, it is my great privilege to be able to thank the people of Mississippi for the trust and confidence they have extended to me. I am intensely grateful for their loyalty, and determined to demonstrate my loyalty to them. Each day is a new challenge to me to do my utmost for my State and its fine people. I look forward to 1973 with anticipation, and with complete trust in the qualities of the American people and the destiny of our great Nation.

I shall appreciate suggestions, observations, and constructive criticism.

AVIATION'S ROLE IN THE ECONOMIC GROWTH OF CANADA

Mr. WILLIAMS. Mr. President, On August 9 of this year the Abbotsford International Air Show Symposium was held in Vancouver, British Columbia. I have been reviewing an address which was given at that air show by Mr. Louis C. Ripa who is the chairman and president of the board of Porter and Ripa Associates, Inc., in Morristown, N.J. I believe that address will be very interesting to those who are involved in the growth potential of aviation. Mr. Ripa's remarks are of particular value to all who are concerned about comprehensive planning for facilities to accommodate general aviation aircraft.

I ask unanimous consent to insert the text of Mr. Ripa's address in the RECORD, and I wish to recommend it to the planners who must consider the needs of the coming generations in their proposals for today.

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

HOW AVIATION CAN CONTRIBUTE TO THE ECONOMIC GROWTH OF CANADA

(An address by Louis C. Ripa)

It is exciting to be here in beautiful, clean, wide open Canada.

It is exciting because one can't help but feel that this is where the future is. Here, in this beautiful country, you have the resources, the land, the people to build an economy that could become a model for the rest of the world to follow.

I want to talk to you today about how I believe aviation can play a vital role in helping to build a great future for Canada.

You, here in Canada, are in a fortunate position. You can profit from mistakes we have made in the United States.

In many areas we did not look far enough into the future—to the day when a large part of the world's commerce would be dependent upon the airplane. In many of our congested urban centers where air transport is vitally needed, it is not conveniently available because we did not provide adequate facilities for airports when those areas were still young and growing.

Today, in many areas where we need airports, the land is not available. And many businessmen who must rely on speedy transportation are finding themselves stymied. Some are moving to new areas where they can find the transportation facilities they need.

It is impossible to overestimate the importance of transportation to an economy. You can look back in history to the earliest days of world trade and commerce. In the 17th and 18th centuries, the thriving cities of the world were seaports, because shipping was the major means of transportation.

In the 19th Century, the railroads spread ribbons of steel across the United States and new cities sprang up. These were cities on the Main Line—cities connected to the seaports by new transportation, the railroad.

Then came the amazing 20th century with highways stretching from coast to coast, reaching into and opening up still new areas.

Before the end of this century a new and dynamic Air Age was unfolding.

Now, we are in that Air Age and, unfortunately, many officials and Planners are not ready for it. Their thinking is still bogged down in yesterday's problems and not moving toward tomorrow's answers.

In this Air Age, for example, one of the key vehicles will have to be the STOL aircraft. In the United States we have made very little progress in developing such a vehicle. We talk a lot about STOL ports, but we have developed no STOL aircraft. It is interesting to note that Canada, with its deHaviland Twin Otters and Buffalos, is a long way ahead of the United States.

As a young, dynamic, fast-growing power in the community of nations, you here in Canada may have a special sensitivity to the wave of the future. Perhaps that is why you are already a leader in the area of STOL aircraft.

In this new Air Age, the airplane has already had an enormous impact in shaping world commerce. It has shrunken the earth to a fraction of its former size. When I was a boy—and I'm not all that ancient—people who wanted to travel from New York to Los Angeles boarded a train and travelled for three days. Today, of course, they climb aboard a 747, and in the time it takes to have dinner and see a good movie, they are in Los Angeles.

Time is money to people in business, and the airplane buys them time.

But it does more than that. It is unique among all systems of transportation in two respects. One, it can cross both land and water masses. Two, the airplane, unlike any other means of transportation, is a link to everywhere in the world.

A ship can take you from one seaport to another. A train goes where the rails take it. Even the highway goes North or South, East or West, from point-to-point. But aircraft can go in any direction to any place where there is an airport—be it a big urban center, a rural area, a farm, a construction project, or even a factory. And when I say to a factory, I mean exactly that.

Many plants in the United States now have their own heliports just outside their executive offices. Hard pressed top executives can't afford to waste valuable time on congested roads leading to major air terminals. Time is too precious. So many of them use helicopters.

But there is an even newer development to help industry take full advantage of the airplane's speed and versatility. This is the industrial airpark. It is a planned industrial community built around an airport, specifically designed to serve the surrounding industries. There are many such developments in the United States and more are springing up all the time.

In the old days, some of you may remember, advertisements for industrial property frequently carried the line, "private railroad siding". In the years ahead that line will read, "adjacent to airport".

I said at the outset that it was exciting to be here. It's exciting because you can sense the potential all around you in this great country. And it's exciting because things can happen so fast today. What took 50 years for us to accomplish in the United States in the way of industrial development,

you here in Canada may be able to accomplish in ten years, or even less.

The key to Canada's future lies in planning. I don't mean planning for today's needs. I mean planning that takes into consideration the next generation—and the generation after that.

One of the major aviation problems we are faced with in the United States today is that of separating commercial airliners from private aircraft. We face that problem—and it is a gigantic one—because in our planning we never took into consideration the next generation, and the generation after that.

What good is it to get across the country in five hours, if it takes you 2½-hours on congested roads to get to the airport and 2½-hours to get from it at the other end?

It takes no great sage to foresee a vastly expanded fleet of private aircraft in the years ahead. If a man who owns a private aircraft wants to make connection with an airline for a long trip, why shouldn't he be able to fly his plane into the terminal, much as he would drive his car to the airport today, and park it until his return?

Increasing numbers of people will be using private aircraft in the years ahead and facilities will have to be provided for them.

Airports can be built, I believe, which could safely accommodate both private and commercial aircraft. Major air terminals of the future will have to accommodate all segments of aviation. Aviation planners have given little thought to bringing the two segments of aviation together. They are too busy trying to figure out how to keep them apart.

In the great open spaces of Texas, between Fort Worth and Dallas, an airport, which is being billed as the largest airport in the world, is being built on a 26½-square mile tract. Stories about the project describe how it will be able to accommodate as much airliner traffic as now use the three major New York area airports—Newark, LaGuardia and Kennedy—combined.

According to Air Facts magazine, the new airport will be able to park 234 Boeing 747's simultaneously. That's 21 more than are now flying or on order. An additional 200 cargo gates will each be able to handle the giant C–5A which is larger than the 747. But in all the reports I have read on this "airport of the future," I have not seen one word about general aviation.

I am sure they will provide parking lots for people who own automobiles. Why should they not provide parking lots and landing facilities for people who own private airplanes?

Private aircraft are an established and accepted mode of transportation today. It is somewhat incredible that air terminals are being built today which provide access and parking for automobiles but not for private aircraft.

An airport the size and magnitude of the new Fort Worth-Dallas Airport should certainly be able to accommodate general aviation. Light aircraft could fly at lower pattern altitudes; they could make approaches from different directions than airliners. But no planner has been bold enough to accept the idea of compatibility of airliners and general aviation aircraft.

The reason they have never considered this is because it is accepted as fact that it is impossible to accommodate both airline traffic and general aviation in the same area.

But my friends, it has been done for years—and right in New York City, the busiest terminal area in the world! Flushing Airport and La Guardia Airport have operated side by side for 42 years. And Flushing Airport has one of the finest safety records of any general aviation airport in the country—one fatal accident in 42 years.

There were 74,300 operations at Flushing in 1971, according to the Aviation Development Council, and 123,600 passengers arrived at Flushing by air taxi during the year.

So let us not say that it can't be done, because it has been done.

Most of the thinking today on airport development, centers around the concept of satellite airports, that is, the building of smaller airports 20 or 30 miles from the major air terminals. General aviation aircraft would be restricted to these satellite airports.

This means that in the next generation and the generation after that, if a private plane owner wants to make a connection with an airline he would have to park 30 miles away, then get on a highway or whatever other form of public transportation there might be to get to where he really wants to go.

This kind of thinking and planning destroys the utility of the light plane, and it assures further congestion on roads leading to the major air terminals. This kind of planning doesn't solve any of our transportation problems, it creates new ones.

I don't mean to imply that no progress is being made. It certainly is. And once again we find Canada in the forefront.

I refer to the new Toronto International Airport. A new city is being planned in conjunction with the new airport. This goes back to what I said earlier about cities throughout history springing up around major centers of transportation.

Airports bring commerce and industry—and jobs. The Canadian Ministry of Transport and the Province of Ontario are to be commended for recognizing this and for their foresight in planning an airport of the future. They are the first in North America, to jointly plan an airport and a new city.

The planned city, tentatively called "Cedarwood," is expected to have a population of 200,000 in only 30 years. This tells you a lot about the economic impact of an airport.

In their planning they have taken steps to solve one of the most serious airport problems of today—the noise problem. They have provided land for a buffer zone between the airport and the community. Such an area might, if I may suggest it, contain botanical gardens, a zoo, recreational facilities. There are many ways in which that land could be put to practical use, thus enabling it to serve two functions.

Toronto's current air terminal, Malton International Airport, was reconstructed in 1964, at which time, according to Airport World, it was considered to be adequate for years to come. Only eight years have passed, and the burden is too great.

That is an indication of how fast you are moving here in Canada. It is also a warning to plan for the next generation and the generation after that.

We are moving more rapidly than ever before in history and consequently we must look further ahead.

In the United States today there are approximately 130,000 general aviation aircraft, and they carry approximately as many intercity passengers as the airlines. And general aviation, ladies and gentlemen, is only in its infancy.

Canada, today, has just over 9,000 general aviation aircraft, so you can well imagine the growth potential here and the tremendous requirements for facilities to meet that potential.

I think, my friends, that we may have to look to you, here in Canada, where fresher minds and bolder men, who do not know it can't be done, will show us how it can be done.

Here is where the pattern can be set for the whole world to follow. A whole new family of emerging nations may well turn their eyes toward Canada to learn how to open up their new frontiers.

You can do it because you have one of the world's most precious resources—space—and what may be the world's second most valuable resource—youth.

Your outlook is not clouded by what was—you can take a clear, unobstructed view of what will be.

I have been critical, at times, of the general aviation industry in the United States, not because the industry is lacking in outstanding achievements—it is in fact the world's unchallenged leader—but because I have felt its accomplishments could be so much greater.

The industry sometimes seems so busy catering to today's airplane sale that it has no time to think about and plan for the vastly greater potential of tomorrow.

The organizers and sponsors of the Abbotsford Show are demonstrating here what so desperately needs to be done everywhere. This kind of air show and symposium is what we need to get general aviation's story to the public. This type of program brings the people to the airport and the airport to the people.

I think it is ironic that the transportation concepts of today and tomorrow move along at a pony express pace of a thousand yesterdays where communication to the public is concerned.

We need more Abbotsfords. We need little Abbotsfords at every local airport to educate the public as to the importance of general aviation to the people in the area each airport serves. Even at this late date—almost 70 years after the first powered flight, I don't think the general public is aware of the fact that general aviation is a means of transportation.

That great communications gap between the general aviation industry and the public must be closed before we can move forward at a comfortable speed toward the goals we all seek—fast, efficient transportation to help us get where we want to go as quickly and comfortably as possible, and to help us move merchandise quickly, economically and efficiently.

It may be that we need the kind of stimulation that can come from more forward-looking and aggressive spirits in this land of the future. The airplane can be the key vehicle in bringing our two nations closer together. If that is to be, we must have integrated airport facilities in the coming decades with provision for airlines and other modes of people-movers. Industry and transportation must become partners in this air age, each planning in such a way as to best serve the other. Industry must have a voice in determining where airports will be developed. Airports must be planned with industrial construction in mind.

In the past, new communities just happened. Somebody bought some land and put homes on it. Somebody else came along and put up a shopping center because there were homes there. Then light industry moved in because there was a labor supply, etc.

In our planning for the future we have to consider every aspect of a new community—housing, jobs, recreation, transportation.

Why shouldn't an airport be the nucleus of a city such as the planned new Toronto International Airport, with recreational facilities—tennis courts, a swimming pool, botanical gardens? It's never been done because airports were always stuck out in the hinterlands, away from the city.

When we build an airport, we can't just think about putting down 10,000 feet of concrete and a terminal building. An airport today is a small city. We have to provide everything a small city would require.

Some day, I would like to come back to Canada, land my Bonanza at the new Toronto International Air Terminal, where a speedy rapid transit system would whisk me to a hotel or restaurant, or a speedy connection downtown.

I'd like to watch the Bonanzas landing on one runway—the 747's on another—the STOL craft on still another and the helicopters on yet another, none interfering with any of the others because somebody sat down

and did some real planning to make it possible.

It will be a great day when such an airport is dedicated. It could happen sooner than you think. And it could happen first, right here in Canada.

I'd like to close my remarks to you today with what I think is a very significant quote from a great American. Here is the quote:

"Aviation is today an established method of transportation. The future, even the near future, will make it still more general. The city that is without foresight to build the ports for the new traffic may soon be left behind in the race of competition. The dweller within the gates even more than the stranger from afar, will pay the price for blindness."

Before I tell you who said that, let me first tell you when it was said. That statement, ladies and gentlemen, was made in 1928.

The man who made that statement 44 years ago was Benjamin Cardozo, who later became a Justice of the Supreme Court of the United States.

Just imagine what we might see if we had his foresight, and could look ahead 44 years to the year 2016!

J. EDGAR HOOVER

Mr. STENNIS. Mr. President, recently my friend, George E. Allen, a former commissioner of the District of Columbia and a native of Mississippi, sent me an article that he had written about the late J. Edgar Hoover entitled "J. Edgar Hoover Off-Duty." George Allen and J. Edgar Hoover were close personal friends for more than a quarter of a century and this article gives insight to Mr. Hoover's personal character which was not normally visible. George Allen comes originally from Boonville, Miss., and has made his mark in the political as well as the financial world. At one time George was reported to be a member of the board of directors of more U.S. corporations than any other man. He also wrote the now famous book entitled "Presidents Who Have Known Me." We are proud of him in Mississippi because he comes from one of Mississippi's finest families and is the nephew of the late great "Private" John Allen who served for many years in the House of Representatives. I ask unanimous consent to insert the article by George Allen in the RECORD.

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

J. EDGAR HOOVER OFF-DUTY

(By George E. Allen)

Swifty Morgan was one of those breezy, ambiguous characters who are irresistibly attracted to horse races. He was not exactly a tout but he was always free with advice about the next race. He was a fast talker and a sharp dresser. He was never broke, yet he lacked any visible means of support. If one followed his tips, one soon learned that it wasn't his genius for picking winners that sustained his carefree life style.

In all the world there was probably nobody less like Swifty Morgan than J. Edgar Hoover, late director of the Federal Bureau of Investigation. Yet Mr. Hoover and Swifty had one thing in common. They both liked horse races. And, perhaps for this reason, among others, they liked each other. The nation's leading crime buster was amused by Swifty's chatter. Swifty was proud of his acquaintance with the nation's leading crime buster.

One day at the races Swifty exhibited an obviously expensive watch—one that told not only the time of day, the day and month but even the phase of the moon.

"What'll you give me for it?" Swifty asked.

"Two hundred dollars," Mr. Hoover offered.

"You have to be kidding," said Swifty. "The reward is more than that."

That exchange so pleased Mr. Hoover that it became one of his favorite anecdotes. He didn't buy the hot watch but he chuckled about the possibility that he might have.

Mr. Hoover seldom missed a Saturday at the races when the horses were running at any one of the several tracks within an hour's drive of Washington. He occasionally took in a baseball or football game but horse racing was his thing. He was a two dollar bettor, an indifferent handicapper and a true devotee.

Horse race fans are a mixed bag. A few love horses, but only a few. Many are gamblers whose eternal ambition is to beat the odds, but few ever succeed. Mr. Hoover was neither a horse lover nor a gambler by inclination, much less by compulsion. He liked the crowd and the color as much as the sport itself. He didn't much care whether he won or lost. He liked to feel himself part of a human pack passionately sharing an enthusiasm.

At the races the austere loner became a gregarious participant. There he was approachable by anyone and welcomed all comers. Every autograph seeker was cheerfully accommodated. He seldom spoke a serious word. He muttered wry imprecations against the horse he had bet on in the last race or the jockey who held him in. He insisted that I was the worst handicapper it had ever been his misfortune to know. He once told President Eisenhower never to trust my judgment about a horse.

If Hoover had a soft spot for the race crowd, the crowd reciprocated his sentiment. Race people can be raucously irreverent. When the winner's trophy is awarded after a feature race by a governor, mayor or some other notable, the presenter is almost invariably booed—most lustily, of course, by the backers of horses other than the winner. Not so when Mr. Hoover made the presentation. He was roundly applauded always and booed never. The crowd recognized him as one of its own and treated him accordingly.

After returning from the winner's circle on such occasions, he was wont to fix me with an accusing eye and insist that he heard boos emanating from my place in the crowd.

For some 40 years Mr. Hoover, Clyde Tolson, his assistant in the FBI, and I attended the races more or less regularly. For the last 27 years we never missed a Preakness at Pimlico. We attended the races together on the last Saturday of his life and his spirits and, to all outward appearances his health, were never better. News of his death the following Monday was just short of unbelieveable.

Mr. Hoover was probably a hero to more people for a longer time than anyone now on the national scene. But toward the end of his life the era of the anti-hero started to catch up with him. He and the agency he had presided over for almost a half century were subjected to increasing criticism. He was not indifferent to criticism but neither was he panicked by it.

"When the going gets tough," he said, "the tough get going." Nevertheless, he told President Nixon he was prepared to resign if his continued presence in office had become an embarrassment to the Administration. The President assured him that nothing would embarrass the Administration more than his resignation.

Mr. Hoover had held down the nation's principal investigative agency for so long with such distinction that his name and the agency's were all but synonymous. As Martha Mitchell put it: "If you've known one FBI director you've known them all."

The fact is, however, that J. Edgar Hoover, the person, as distinct from J. Edgar Hoover, the official, was not really known even in Washington. He was more a symbol than an individual. To his admirers he stood for law and order, rectitude in the public service and selfless devotion to duty. To his detractors he was a cunning bureaucrat who exploited his unique position to intimidate honest citizens as well as criminals.

To Hoover himself, character was everything. It was the measure of judgment he applied to everybody else—and to himself. To him one of the most important ingredients of character was courage, moral and physical. He took his own courage for granted, both kinds. In the days when the FBI was concerned about mad-dog gangsters he insisted upon participating in their roundup when he thought his presence would be helpful. But he knew that it took more character to resist pressures against honest investigation of wrong-doing than it did to brave a shootout with criminals.

He never paraded his valor or coveted a reputation for derring-do. He could be frightened and freely admitted it. Once on a cross-country flight, the airplane he was on lost an engine. Before making a forced landing, the co-pilot asked Mr. Hoover whether he would mind saying something over the loudspeaker system to "reassure the passengers." The FBI director declined. "Who," he asked, "is going to reassure me?"

Mr. Hoover's proudest boast was that no FBI man during his tenure had ever been dismissed for dishonesty. Many had been discharged for incompetence or lack of adaptability but none for crookedness. Considering that he took over at a time when the agency was riddled with political corruption, his pride was justified.

But all this was forgotten at the races. To me he was neither hero nor anti-hero. He was an amiable racing companion and, in a deeper sense, a friend. His likes and dislikes, his crotchets and his generous impulses were all on display. His reserve, which was formidable at the office, vanished at the race track.

Like any lifelong bachelor, he was set in his ways. He lived for years with his mother. After her death a housekeeper looked after his establishment and dogs provided his home companionship. Through the week he put in long hours at FBI headquarters, lunched sparingly at a Washington restaurant and dined after a drink or two usually alone. Saturday was his day off. Sunday was a day for study of documents and catch-up on correspondence.

His tastes were simple. To any liberal sophisticate he qualified as a square. He refused to read either the Washington Post or the New York Times. The New York Daily News was his favorite publication and he was suspicious even of the Wall Street Journal.

He did not like Las Vegas, which he visited once to make a speech to a convention meeting there, got out as soon as possible and refused to go back for any purpose. The Lawrence Welk show was the one television program he never missed if he could help it. When Welk and the FBI story occupied the same time slot in Washington, Mr. Hoover stayed with Welk.

His ideology was as square as his tastes. He was an old-fashioned patriot, devoted to the traditions of his country, impatient with their subversion. Charges to the contrary notwithstanding, one of the traditions he respected was the citizen's right to privacy. His critics always maintained that he kept a secret file of scandalous information about hundreds of officials and leaders in various walks of life. It is interesting to note that no evidence that any such files exists or ever existed has been discovered by his successor.

Mr. Hoover's secret files were a myth deriving principally from the bad consciences of people who feared that his men had been peeking over their transoms or tapping their telephones. The FBI has files all right. But they concern the activities of people who are legitimately suspect for one reason or another. And they are secret files only in the

sense that they are FBI files available only to officials who need access to the information they contain.

Although he dealt with politicians of both parties, he shunned active participation in politics. He was never politic. If he didn't like an attorney general, who on the government table of organization was his boss, he said so. He didn't like Attorney General Robert Kennedy but he didn't like Attorney General Ramsey Clark even more. He called Clark the worst attorney general of all time.

Mr. Hoover also made a point of answering every charge against him or his agency. Often the politicians didn't like his frankness but they respected it. No bureaucrat in the history of the nation ever had more influence with Congress. Year after year he got what he wanted by way of appropriations and authority to the consternation of his critics, some of them influential members of Congress themselves. Actually, Mr. Hoover and his efficient FBI agents recovered more money for the Government in their official operations than they spent from the federal budget.

He scorned every offer to move into electoral politics. In 1940, one of nation's richest men offered to stake him in a bid for the Presidency. George Wallace wanted Mr. Hoover as his running mate for the vice presidency in 1968. The FBI director laughed off both propositions. He also turned down an offer from Howard Hughes to work for him, Mr. Hoover to write his own ticket on salary.

So far as one of his acquaintances was concerned, Mr. Hoover might have run for high elective office because he was blamed for the performance of a high elected official. The acquaintance was a northern Wisconsin guide who hired out each hunting season to Easterners looking for deer and other game. Mr. Hoover had been one of his clients. In the early thirties, with the depression on, the FBI director received a letter from this Wisconsin woodsman wishing him well but concluding on a note of candor:

"It seems to me," the letter said, "that you were a better detective than you are a president."

He elected to stay on at the FBI long after he could have retired even though retirement would have been financially beneficial to him. Indeed, it cost him about $14,000 a year to remain on the job. His pension, plus other retirement benefits, would have been that much higher than his active salary. But, in more than a metaphorical sense, he was wedded to his job. He would have been lost without it.

He was a man of sturdy character. But also a man of unexpected humors. In a strange sort of way he admired some of the criminals he brought to book. He insisted that they were often men of their word. He was also deeply sentimental. After his mother's death, he made a point of never staying in Washington over the Christmas holidays. He was staunchly loyal to his old friends, the closest of them Clyde Tolson, who was almost as much responsible for the FBI's success as Mr. Hoover himself.

His liking for Swifty Morgan was not unique. Other characters on the fringes of the law sometimes enlisted his sympathy. After all, his job was defined by Federal law and he had no jurisdiction where state and local laws operated. Once, sitting in a barber shop in New York, he was approached by a notorious bookmaker who assured Mr. Hoover that he was not a "bad sort of fellow."

"Probably not," Hoover said. "We'll make a bargain. You stay out of my territory and I'll stay out of yours."

It is difficult to make any impartial evaluation of a good friend with whom many happy hours were spent. It is almost impossible to assess the lasting contribution of a gigantic public servant who devoted a half century to increasingly difficult tasks for his fellow countrymen.

J. Edgar Hoover gladly took firm positions on complicated issues solely in the light of his view of justice his guiding star during a long and sometimes controversial life. He too reached for the unreachable star, and fought the unending war in keeping with his "old-fashioned" moral standards. At the end Hoover stood as tall as the new building which will house his FBI in Washington. Like its first and only director, the Federal Bureau of Investigation will continue to stand for law and order without which our democracy cannot survive.

The words of Ralph Waldo Emerson seem to apply to Hoover and his FBI:

"An institution is the length and shadow of one man."

KARL E. MUNDT

Mr. JORDAN of Idaho. Mr. President, in the decade in which I have been privileged to serve in this body, I have come to know the esteemed senior Senator from South Dakota on both a close personal basis as well as in our official capacities.

I can well understand why the people of South Dakota continued to send such a distinguished public servant as KARL MUNDT to the U.S. Congress longer than any other South Dakotan, serving first for five terms in the other body and then for an unprecedented—for South Dakota—four terms in the U.S. Senate.

In the many associations which I was privileged to have with the senior Senator from South Dakota, the thing that always stood out was his desire to be of assistance and to share his vast experiences with other members of this body.

I well recall a number of occasions in which the distinguished Senator from South Dakota provided advice and counsel as to procedures in the Senate and recommended steps which could be taken which would be helpful to a particular cause or issue of this or some other Senator.

In addition to this helpfulness on matters of Senate business, there also were the personal kindnesses extended by the senior Senator from South Dakota which made our legislative work much more pleasant and the long hours of deliberation considerably more easy to endure.

As Senator MUNDT closes out a splendid career of great public service to the people of this Nation and, more particularly, the people of his great State of South Dakota, he does so with the good wishes of those who have been privileged to serve with him.

In saluting the Senator and his brilliant record. I do so from the standpoint of a very warm friendship with him which I shall always cherish, and from the vantage point of having had the opportunity to serve with a man whose capacity was of such nature that with him, it was America, foremost, in his mind and in his heart.

Mr. President, in paying tribute to our distinguished colleague from the State of South Dakota, I would be remiss if I did not also mention his helpmate, Mary, and join with my colleagues in wishing both Senator and Mrs. MUNDT much happiness in their leisure years.

Certainly his service is deserving for both of them the pleasant days of retirement in which the cares of heavy responsibilities are no longer shouldered by Senator Mundt but passed on to new leaders who can aspire to the same high standards of service that motivated South Dakota's senior Senator.

To both KARL and Mary MUNDT, best wishes and much happiness—and our appreciation as well as that of your fellow South Dakotans for a job well done.

OLDER WORKERS PERFORM WELL ON THE JOB

Mr. WILLIAMS. Mr. President, today many false stereotypes hinder the employment of older workers.

And the harsh reality is that these attitudes are leading to a dangerous and greater dependency ratio of nonworkers to workers.

No Nation can ever hope to achieve its full potential if some of its most experienced and talented personnel are not allowed to participate.

Much more can be gained, it seems to me, by developing national policies which maximize job opportunities for aged and aging Americans.

Recently, House and Senate Conferees approved two measures which I have advanced—the Older American Community Service Employment Act and the Middle-Aged and Older Workers Training Act—to provide greater employment options for older workers.

These proposals, of course, are not going to be a panacea for the many and varied problems confronting the older workers. But they can be of major assistance.

Together, these measures can provide employment and vitally needed manpower services for nearly 100,000 unemployed or underemployed older persons.

This is particularly significant because individuals 45 or older constitute about 4 percent of all first-time enrollees in work and training programs.

However, there is another key point which cannot be overlooked. From an employer's standpoint, it makes good sense to hire an older person.

As a group, mature workers have many outstanding attributes. They are dependable. They are less likely to be absent from work because of trivial reasons. And above all, they perform well on the job.

This point was made very clearly in a recent article appearing in the New York Times.

In fact, a recent survey conducted by the New York Commissioner of Human Rights revealed that persons 65 or older perform their jobs "equal to and sometimes noticeably better than younger workers."

Mr. President, I call to the attention of the Senate the New York Times article entitled "Job Survey Finds Aged Work Well," and ask unanimous consent that it be printed in the RECORD.

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

JOB SURVEY FINDS AGED WORK WELL

(By David A. Andelman)

RATCHOGE, L.I., September 21.—The State Commissioner of Human Rights announced today that a survey of more than 100,000 state employes 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 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 employes. 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, they 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 workers. One reported a higher accident rate among its older employes.

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 "employes 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 that 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.

SPEECH BY STATE SENATOR JAMES M. WADDELL, ON BEHALF OF HANDICAPPED CHILDREN'S EDUCATION PROJECT TASK FORCE, EDUCATION COMMISSION OF THE STATES

Mr. WILLIAMS. Mr President, State Senator James M. Waddell, of South Carolina, presented a forceful speech on the education of handicapped children to the recent Southern Governors Conference in Hilton Head, S.C. Speaking on behalf of the Education Commission of the States' task force on handicapped children, he stressed the need to extend full and appropriate educational services to all handicapped children.

Making clear that mandatory legislation does not guarantee the solution to the myriad problems of planning, staffing and funding such services, Senator Waddell also informed the Conference of the technical and staff assistance that is available through the education commission of the States task force, and provided the conference with information about S. 3614, the Education for All Handicapped Children Act, which I introduced with Senator RANDOLPH and Senator MAGNUSON in May of this year.

Senator Waddell's speech was instrumental in bringing about a resolution passed by the Southern Governors which recognizes the right of handicapped children to equal educational opportunity, and supports efforts to assure that these rights are guaranteed on the regional and national level.

I ask unanimous consent that Senator Waddell's presentation and the Southern Governors resolution be printed in the RECORD.

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

PROBLEMS OF THE HANDICAPPED

(By State Senator James M. Waddell)

I want to talk to you briefly about handicapped children and the problems they face in obtaining the educational services to which they are entitled. Handicapped children have the same needs as other children; they have the same desires, the same motives and fears that we have. They are found at every socio-economic level and in all segments of our culture. However, they constitute an obscured population because, in many ways, their *problems* are different from ours. Although it is possible to identify positive gains by states in extending equal educational opportunities to handicapped children, large numbers of the handicapped continue to be neglected and ignored—ignored with regard to transportation or physical facilities because they cannot make use of what is available—neglected with regard to long-term educational opportunities because they have often been excluded from any type of educational opportunities, or neglected because even minimal special education services have not been developed by some states.

At the present time there are 7,000,000 handicapped children in this country—60 percent of them are denied the special educational opportunities that they need for full equality of opportunity. One million or more are excluded from public schools and lack the opportunity of participating in learning environments with other children. Opportunities for the 40 percent of handicapped children who are adequately served vary widely from state to state. In some cases, special programs are provided only if local support for such services is available, and services for the handicapped in the past have been among the first "special services" to be excluded or reduced whenever our state educational systems are faced with economic problems.

In the past few years, states have increased their efforts to provide some basic form of mandatory legislation for program development. At the close of the 1972 legislative sessions across the United States, a total of 42 states had some form of mandatory legislation. However, the mere *existence* of mandatory legislation does not *guarantee* that problems relating to planning for program development, staffing, adequate physical facilities, finance and due process have been solved. There is a need for a greater commitment to the education of the handicapped on the part of leaders in both education and government—a commitment that will guarantee that service provided through improved legislation will be effectively implemented.

RATIONALE FOR SUPPORTING PROGRAMS FOR THE HANDICAPPED

There are several reasons why we should all be interested in supporting the expansion of educational services for handicapped children. First, anything less than adequate educational opportunities would be a violation of the rights of handicapped persons. Second, the handicapped pre-school and school-age population is sufficiently large to demand more attention than they are now receiving. Third, the education of the handicapped is one of the few problem areas in education to which the solution is known. Programs for the handicapped have been and will continue to be successful, for the education of the handicapped is cost beneficial. It has been estimated that at the minimum, each handicapped child who receives an appropriate education is worth $250,000 to society in terms of welfare reduction and increased productivity.

THE ROLE OF THE STATES

Governor Robert W. Scott of North Carolina, who was Chairman of the Education Commission of the States in 1971–72, wrote:

"The time is overdue to re-examine the state role regarding education for the handicapped. U.S. Commissioner of Education Sidney Marland has called for adequate programs for every handicapped child by 1980. The Federal government won't be able to provide them without substantial state commitment. It would be foolhardy to work toward that 1980 goal without careful planning, without thoughtful analysis of the several fundamental underlying issues.

For example, there should be a cooperatively developed and clearly understandable set of definitions of various types of handicapping conditions and their educational implications.

State law should be carefully examined in light of contemporary findings about the development of the handicapped. In many states, laws make economical and educationally beneficial programs—particularly for youngsters with less severe handicaps—impossible. By requiring a certain number of hours with specially trained staff, for instance, state law may in effect prevent the handicapped from attending regular public school classes. And yet there is substantial evidence that children with many types of handicaps and their more fortunate peers benefit from an integrated classroom situation.

Because the lobby for improved services for the handicapped is ineffective in comparison to that for higher teacher salaries or even state aid for private schools, the handicapped have been cut out of significant budgetary support and—where there are programs—relegated to outmoded and inappro-

priate facilities. There will never be a stronger movement to improve programs for the handicapped unless disinterested policymakers take it upon themselves to support the cause. It is only right. And the time is now."

THE HANDICAPPED CHILDREN'S EDUCATION PROGRAM

The Education Commission of the States has initiated a project aimed at improving education services for all handicapped children. The goal of this project is to assist each state in determining necessary state-wide legislative goals, developing better allocation of resources and obtaining a greater commitment to full educational opportunities for all handicapped children.

This past year, project activties have taken the form of regional conferences focused on the analysis of existing legislation, staff activities related to technical assistance and consultative services, and the provision of information to Governors and other leaders in state government and education. Activities by a national Task Force sponsored by the Education Commission of the States include assisting the states in developing legislative and administrative policies for the benefit of the handicapped.

It is apparent to me, as I am sure it is to you also, that technical assistance alone will not bring about this goal. If the states are to undertake this massive challenge, as the courts are suggesting they must, the real need is going to be financial. It is patently clear that it will be a strain financially for States and Localities to underwrite the entire expense of full educational services.

I think it is not too early to suggest that assistance from the Federal Government will be needed. I know in my own State of South Carolina we will be hard put to come up with these funds, alone. It is for this reason that I would like to bring to your attention an important action which indicates that Federal assistance may be forthcoming.

Earlier this year, United States Senator Harrison Williams, a member of this Task Force, introduced a Bill which will provide greatly expanded Federal assistance to the States for the education of handicapped children. Williams was joined on this Bill by Senator Jennings Randolph of West Virginia, and Senator Warren Magnuson of Washington.

This Bill, S-3614, "The Education For All Handicapped Children's Act", will pay to the States 75% of the excess cost of educating handicapped children. This amount will be available for each child that the State is currently serving, and will increase as the State increases the number of children it is serving. S-3614 has been referred to the Labor and Public Welfare Committee in the Senate, of which Senator Williams is the Chairman, and a companion Bill has been introduced in the House of Representatives. Hearings will be held late this session or at the beginning of the next congressional session. The Task Force has expressed strong support of the major concepts underlying this Bill, for we believe that the excess cost per child formula is an important turning point in the financing of education for handicapped children.

I believe that it will be well worth your while, from the point of view of the States you serve, to review this Bill and to relay your views regarding this much needed assistance to Senators and Congressmen from your States.

Members of this Task Force are here today and would be pleased to provide you with whatever information you might desire concerning the educational needs of the handicapped in this nation.

We appreciate your continued support for improved educational services for the handicapped children of your state, and offer you the assistance of the Handicapped Children's Education Program of the Education Commission of the States in meeting your objectives.

12. HANDICAPPED CHILDREN

Whereas, educational opportunity is a basic individual American right endowed with proven societal economic benefits; and

Whereas, only forty per cent of the Nation's handicapped children presently receive educational opportunities:

Now, therefore, be it resolved that the Southern Governors' Conference does express its support of efforts to improve educational opportunities for all handicapped children both regionally and on a national basis.

WE MUST NOT FORGET THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, for the past 5 years I have daily urged the Senate to take action on the genocide and other human rights conventions. With respect to the Genocide Convention, there has now been widespread support for this position in this administration, in previous adminstrations, among many of the most prominent members of the bar, among the press, and among many of my constituents.

In March 1971 hearings were completed by the subcommittee of the Committee on Foreign Relations on the Genocide Convention. As with the hearings in 1950 and 1970, that the large body of testimony was in favor of the convention attests to the intense interest in the convention and the widespread support of basic human rights. Indeed, such resistance as there is to ratification of this treaty seems to have abated in the 20 years since the original 1950 hearings.

I genuinely believe that this lessening of resistance can be attributed to the broader and deeper understanding of the provisions of the convention. It is most helpful that the provisions of the convention which seemed to raise so many questions and doubts have now been debated and explained by a great many eminent members and scholars of the bar, officials of the administration and representatives in the United Nations.

It is my sincere hope that the Senate will not fail to ratify this important document in the next Congress.

SPENDING LIMIT

Mr. MATHIAS. Mr. President, I submit for the RECORD two editorials from the Baltimore Sun and one from the Washington Post which are pertinent to our debate on a spending limit, and ask that they be printed in the RECORD.

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

[From the Sun, Baltimore, Oct. 9, 1972]

A TEST OF WILL IN CONGRESS

President Nixon is asking the Congress, in brief, to empower him to do what it declines to do—that is, to hold federal spending this year within some agreed limit. Mr. Nixon argues that $250 billion is the most that can be spent without risking a new cycle of inflation, and this is persuasive when it is noted that as it is the United States is running up an unprecedented series of budget deficits. It might be suggested that with a spending budget and a deficit as large as the current ones, an increase of $10 billion or so over the $250 billion figure might not be dangerously inflationary, but it also could be suggested that the $250 billion total already is excessive and that a smaller rather than larger figure would be sounder.

In any case, in the view of this newspaper Congress would be making a serious mistake if it delegated blanket authority to the President—any President—to reduce congressional appropriations item by item as he sees fit. Appropriations and taxes are the primary responsibility of Congress, indeed a constitutional duty, and the right way to cut spending is to have this done by Congress itself. Congress has the authority to do this. The question is whether it has the will. Mr. Nixon seems to assume that it lacks the will to act, and that it should authorize him to act in its place.

There is no need to tangle this immediate issue with the question of whether or not increases in federal taxes will be necessary during the next presidential administration. Maybe increases will not be needed, as Mr. Nixon says, if Congress and the President would work together in what should be a common cause—financial stability and a strong economy. But for the time being let us concentrate on the current fiscal year and what can be done about it.

Congress has been shirking its responsibility, and has been taking the notoriously easy way of voting appropriations openhandedly with little regard for the revenue side. It would be shirking its responsibility further if it should take the easy way this week and give the President special authority to cut its appropriations back to a reasonable total. This would be another concession of great power to the President and would further distort the Washington structure. The hard way, but the right way, would be for Congress to retain its power over spending—and use it sensibly.

[From the Washington Post, Sept. 27, 1972]

THE SPENDING LIMIT SHELLGAME

Congress is now taking the first slippery step in a historic retreat from legislative responsibility. The House Ways and Means Committee has reported a bill giving President Nixon the authority to cut spending this year to $250 billion, with unlimited license in the way he goes about it. The standing of the Ways and Means Committee is sufficient that its support, unfortunately, makes passage of the bill entirely likely. Under its Democratic leadership, Congress is now colluding with Mr. Nixon to conceal from the American people, until after the election, the full meaning of this bill. The Democratic leadership is apparently fearful of being attacked as spendthrift. But voters are entitled to know—before they vote—the scale and character of the damage that this measure promises.

Federal spending for the current fiscal year can be held to about $256 billion with conventional vetoes. The effect of the spending limit is to give Mr. Nixon prior congressional approval to cut about $6 billion out of the money already provided by law. It is worth working out a bit of arithmetic to see exactly what that means.

The bill covers the year ending next June and, after the election, Mr. Nixon would have about seven months in which to save $6 billion. To do it, he would have to cut programs that spend money at the rate of $11 billion a year. The next step is to see where that $11 billion might lie.

The Nixon administration does not intend to take the military budget much below $75 billion. The income support programs, with the supporting Medicare and Medicaid, are very nearly untouchable. The administration has promised not to reduce Social Security, and for practical reasons the welfare pay-

ments are hard to reach. These categories come to well over $100 billion a year. Interest on the federal debt is also untouchable, and comes to some $14 billion a year. Farm price supports and subsidies account for another $5 billion, and Mr. Nixon is not likely to cut these, and still less likely to touch his own $5 billion general revenue sharing program. These items alone add up to some $200 billion.

The $11 billion will thus have to come out of the $55 billion that remains once the largest and most obvious untouchables and impossibles are set aside. But even the $55 billion remainder is full of invulnerable items, from the FBI appropriation to Congressmen's salaries. The big construction programs, like highways and reclamation, can be diminished slowly. From this it is perfectly plain that the weight of the cuts of the budget.

The effect of this $6 billion cut, taken over seven months, would be a reduction of about one-third in federal spending in the fields ranging from pollution abatement and environmental protection to child care, school aid, help to higher education, manpower training, housing and urban improvement generally. The impact would be cumulative, growing increasingly severe next spring.

These cuts would fall disproportionately on the programs funded by grants to state and local governments. Ironically, a reduction on the scale of this $6 billion could well leave state and local governments right back where they were before Mr. Nixon introduced his much-advertised revenue sharing bills.

Mr. Nixon gives first priority, in domestic affairs, to low tax rates. He has presided over two large tax cuts in the past three years, and he has promised to preserve them even though the economic recovery is now building up strong inflationary pressures. He gives second priority to a low rate of inflation, and everything else is ranked behind that. The Democratic leadership of Congress has allowed itself to be persuaded to accept the Nixon order of priorities, and to join him in obfuscating, for the crucial next six weeks, the consequences of these massive budget reductions. But before voters make up their minds on this central question, they would be well advised to take stock of the federal government's social and educational responsibilities in their own communities. They can then decide for themselves whether those responsibilities now ought to be cut by one-third. Only after these calculations have been made can the American voter reach a valid judgment on the merits of the budgetary shellgame that a Republican President and a Democratic Congress, each for its own political purposes, are conspiring to set under the guise of simple frugality.

[From the Baltimore Morning Sun, Oct. 19, 1972]

THE HOUSE SURRENDERS ITS BIRTHRIGHT

The House of Representatives has voted to give President Nixon what no President has ever had, and what no Congress should ever consider giving—the power to cut congressionally approved spending programs as he sees fit, without the necessity of vetoing entire bills. The veto of entire bills is the only such presidential power in this field the Constitution authorizes. Such vetoes, of course, can be overridden by Congress. This balancing of presidential and congressional powers in the spending and taxing field helps preserve popular, broad-based democracy. It may be necessary to it.

Now the House has voted to go against this tradition—and for what? What is the crisis that caused so many legislators to dilute the power of the House, and the people, and increase the power of the President? If he followed the ringing rhetoric correctly, it is *not* that inflation is a terrible threat, though it is; it is *not* that the executive branch of government can more effectively make a budget, though it can; it is, rather, that the public is likely to vote against representatives who oppose the President's will on this. Representative Wilbur Mills, and others, said so in so many words. The President, they fear, will pin the need for a tax increase squarely on them.

The interesting thing about this is that Mr. Mills and some of the others who made this argument have no worries in November. They are secure in their districts. But what worries Mr. Mills, so he said, is that enough insecure Democrats might lose, so that Republicans might gain control of Congress, depriving him of his chairmanship of the Ways and Means Committee. (A committee that has cut taxes $50 billion over the past several years, thus, in part, bringing on the inflation-deficit-spending problems, as Representative George Mahon pointed out.) Yet we wonder what a committee chairmanship will be worth if the Congress keeps giving away power to the President. A mess of pottage?

Perhaps the Senate will restore sanity to this debate. Perhaps, also, the House and Senate will do as the House says it would like to do, and finally rewrite the rules and procedures involving the appropriations process. If they were to centralize spending power on the Hill, there would probably never be a need for presidents to seek this extraordinary power, because Congressional overspending is almost always the result not of policy decisions but of the episodic, uninformed, uncoordinated parochial nature of the process now followed.

Baltimore's congressmen, Representatives Garmatz, Long, Mitchell and Sarbanes, along with Representative Gude of Montgomery county, were correct to oppose Mr. Mills and the President on this. Mr. Gude, a Republican, showed especial independence, unlike Representative Hogan, another suburban Washington Republican, and Representative Byron, a Western Maryland Democrat who went along with the majority of Republicans and the minority of Democrats who so often claim to be conservatives.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time for the transaction of routine morning business has now expired.

What is the pleasure of the Senate?

VIETNAM ERA VETERANS' READJUSTMENT ASSISTANCE ACT OF 1972

Mr. HARTKE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12828.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the amendments of the Senate to the bill (H.R. 12828) to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes," which were in lieu of the matter stricken and inserted by the amendment of the Senate, insert:

That this Act may be cited as the "Vietnam Era Veterans' Readjustment Assistance Act of 1972".

TITLE I—VOCATIONAL REHABILITATION AND EDUCATIONAL ASSISTANCE RATE ADJUSTMENTS

SEC. 101. Chapter 31 of title 38, United States Code, is amended as follows:

(1) by adding at the end of subsection 1502 a new subsection as follows:

"(d) Veterans pursuing a program of vocational rehabilitation training under the provisions of this chapter shall also be eligible, where feasible, to perform veteran-student services pursuant to section 1685 of this title and for advance subsistence allowance payments as provided by section 1780 of this title.";

(2) by amending section 1504(b) to read as follows:

"(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

"Column I	Column II	Column III	Column IV	Column V
Type of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$170	$211	$248	$18
Three-quarter-time	128	159	187	14
Half-time	85	106	124	9
Farm cooperative, apprentice, or other on-job training:				
Full-time	148	179	207	14";

and

(3) by deleting in section 1507 "$100" and inserting in lieu thereof "$200".

SEC. 102. Chapter 34 of title 38, United States Code, is amended as follows:

(1) by deleting the last sentence of section 1677(b) "$175" and inserting in lieu thereof "$220";

(2) by amending the table contained in paragraph (1) of section 1682(a) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$220	$261	$298	$18
Three-quarter-time	165	196	224	14
Half-time	110	131	149	9
Cooperative	177	208	236	14";

(3) by deleting in section 1682(b) "$175" and inserting in lieu thereof "$220";

(4) by amending the table contained in paragraph (2) of section 1682(c), as redesignated by this Act, to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$177	$208	$236	$14
Three-quarter-time	133	156	177	11
Half-time	89	104	118	7";

and

(5) by deleting in section 1696(b) "$175" and inserting in lieu thereof "$220".

SEC. 103. Chapter 35 of title 38, United States Code, is amended as follows:

(1) by amending section 1732(a)(1) to read as follows:

"(a)(1) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (A) $220 per month if pursued on a full-time basis, (B) $165 per month if pursued on a three-quarter-time basis, and (C) $110 per month if pursued on a half-time basis.";

(2) by deleting in section 1732(a)(2) "$175" and inserting in lieu thereof "$220";

(3) by deleting in section 1732(b) "$141" and inserting in lieu thereof "$177"; and

(4) by amending section 1742(a) to read as follows:

"(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of $220 per month. If the charges for tuition and fees applicable to any such course are more than $69 per calendar month, the basic monthly allowance may be increased by the amount that such charges exceed $69 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $7.35 that the special training allowance paid exceeds the basic monthly allowance."

TITLE II—ADVANCE PAYMENT OF EDUCATIONAL ASSISTANCE OR SUBSISTENCE ALLOWANCES; VETERAN-STUDENT SERVICES

SEC. 201. Subchapter II of chapter 36 of title 38, United States Code, is amended by inserting immediately before section 1781 the following new section:

"§ 1780. Payment of educational assistance or subsistence allowances

"Period for Which Payment May Be Made

"(a) Payment of educational assistance or subsistence allowances to eligible veterans or eligible persons pursuing a program of education or training, other than a program by correspondence or a program of flight training, in an educational institution under chapter 31, 34, or 35 of this title shall be paid as provided in this section and, as applicable, in section 1504, 1682, 1691, or 1732 of this title. Such payments shall be paid only for the period of such veterans' or persons' enrollment, but no amount shall be paid—

"(1) to any eligible veteran or eligible person enrolled in a course which leads to a standard college degree for any period when such veteran or person is not pursuing his course in accordance with the regularly established policies and regulations of the educational institution and the requirements of this chapter or of chapter 34 or 35 of this title; or

"(2) to any eligible veteran or eligible person enrolled in a course which does not lead to a standard college degree (excluding programs of apprenticeship and programs of other on-job training authorized by section 1787 of this title) for any day of absence in excess of thirty days in a twelve-month period, not counting as absences weekends or legal holidays established by Federal or State law (or in the case of the Republic of the Philippines, Philippine law) during which the institution is not regularly in session.

"Correspondence Training Certifications

"(b) No educational assistance allowance shall be paid to an eligible veteran or wife or widow enrolled in and pursuing a program of education exclusively by correspondence until the Administrator shall have received—

"(1) from the eligible veteran or wife or widow a certificate as to the number of lessons actually completed by the veteran or wife or widow and serviced by the educational institution; and

"(2) from the training establishment a certification or an endorsement on the veteran's or wife's or widow's certificate, as to the number of lessons completed by the veteran or wife or widow and serviced by the institution.

"Apprenticeship and Other On-Job Training

"(c) No training assistance allowance shall be paid to an eligible veteran or eligible person enrolled in and pursuing a program of apprenticeship or other on-job training until the Administrator shall have received—

"(1) from such veteran or person a certification as to his actual attendance during such period; and

"(2) from the training establishment a certification, or an endorsement on the veteran's or person's certificate, that such veteran or person was enrolled in and pursuing a program of apprenticeship or other on-job training during such period.

"Advance Payment of Initial Educational Assistance or Subsistence Allowance

"(d)(1) The educational assistance or subsistence allowance advance payment provided for in this subsection is based upon a finding by the Congress that eligible veterans and eligible persons need additional funds at the beginning of a school term to meet the expenses of books, travel, deposits, and payment for living quarters, the initial installment of tuition, and the other special expenses which are concentrated at the beginning of a school term.

"(2) Subject to the provisions of this subsection, and under regulations which the Administrator shall prescribe, an eligible veteran or eligible person shall be paid an educational assistance allowance or subsistence allowance, as appropriate, advance payment. Such advance payment shall be made in an amount equivalent to the allowance for the month or fraction thereof in which pursuit of the program will commence, plus the allowance for the succeeding month. In the case of a serviceman on active duty, who is pursuing a program of education (other than under subchapter VI of chapter 34), the advance payment shall be in a lump sum based upon the amount payable for the entire quarter, semester, or term, as applicable. In no event shall an advance payment be made under this subsection to a veteran or person intending to pursue a program of education on less than a half-time basis. The application for advance payment, to be made on a form prescribed by the Administration, shall—

"(A) in the case of an initial enrollment of a veteran or person in an educational institution, contain information showing that the veteran or person (i) is eligible for educational benefits, (ii) has been accepted by the institution, and (iii) has notified the institution of his intention to attend that institution; and

"(B) in the case of a re-enrollment of a veteran or person, contain information showing that the veteran or person (i) is eligible to continue his program of education or training and (ii) intends to re-enroll in the same institution,

and, in either case, shall also state the number of semester or clock-hours to be pursued by such veteran or person.

"(3) Subject to the provisions of this subsection, and under regulations which the Administrator shall prescribe, a person eligible for education or training under the provisions of subchapter VI of chapter 34 of this title shall be entitled to a lump-sum educational assistance allowance advance payment. Such advance payment shall in no event be made earlier than thirty days prior to the date on which pursuit of the person's program of education or training is to commence. The application for the advance payment, to be made on a form prescribed by the Administrator, shall in addition to the information prescribed in paragraph (2)(A), specify—

"(A) that the program to be pursued has been approved;

"(B) the anticipated cost and the number of Carnegie, clock, or semester hours to be pursued; and

"(C) where the program to be pursued is other than a high school credit course, the need of the person to pursue the course or courses to be taken.

"(4) For purposes of the Administrator's determination whether any veteran or person is eligible for an advance payment under this section, the information submitted by the institution, the veteran or person, shall establish his eligibility unless there is evidence in his file in the processing office establishing that he is not eligible for such advance payment.

"(5) The advance payment authorized by paragraphs (2) and (3) of this subsection shall, in the case of an eligible veteran or eligible person, be (A) drawn in favor of the veteran or person; (B) mailed to the educational institution listed on the application form for temporary care and delivery to the veteran or person by such institution; and (C) delivered to the veteran or person upon his registration at such institution, but in no event shall such delivery be made earlier than thirty days before the program of education is to commence.

"(6) Upon delivery of the advance payment pursuant to paragraph (5) of this subsection, the institution shall submit to the Administrator a certification of such delivery. If such delivery is not effected within thirty days after commencement of the program of education in question, such institution shall return such payment to the Administrator forthwith.

"Prepayment of Subsequent Educational Assistance or Subsistence Allowance

"(e) Except as provided in subsection (g) of this section, subsequent payments of educational assistance or subsistence allowance to an eligible veteran or eligible person shall be prepaid each month, subject to such reports and proof of enrollment in and satisfactory pursuit of such programs as the Administrator may require. The Administrator may withhold the final payment for a period of enrollment until such proof is received and the amount of the final payment appropriately adjusted.

"Recovery of Erroneous Payments

"(f) If an eligible veteran or eligible person fails to enroll in or pursue a course for which an educational assistance or subsistence allowance advance payment is made, the amount of such payment and any amount of subsequent payments which, in whole or in part, are due to erroneous information required to be furnished under subsection (d)(2) and (3) of this section, shall become an overpayment and shall con-

stitute a liability of such veteran or person to the United States and may be recovered, unless waived pursuant to section 3102 of this title, from any benefit otherwise due him under any law administered by the Veterans' Administration or may be recovered in the same manner as any other debt due the United States.

"Payments for Less Than Half-Time Training

"(g) Payment of educational assistance allowance in the case of any eligible veteran or eligible person pursuing a program of education on less than a half-time basis (except as provided by subsection (d) (3) of this section) shall be made in an amount computed for the entire quarter, semester, or term during the month immediately following the month in which certification is received from the educational institution that such veteran or person has enrolled in and is pursuing a program of such institution. Such lump sum payment shall be computed at the rate provided in section 1682(b) or 1732(a) (2) of this title, as applicable.

"Determination of Enrollment, Pursuit, and Attendance

"(h) The Administrator may, pursuant to regulations which he shall prescribe, determine enrollment in, pursuit of, and attendance at, any program of education or training or course by an eligible veteran or eligible person for any period for which he receives an educational assistance or subsistence allowance under this chapter for pursuing such program or course."

SEC. 202. Section 1681 of title 38, United States Code, is amended to read as follows:

"§ 1681. Educational Assistance allowance

"General

"(a) The Administrator shall, in accordance with the applicable provisions of this section and section 1780 of this title, pay to each eligible veteran who is pursuing a program of education under this chapter an educational assistance allowance to meet, in part, the expenses of his subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

"Institutional Training

"(b) The educational assistance allowance of an eligible veteran pursuing a program of education, other than a program exclusively by correspondence or a program of flight training, at an educational institution shall be paid as provided in section 1780 of this title.

"Flight Training

"(c) No educational assistance allowance for any month shall be paid to an eligible veteran who is pursuing a program of education consisting exclusively of flight training until the Administrator shall have received a certification from the eligible veteran and the institution as to actual flight training received by, and the cost thereof to, the veteran during that month."

SEC. 203. Subchapter IV of chapter 34 of title 38, United States Code, is amended by deleting section 1658 in its entirety and inserting in lieu thereof the following:

"§ 1685. Veteran-student services

"(a) Veteran students utilized under the authority of subsection (b) of this section shall be paid an additional educational assistance allowance (hereafter referred to as 'work-study allowance'). Such work-study allowance shall be paid in advance in the amount of $250 in return for such veteran-student's agreement to perform services, during or between periods of enrollment, aggregating one hundred hours during a semester or other applicable enrollment period, required in connection with (1) the outreach services program under subchapter IV of chapter 3 of this title as carried out under the supervision of a Veterans' Administration employee, (2) the preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Veterans' Administration, (3) the provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, or (4) any other activity of the Veterans' Administration as the Administrator shall determine appropriate. Advances of lesser amounts may be made in return for agreements to perform services for periods of less than one hundred hours, the amount of such advance to bear the same ratio to the number of hours of work agreed to be performed as $250 bears to one hundred hours.

"(b) Notwithstanding any other provision of law, the Administrator shall utilize, in connection with the activities specified in subsection (a) of this section, the services of veteran-students who are pursuing full-time programs of education or training under chapters 31 and 34 of this title. In carrying out this section, the Administrator, wherever feasible, shall give priority to veterans with disabilities rated at 30 per centum or more for purposes of chapter 11 of this title.

"(c) The Administrator shall determine the number of veterans whose services the Veterans' Administration can effectively utilize (not to exceed eight hundred man-years or their equivalent in man-hours during any fiscal year) and the types of services that such veterans may be required to perform, on the basis of a survey, which he shall conduct annually, of each Veterans' Administration regional office in order to determine the numbers of veteran-students whose services can effectively be utilized during an enrollment period in each geographical area where Veterans' Administration activities are conducted, and shall determine which veteran-students shall be offered agreements under this section in accordance with regulations which he shall prescribe, including as criteria (1) the need of the veteran to augment his educational assistance or subsistence allowance; (2) the availability to the veteran of transportation to the place where his services are to be performed; (3) the motivation of the veteran; and (4) in the case of a disabled veteran pursuing a course of vocational rehabilitation under chapter 31 of this title, the compatibility of the work assignment to the veteran's physical condition.

"(d) While performing the services authorized by this section, veteran-students shall be deemed employees of the United States for the purposes of the benefits of chapter 81 of title 5 but not for the purposes of laws administered by the Civil Service Commission."

TITLE III—EDUCATIONAL ASSISTANCE PROGRAM ADJUSTMENTS

SEC. 301. Subsection (b) of section 1502 of title 38, United States Code, is amended by striking out "34 or 35" and inserting in lieu thereof "34, 35, or 36".

SEC. 302. Section 1671 of title 38, United States Code, is amended to read as follows:

"Any eligible veteran, or any person on active duty (after consultation with the appropriate service education officer), who desires to initiate a program of education under this chapter shall submit an application to the Administrator which shall be in such form, and contain such information, as the Administrator shall prescribe. The Administrator shall approve such application unless he finds that such veteran or person is not eligible for or entitled to the educational assistance applied for, or that his program of education fails to meet any of the requirements of this chapter, or that he is already qualified. The Administrator shall notify the veteran or person of the approval or disapproval of his application."

SEC. 303. Section 1682 of title 38, United States Code, is amended by striking out subsection (c) and redesignating subsection (d), as amended by section 102(4) of title I of this Act, as subsection (c), and, as redesignated, amending paragraph (1) of such subsection—

(1) by striking out the parenthetical phrase in clause (A) and inserting in lieu thereof: "(a minimum of ten clock hours per week or four hundred and forty clock hours in such year prescheduled to provide not less than eighty clock hours in any three-month period)";

(2) by striking out "9" and "6" in clauses (B) and (C), respectively, and inserting in lieu thereof "7" and "5", respectively; and

(3) by adding the following sentence at the end thereof: "In computing the foregoing clock hour requirements there shall be included the time involved in field trips and individual and group instruction sponsored and conducted by the educational institution through a duly authorized instructor of such institution in which the veteran is enrolled."

SEC. 304. Chapter 34 of title 38, United States Code, is amended by striking out section 1684 in its entirety and inserting in lieu thereof the following:

"§ 1684. Apprenticeship or other on-job training; correspondence courses

"Any eligible veteran may pursue a program of apprenticeship or other on-job training or a program of education exclusively by correspondence and be paid an educational assistance allowance or training assistance allowance, as applicable, under the provisions of section 1787 or 1786 of his title."

SEC. 305. Section 1691 of title 38, United States Code, is amended by amending subsection (b) to read as follows:

"(b) The Administrator shall pay to an eligible veteran pursuing a course or courses or programs pursuant to subsection (a) of this section, an educational assistance allowance as provided in sections 1681 and 1682 (a) or (b) of this title."

SEC. 306. Section 1692 of title 38, United States Code, is amended by—

(1) striking out "marked" wherever it appears; and

(2) inserting a comma in subsection (b) immediately after "month" and by inserting immediately after "nine months," in such subsection, the following: "or until a maximum of $450 is utilized,".

SEC. 307. Section 1696 of title 38, United States Code, is amended by inserting at the end of subsection (b) the following sentence: "Where it is determined that there is no same program, the Administrator shall establish appropriate rates for tuition and fees designated to allow reimbursement for reasonable costs for the education or training institution."

SEC. 308. Subchapter VI of chapter 34 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1697A. Coordination with and participation by Department of Defense

"(a) The Administrator shall designate an appropriate official of the Veterans' Administration who shall cooperate with and assist the Secretary of Defense and the official he designates as administratively responsible for such matters, in carrying out functions and duties of the Department of Defense under the PREP program authorized by this subchapter. It shall be the duty of such official to assist the Secretary of Defense in all matters entailing cooperation or coordination between the Department of Defense and the Veterans' Administration in providing training facilities and released time from duty necessary to carry out the purposes of the program.

"(b) Educational institutions and training establishments administered by or under contract to the Department of Defense providing education and training to persons serving on active duty with the Armed Forces shall, in accordance with regulations jointly prescribed by the Administrator and the Sec-

retary of Defense, be approved for the enrollment of eligible persons only at such time as the Secretary submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing such Department's plan for implementation of the program established under this subchapter (except that on-going programs of education and training at such institutions or establishments may be continued for ninety days after the date of enactment of this section and prior to the submission of such report), and periodically thereafter submits progress reports with respect to the implementation of such plan, which plan shall include provision for—

"(1) each Secretary concerned to undertake an information and outreach program designed to advise, counsel, and encourage each eligible person within each branch of the Armed Forces with respect to enrollment in a program under this subchapter, with particular emphasis upon programs under sections 1691(a)(2) and 1696(a)(2) of this title, and in all other programs for which such person, prior to or following discharge or release from active duty, may be eligible under chapters 31 and 34 of this title;

"(2) each Secretary concerned to undertake, in coordination with representatives of the Veterans' Administration, to arrange and carry out meetings with each approved educational institution located in the vicinity of an Armed Forces installation (or, in the case of installations overseas, which have the capacity to carry out such programs at such overseas installations) to encourage the establishment of a program by such institution under this subchapter and subchapter V of this chapter in connection with persons stationed at such installation, with particular emphasis upon programs under sections 1691 (a)(2) and 1696(a)(2) of this title;

"(3) the release from duty assignment of any such eligible person for at least one-half of the hours required for such person to enroll in a full-time program of education or training under this subchapter during his military service, unless, pursuant to regulations prescribed by the Secretary concerned, it is determined that such release of time is inconsistent with the interests of the national defense; and

"(4) establishment of an Inter-Service and Agency Coordinating Committee, under the co-chairmanship of an Assistant Secretary of Defense and the Chief Benefits Director of the Veterans' Administration, to promote and coordinate the establishment and conduct of programs under this subchapter and other provisions of this title and the implementation of the plan submitted pursuant to this section."

SEC. 309. Subsection (a) of section 1701 of title 38, United States Code, is amended as follows:

(1) by amending paragraph (6) to read as follows:

"(6) The term 'educational institution' means any public or private secondary school, vocational school, correspondence school, business school,—junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or any other institution if it furnishes education at the secondary school level or above."; and

(2) by adding at the end thereof the following new paragraph:

"(9) For the purposes of this chapter and chapter 36 of this title, the term 'training establishment means any establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or any State board of vocational education, or any joint apprenticeship committee, or the Bureau of Apprenticeship and Training established pursuant to chapter 4C of title 29, or any agency of the Federal Government authorized to supervise such training."

SEC. 310. Section 1720 of title 38, United States Code, is amended by inserting after the first sentence in subsection (a) thereof a new sentence as follows: "Such counseling shall not be required where the eligible person has been accepted for, or is pursuing, courses which lead to a standard college degree, at an approved institution."

SEC. 311. Section 1723 of title 38, United States Code, is amended by—

(1) amending subsection (c) to read as follows:

"(c) The Administrator shall not approve the enrollment of an eligible person in any course of institutional on-farm training, any course to be pursued by correspondence (except as provided in section 1786 of this title), open circuit television (except as herein provided), or a radio, or any course to be pursued at an educational institution not located in a State or in the Republic of the Philippines (except as herein provided). The Administrator may approve the enrollment of an eligible person in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through the medium of open circuit televised instruction, if the major portion of the course requires conventional classroom or laboratory attendance. The Administrator may approve the enrollment at an educational institution which is not located in a State or in the Republic of the Philippines if such program is pursued at an approved educational institution of higher learning The Administrator in his discretion may deny or discontinue the educational assistance under this chapter of any eligible person in a foreign educational institution if he finds that such enrollment is not in the best interest of the eligible person or the Government."; and

(2) inserting "(except as provided in section 1733 of this title)" after "regular secondary school education" in subsection (d).

SEC. 312. Section 1731 of title 38, United States Code, is amended by—

(1) inserting in subsection (a) immediately after the word "shall" a comma and the following: "in accordance with the provisions of section 1780 of this title,";

(2) striking out subsections (b), (c), and (e) in their entirety; and

(3) redesignating subsection (d) as subsection (b).

SEC. 313. Sections 1733 and 1734 of title 38, United States Code, are amended to read as follows:

"§ 1733. Special assistance for the educationally disadvantaged

"(a) Any eligible wife or widow shall, without charge to any entitlement she may have under section 1711 of this title, be entitled to the benefits provided an eligible veteran under section 1691 (if pursued in a State) of this title and be paid an educational assistance allowance under the provisions of section 1732(a) of this title.

"(b) Any eligible person shall, without charge to any entitlement he may have under section 1711 of this title, be entitled to the benefits provided an eligible veteran under section 1692 of this title.

"§ 1734. Apprenticeship or other on-job training; correspondence courses

"(a) Any eligible person shall be entitled to pursue, in a State, a program of apprenticeship or other on-job training and be paid a training assistance allowance as provided in section 1787 of this title.

"(b) Any eligible wife or widow shall be entitled to pursue a program of education exclusively by correspondence and be paid an educational assistance allowance as provided in section 1786 of this title."

SEC. 314. Section 1777 of title 38, United Code, is amended by inserting "or person" after "veteran" each place it appears.

SEC. 315. Section 1784 of title 38, United States Code, is amended by—

(1) striking out "34 or 35" and inserting in lieu thereof "34, 35, or 36" in subsection (a) and in the first sentence of subsection (b);

(2) inserting "or eligible persons" after "veterans" in the second sentence of subsection (b); and

(3) striking out "enrolled under chapter 34 of this title, plus the number of eligible persons enrolled under chapter 35 of this title" and inserting in lieu thereof "or eligible persons enrolled under chapters 34, 35, and 36 of this title, or $4 in the case of those eligible veterans and eligible persons whose educational assistance checks are directed in care of each institution for temporary custody and delivery and are delivered at the time of registration as provided under section 1780(d)(5) of this title" in subsection (b).

SEC. 316. Subchapter II of chapter 36 of title 38, United States Code, is amended by—

(1) striking out sections 1786 and 1787 and inserting in lieu thereof the following:

"§ 1786. Correspondence courses

"(a)(1) Each eligible veteran (as defined in section 1652(a) (1) and (2) of this title) and each eligible wife or widow (as defined in section 1701(a)(1) (B), (C), or (D) of this title) who enters into an enrollment agreement to pursue a program of education exclusively by correspondence shall be paid an educational assistance allowance computed at the rate of 90 per centum of the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veteran or wife or widow. The term 'established charge' as used herein means the charge for the courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the veteran or wife or widow, whichever is the lesser. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the veteran or wife or widow and serviced by the institution.

"(2) The period of entitlement of any veteran or wife or widow who is pursuing any program of education exclusively by correspondence shall be charged with one month for each $220 which is paid to the veteran or wife or widow as an educational assistance allowance for such course.

"(b) The enrollment agreement shall fully disclose the obligation of both the institution and the veteran or wife or widow and shall prominently display the provisions for affirmance, termination, refunds, and the conditions under which payment of the allowance is made by the Administrator to the veteran or wife or widow. A copy of the enrollment agreement shall be furnished to each such veteran or wife or widow at the time such veteran or wife or widow signs such agreement. No such agreement shall be effective unless such veteran or wife or widow shall, after the expiration of ten days after the enrollment agreement is signed, have signed and submitted to the Administrator a writen statement, with a signed copy to the institution, specifically affirming the enrollment agreement. In the event the veteran or wife or widow at any time notifies the institution of his intention not to affirm the agreement in accordance with the preceding sentence, the institution, without imposing any penalty or charging any fee shall promptly make a full refund of all amounts paid.

"(c) In the event a veteran or wife or widow elects to terminate his enrollment under an affirmed enrollment agreement, the institution (other than one subject to the provisions of section 1776 of this title) may charge the veteran or wife or widow a registration or similar fee not in excess of 10 per

centum of the tuition for the course, or $50 whichever is less. Where the veteran or wife or widow elects to terminate the agreement after completion of one or more but less than 25 per centum of the total number of lessons comprising the course, the institution may retain such registration or similar fee plus 25 per centum of the tuition for the course. Where the veteran or wife or widow elects to terminate the agreement after completion of 25 per centum but less than 50 per centum of the lessons comprising the course, the institution may retain the full registration or similar fee plus 50 per centum of the course tuition. If 50 per centum or more of the lessons are completed, no refund of tuition is required.

"§ 1787. Apprenticeship or other on-job training

"(a) An eligible veteran (as defined in section 1652(a)(1) of this title) or an eligible person (as defined in section 1701(a) of this title) shall be paid a training assistance allowance as prescribed by subsection (b) of this section while pursuing a full-time—

"(1) program of apprenticeship approved by a State approving agency as meeting the standards of apprenticeship published by the Secretary of Labor pursuant to section 50a of title 29, or

"(2) program of other on-job training approved under provisions of section 1777 of this title,

subject to the conditions and limitations of chapters 34 and 35 with respect to educational assistance.

"(b)(1) The monthly training assistance allowance of an eligible veteran pursuing a program described under subsection (a) shall be as follows:

"Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV plus the following for each dependent in excess of two:
First 6 months	$160	$179	$196	$8.
Second 6 months	120	139	156	8.
Third 6 months	80	99	116	8.
Fourth and any succeeding 6-month periods	40	59	76	8.

"(2) The monthly training assistance allowance of an eligible person pursuing a program described under subsection (a) shall be (A) $160 during the first six-month period, (B) $120 during the second six-month period, (C) $80 during the third six-month period, and (D) $40 during the fourth and any succeeding six-month period.

"(3) In any month in which an eligible veteran or person pursuing a program of apprenticeship or a program of other on-job training fails to complete one hundred and twenty hours of training in such month, the monthly training assistance allowance set forth in subsection (b)(1) or (2) of this section, as applicable, shall be reduced proportionately in the proportion that the number of hours worked bears to one hundred and twenty hours rounded off to the nearest eight hours.

"(c) For the purpose of this chapter, the terms 'program of apprenticeship' and 'program of other on-job training' shall have the same meaning as 'program of education'; and the term 'training assistance allowance' shall have the same meaning as 'educational assistance allowance' as set forth in chapters 34 and 35 of this title.";

(2) redesignating sections 1788, 1789, 1790, and 1791 as sections 1792, 1793, 1794, and 1795, respectively, and inserting after section 1787 the following new sections:

"§ 1788. Measurement of courses

"(a) For the purposes of this chapter and chapters 34 and 35 of this title—

"(1) an institutional trade or technical course offered on a clock-hour basis below the college level involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with no more than two and one-half hours of rest periods per week allowed;

"(2) an institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction (which may include customary intervals not to exceed ten minutes between hours of instruction) is required;

"(3) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when (A) a minimum of four units per year is required or (B) an individual is pursuing a program of education leading to an accredited high school diploma at a rate which, if continued, would result in receipt of such a diploma in four ordinary school years. For the purpose of subclause (A) of this clause, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year;

"(4) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of fourteen semester hours or the equivalent thereof (including such hours for which no credit is granted but which are required to be taken to correct an educational deficiency and which the educational institution considers to be quarter or semester hours for other administrative purposes), for which credit is granted toward a standard college degree, is required, except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course;

"(5) a program of apprenticeship or a program of other on-job training shall be considered a full-time program when the eligible veteran or person is required to work the number of hours constituting the standard workweek of the training establishment, but a workweek of less than thirty hours shall not be considered to constitute full-time training unless a lesser number of hours has been established as the standard workweek for the particular establishment through bona fide collective bargaining; and

"(6) an institutional course offered as part of a program of education below the college level under section 1691(a)(2) or 1696(a)(2) of this title shall be considered a full-time course on the basis of measurement criteria provided in clause (2), (3), or (4) as determined by the educational institution.

"(b) The Administrator shall define part-time training in the case of the types of courses referred to in subsection (a), and shall define full-time and part-time training in the case of all other types of courses pursued under this chapter or chapter 34 or 35 of this title.

"§ 1789. Period of operation for approval

"(a) The Administrator shall not approve the enrollment of an eligible veteran or eligible person in any course offered by an educational institution when such course has been in operation for less than two years.

"(b) Subsection (a) shall not apply to—

"(1) any course to be pursued in a public or other tax-supported educational institution;

"(2) any course which is offered by an educational institution which has been in operation for more than two years, if such course is similar in character to the instruction previously given by such institution.

"(3) any course which has been offered by an institution for a period of more than two years, notwithstanding the institution has moved to another location within the same general locality, or has made a complete move with substantially the some faculty, curricula, and students, without change in ownership;

"(4) any course which is offered by a nonprofit educational institution of college level and which is recognized for credit toward a standard college degree; or

"(5) any course offered by a proprietary nonprofit educational institution which qualifies to carry out an approved program of education under the provisions of subchapter V or VI of chapter 34 of this title (including those courses offered at other than the institution's principal location) if the institution offering such course has been in operation for more than two years.

"§ 1790. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statetments

"Overcharges by Educational Institutions

"(a) If the Administrator finds that an educational institution has—

"(1) charged or received from any eligible veteran or eligible person pursuing a program of education under this chapter or chapter 34 or 35 of this title any amount for any course in excess of the charges for tuition and fees which such institution requires similarly circumstanced nonveterans not receiving assistance under such chapters who are enrolled in the same course to pay, or

"(2) instituted, after the effective date of section 1780 of this title, a policy or practice with respect to the payment of tuition, fees, or other charges in the case of eligible veterans and the Administrator finds that the effect of such policy or practice substantially denies to veterans the benefits of the advance and prepayment allowances under such section,

he may disapprove such educational institution for the enrollment of any eligible veteran or eligible person not already enrolled therein under this chapter or chapter 31, 34, or 35, of this title.

"Discontinuance of Allowances

"(b) The Administrator may discontinue the educational assistance allowance of any eligible veteran or eligible person if he finds that the program of education or any course in which the veteran or person is enrolled fails to meet any of the requirements of this chapter or chapter 34 or 35 of this title, or if he finds that the educational institution offering such program or course has violated any provision of this chapter or chapter 34 or 35, or fails to meet any of the requirements of such chapters.

"Examination of Records

"(c) The records and accounts of educational institutions pertaining to eligible veterans or eligible persons who received educational assistance under this chapter or chapter 31, 34, or 35 of this title shall be available for examination by duly authorized representatives of the Government.

"False or Misleading Statements

"(d) Whenever the Administrator finds that an educational institution has willfully submitted a false or misleading claim, or that a veteran or person, with the complicity of an educational institution, has submitted such a claim, he shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the Attorney General of the United States for appropriate action.

"§ 1791. Change of program

"(a) Except as provided in subsections (b) and (c) of this section, each eligible veteran and eligible person may make not more than one change of program of education, but an eligible veteran or eligible person whose program has been interrupted or discontinued due to his own misconduct, his own neglect, or his own lack of application shall not be entitled to any such change.

"(b) The Administrator may approve one additional change (or an initial change in the case of a veteran or person not eligible to make a change under subsection (a)) in program if he finds that—

"(1) the program of education which the eligible veteran or eligible person proposes to pursue is suitable to his aptitudes, interests, and abilities; and

"(2) in any instance where the eligible veteran or eligible person has interrupted, or failed to progress in, his program due to his own misconduct, his own neglect, or his own lack of application, there exists a reasonable likelihood with respect to the program which the eligible veteran or eligible person proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

"(c) The Administrator may also approve additional changes in program if he finds such changes are necessitated by circumstances beyond the control of the eligible veteran or eligible person.

"(d) As used in this section the term 'change of program of education' shall not be deemed to include a change from the pursuit of one program to pursuit of another where the first program is prerequisite to, or generally required for, entrance into pursuit of the second."; and

(3) Section 1792 of title 38, United States Code (as redesignated by section 316(2) of this Act) is amended by inserting between the first and second sentences of such section the following: "The Committee shall also include veterans representative of World War II, the Korean conflict era, the post-Korean conflict era, and the Vietnam era."

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS TO THE VETERANS' AND WAR ORPHANS' AND WIDOWS' EDUCATIONAL ASSISTANCE PROGRAMS

SEC. 401. Chapter 34 of title 38, United States Code, is amended by—

(1) inserting after "this chapter" in subsection (a) of section 1661 "or chapter 36";

(2) deleting "31 or 35" and inserting "31, 34, or 36" in subsection (d) of section 1673;

(3) striking out all after "certification" down to the period and inserting in lieu thereof "as required by section 1681(c) of this title" in the second sentence of section 1677(b);

(4) striking out "(c)(1), or (d)" and inserting in lieu thereof "or (c)" and striking out "1683" and inserting in lieu thereof "1787" in subsection 1682(a)(1);

(5) striking out the last sentence of section 1682(b);

(6) striking out sections 1672, 1675, 1683, and 1687 in their entirety; and

(7) redesignating section 1686 as section 1683.

SEC. 402. Chapter 35 of title 38, United States Code, is amended by—

(1) deleting "1737" and inserting "1736" in section 1712(a)(2);

(2) striking out sections 1722, 1725, and 1736 in their entirety;

(3) redesignating section 1737 as section 1736; and

(4) striking out "1737" and inserting "1736" in section 1735.

SEC. 403. Chapter 36 of title 38, United States Code, is amended by—

(1) striking out "1686" and inserting "1683" in section 1770(b);

(2) inserting "this chapter and" after "purposes of" in section 1771(a);

(3) inserting "this chapter and" before "chapters 34 and 35" each place it appears in section 1772;

(4) striking out "1737" and inserting a lieu thereof "1736" in section 1772(a);

(5) striking out "1683(a)(1)" and inserting in lieu thereof "1787(a)(1)" in section 1772(c);

(6) inserting "this chapter and" before "chapters 34 and 35" in subsection (a) of section 1773;

(7) inserting "this chapter and" before "chapters 34 and 35" the first time it appears in section 1774(a);

(8) striking out "or special training allowance granted under chapter 34 or 35" and inserting in lieu thereof "granted under chapter 34, 35, or 36" in section 1781;

(9) inserting "this chapter or" before "chapter 34 or 35" in section 1782;

(10) inserting "this chapter or" before "chapter 34 or 35" each place it appears in section 1783;

(11) inserting "this chapter or" before "chapter 34 or 35" in section 1785;

(12) inserting "this chapter or" before "chapter 34 or 35" in section 1793 (as redesignated by section 316(2) of this Act); and

(13) striking out "Chapters 31, 34, and 35" and inserting in lieu thereof "chapters 31, 34, 35, and 36" in section 1795 (as redesignated by section 316(2) of this Act).

SEC. 404. (a) The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by—

(1) striking out:

"1672. Change of program."

and

"1675. Period of operation for approval.";

(2) striking out:

"SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS

"1681. Educational assistance allowance.
"1682. Computation of educational assistance allowances.
"1683. Apprenticeship or other on-job training.
"1684. Measurement of courses.
"1685. Overcharges by educational institutions.
"1686. Approval of courses.
"1687. Discontinuance of allowances."

and inserting in lieu thereof the following:

SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

"1681. Educational assistance allowance.
"1682. Computation of educational assistance allowances.
"1683. Approval of courses.
"1684. Apprenticeship or other on-job training; correspondence courses.
"1685. Veteran-student services.";

and

(3) adding at the end thereof the following:

"1697A. Coordination with and participation by Department of Defense.".

(b) The subchapter heading above section 1631 of such title is amended to read as follows:

SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

SEC. 405. The table of sections at the beginning of chapter 35 of title 38, United States Code, is amended by—

(1) striking out:

"1722. Change of program."

and

"1725. Period of operation for approval.";

(2) striking out:

"1733. Measurement of courses.
"1734. Overcharges by educational institutions.
"1735. Approval of courses.
"1736. Discontinuance of allowances.
"1737. Specialized vocational training courses."

and inserting in lieu thereof:

"1733. Special assistance for the educationally disadvantaged.
"1734. Apprenticeship or other on-job training; correspondence courses.
"1735. Approval of courses.
"1736. Specialized vocational training courses."

SEC. 406. The table of sections at the beginning of chapter 36 of title 38, United States Code, is amended by—

(1) inserting:

"1780. Payment of educational or subsistence assistance allowances."

immediately above

"1781. Limitations on educational assistance.";

and

(2) striking out:

"1786. Examination of records.
"1787. False or misleading statements.
"1788. Advisory committee.
"1789. Institutions listed by Attorney General.
"1790. Use of other Federal agencies.
"1791. Limitation on period of assistance under two or more programs."

and inserting in lieu thereof:

"1786. Correspondence courses.
"1787. Apprenticeship or other on-job training.
"1788. Measurement of courses.
"1789. Period of operation for approval.
"1790. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements.
"1791. Change of program.
"1792. Advisory committee.
"1793. Institutions listed by Attorney General.
"1794. Use of other Federal agencies.
"1795. Limitation on period of assistance under two or more programs."

SEC. 407. Section 101 of title 38, United States Code, is amended by striking out the last sentence of paragraph (4) and inserting in lieu thereof the following sentences: "A person with respect to whom an interlocutory decree of adoption has been issued by an appropriate adoption authority shall be recognized thereafter as a legally adopted child, unless and until that decree is rescinded, if the child remains in the custody of the adopting parent or parents during the interlocutory period. A person who has been placed for adoption under an agreement entered into by the adopting parent or parents with any agency authorized under law to so act shall be recognized thereafter as a legally adopted child, unless and until such agreement is terminated, if the child remains in the custody of the adopting parent or parents during the period of placement for adoption under such agreement."

SEC. 408. Section 102 of title 38, United States Code, is amended as follows:

(1) Subsection (b) thereof is amended to read as follows:

"(b) For the purposes of this title, (1) the term 'wife' includes the husband of any female veteran; and (2) the term 'widow' includes the widower of any female veteran.";

(2) The heading of such section is amended to read as follows:

"§ 102. Dependent parents; husbands".

SEC. 409. The table of sections at the beginning of chapter 1 of title 38, United States Code, is amended by striking out:

"102. Dependent parents and dependent husbands."

and inserting in lieu thereof:

"102. Dependent parents; husbands.".

SEC. 410. (a) The first sentence of section 240 of title 38, United States Code, is amended by inserting "and encourage" after "aid".

(b) Section 241 of such title is amended by striking out "give priority to so advising" and inserting in lieu thereof "insure, through the utilization of veteran-student services under section 1685 of this title, that contact, in person or by telephone, is made with" in clause (1).

SEC. 411. Subsection (b) of section 1774 of title 38, United States Code, is amended to read as follows:

"(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

Total salary cost reimbursable under this section	Allowance for administrative expense
$5,000 or less	$500.
Over $5,000 but not exceeding $10,000	$900.
Over $10,000 but not exceeding $35,000	$900 for the first $10,000 plus $800 for each additional $5,000 or fraction thereof.
Over $35,000 but not exceeding $40,000	$5,250.
Over $40,000 but not exceeding $75,000	$5,250 for the first $40,000 plus $700 for each additional $5,000 or fraction thereof.
Over $75,000 but not exceeding $80,000	$10,450.
Over $80,000	$10,450 for the first $80,000 plus $600 for each additional $5,000 or fraction thereof."

SEC. 412. Section 3301 of title 38, United States Code is amended—

(1) by inserting after "Veterans' Administration" where it first appears, the language: "and the names and addresses of present or former personnel of the armed services, and their dependents, in the possession of the Veterans' Administration"; and

(2) by adding at the end of such section the following new clause (9):

"(9) the Administrator may, pursuant to regulations he shall prescribe, release the names and addresses of present or former personnel of the armed services, and/or dependents to any nonprofit organization but only if the release is directly connected with the conduct of programs and the utilization of benefits under this title. Any such organization or member thereof which uses such names and addresses for purposes other than those specified in this clause shall be fined not more than $500 in the case of a first offense, and not more than $5,000 in the case of subsequent offenses."

SEC. 413. The Administrator, in consultation with the advisory committee formed pursuant to section 1792 of this title (as redesignated by section 316(2) of this Act), shall provide for the conduct of an independent study of the operation of the post-Korean conflict program of educational assistance currently carried out under chapters 31, 34, 35, and 36 of this title in comparison with similar programs of educational assistance that were available to veterans of World War II and of the Korean conflict from the point of view of administration; veteran participation; safeguards against abuse; and adequacy of benefit level, scope of programs, and information and outreach efforts to meet the various education and training needs of eligible veterans. The results of such study, together with such recommendations as are warranted to improve the present program, shall be transmitted to the President and the Congress within six months after the date of enactment of this Act.

TITLE V—VETERANS' EMPLOYMENT ASSISTANCE AND PREFERENCE

SEC. 501. This title may be cited as the "Veterans' Employment and Readjustment Act of 1972".

SEC. 502. (a) Chapter 41 of title 38, United States Code, is amended to read as follows:

"Chapter 41.—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

"Sec.
"2001. Definitions.
"2002. Purpose.
"2003. Assignment of veterans' employment representative.
"2004. Employees of local offices.
"2005. Cooperation of Federal agencies.
"2006. Estimate of funds for administration; authorization of appropriations.
"2007. Administrative controls; annual report.
"2008. Cooperation and coordination with the Veterans' Administration.

"§ 2001. Definitions

"For the purposes of this chapter—

"(1) The term 'eligible veteran' means a person who served in the active military, naval, or air service and who was discharged or released therefrom with other than a dishonorable discharge.

"(2) The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"§ 2002. Purpose

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and that, to this end policies shall be promulgated and administered through a Veterans Employment Service within the Department of Labor, so as to provide such veterans the maximum of employment and training opportunities through existing programs, coordination and merger of programs and implementation of new programs.

"§ 2003. Assignment of veterans' employment representative

"The Secretary of Labor shall assign to each State a representative of the Veterans Employment Service to serve as the veterans' employment representative, and shall further assign to each State one assistant veterans' employment representative per each 250,000 veterans of the State veterans population, and such additional assistant veterans' employment representatives as he shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to assist the veterans' employment representative to carry out effectively in that State the purposes of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall—

"(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

"(2) engage in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans' Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities;

"(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veteran's particular qualifications with an available job or on-job training or apprenticeship opportunity which is commensurate with those qualifications;

"(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

"(5) maintain regular contact with employers, labor unions, training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

"(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

"§ 2004. Employees of local offices

"Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, on the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for the veterans' employment representative and his assistants.

"§ 2005. Cooperation of Federal agencies

"All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or

appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

"§ 2006. Estimate of funds for administration; authorization of appropriations

"(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor. Estimated funds necessary for proper counseling, placement, and training services to veterans provided by the various State public employment service agencies shall be separately identified in the budgets of those agencies as approved by the Department of Labor.

"(b) There are authorized to be appropriated such sums as may be necessary for the proper and efficient administration of this chapter.

"(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate submitted pursuant to subsection (a) of this section.

"(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary of Labor based on a demonstrated lack of need for such funds for such purposes.

"§ 2007. Administrative controls; annual report

"(a) The Secretary of Labor shall establish administrative controls for the following purposes:

"(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling services.

"(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary of Labor to be inadequate.

"(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans, veterans with service-connected disabilities, and other eligible veterans who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2006 of this title and a statement of the reasons for such determination.

"§ 2008. Cooperation and coordination with the Veterans' Administration

"In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and all data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration."

(b) The table of chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part III of such title are each amended by striking out:

"41. Job Counseling and Employment Placement Service for Veterans------2001".

and inserting

"41. Job Counseling, Training, and Placement Service for Veterans------2001"

SEC. 503. (a) Part III of title 38, United States Code, is amended by adding at the end thereof a new chapter as follows:

"Chapter 42.—EMPLOYMENT AND TRAINING OF DISABLED AND VIETNAM ERA VETERANS

"Sec.
"2011. Definitions.
"2012. Veterans' employment emphasis under Federal contracts.
"2013. Eligibility requirements for veterans under certain Federal manpower training programs.

"§ 2011. Definitions

"As used in this chapter—

"(1) The term 'disabled veteran' means a person entitled to disability compensation under laws administered by the Veterans' Administration for a disability rated at 30 per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.

"(2) The term 'veteran of the Vietnam era' means a person (A) who (i) served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era, and was discharged or released therefrom active duty for a service-connected discharge, or (ii) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era, and (B) who was so discharged or released within the 48 months preceding his application for employment covered under this chapter.

"(3) The term 'department and agency' means any department or agency of the Federal Government or any federally owned corporation.

"§ 2012. Veterans' employment emphasis under Federal contracts

"(a) Any contract entered into by any department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States, shall contain a provision requiring that, in employing persons to carry out such contract, the party contracting with the United States shall give special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era. The provisions of this section shall apply to any subcontract entered into by a prime contractor in carrying out any contract for the procurement of personal property and nonpersonal services (including construction) for the United States. The President shall implement the provisions of this section by promulgating regulations within 60 days after the date of enactment of this section, which regulations shall require that (1) each such contractor undertake in such contract to list immediately with the appropriate local employment service office all of its suitable employment openings and (2) each such local office shall give such veterans priority in referral to such employment openings.

"(b) If any disabled veteran or veteran of the Vietnam era believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to giving special emphasis in employment to veterans, such veteran may file a complaint with the Veterans' Employment Service of the Department of Labor. Such complaint shall be promptly referred to the Secretary who shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

"§ 2013. Eligibility requirements for veterans under certain Federal manpower training programs

"Any (1) amounts received as pay or allowances by any person while serving on active duty, (2) period of time during which such person served on such active duty, and (3) amounts received under chapters 11, 13, 31, 34, 35, and 36 of this title by a veteran (as defined in section 101(2) of this title) who served on active duty for a period of more than 180 days or was discharged or released from active duty for a service-connected disability, and any amounts received by an eligible person under chapters 13 and 35 of such title, shall be disregarded in determining the needs or qualifications of participants in any public service employment program, any emergency employment program, any job training program assisted under the Economic Opportunity Act of 1964, any manpower training program assisted under the Manpower Development and Training Act of 1962, or any other manpower training (or related) program financed in whole or in part with Federal funds."

(b) The table of chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part III of such title are each amended by adding at the end thereof a new item as follows:

"42. Employment and Training of Disabled and Vietnam Era Veterans ------ 2011".

SEC. 504. The Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C. App. 501 et seq.), is amended as follows:

(1) Section 101(1) (50 U.S.C. App. 511(1)) is amended by striking out "The term 'persons in military service'" and inserting in lieu thereof "The term 'person in the military service', the term 'persons in military service',".

(2) The following new section is inserted after section 700:

"SEC. 701. (a) Notwithstanding any other provision of law, a power of attorney which—

"(1) was duly executed by a person in the military service who is in a missing status (as defined in section 551(2) of title 37, United States Code);

"(2) designates that person's spouse, parent, or other named relative as his attorney in fact for certain specified, or all, purposes; and

"(3) expires by its terms after that person entered a missing status, and before or after the effective date of this section;

shall be automatically extended for the period that the person is in a missing status.

"(b) No power of attorney executed after the effective date of this section by a person in the military service may be extended under subsection (a) if the document by its terms clearly indicates that the power granted expired in the date specified even though that person, after the date of execution of the document, enters a missing status.

"(c) This section applies only to persons in military service who executed powers of attorney during the Vietnam era (as defined in section 101(29) of title 38, United States Code)."

SEC. 505. Section 3107 of title 38, United States Code, is amended by inserting after "title" the words "or that portion of the educational assistance allowance payable on ac-

count of dependents under chapter 34 of this title".

TITLE VI—EFFECTIVE DATES AND SAVINGS PROVISIONS

SEC. 601. (a) The rate increases provided in Title I of this Act and the rate increases provided by the provisions of section 1787, title 38, United States Code (as added by section 316 of this Act) shall become effective October 1, 1972; except, for those veterans and eligible persons in training on the date of enactment, the effective date shall be the date of the commencement of the current enrollment period, but not earlier than September 1, 1972.

(b) The provisions of title V of this Act shall become effective 90 days after the date of enactment of this Act.

SEC. 602. (a) The provisions of section 1786 of title 38, United States Code (as added by section 316 of this Act), which apply to programs of education exclusively by correspondence, shall, as to these wives and widows made eligible for such training by that section, become effective January 1, 1973, and, as to eligible veterans, shall apply only to those enrollment agreements which are entered into on or after January 1, 1973.

(b) Notwithstanding the provisions of subsection (a) of this section, any enrollment agreement entered into by an eligible veteran prior to January 1, 1973, shall continue to be subject to the provisions of section 1682(c) of title 38, United States Code, prior to its repeal by section 303 of this Act.

SEC. 603. (a) The prepayment provisions of subsection (e) of section 1780 of title 38, United States Code (as added by section 201 of this Act), shall become effective on November 1, 1972.

(b) The advance payment provisions of section 1780 of title 38, United States Code (as added by section 201 of this Act), shall become effective on August 1, 1973, or at such time prior thereto as the Administrator of Veterans' Affairs shall specify in a certification filed with the Committees on Veterans' Affairs of the Congress.

SEC. 604. (a) Notwithstanding the provisions of section 1712(b) of title 38, United States Code, a wife or widow (1) eligible to pursue a program of education exclusively by correspondence by virtue of the provisions of section 1786 of such title (as added by section 316 of this Act) or (2) entitled to receive the benefits of subsection (a) of section 1733 of this title (as added by section 313 of this Act), shall have eight years from the date of the enactment of this Act in which to complete such a program of education or receive such benefits.

(b) Notwithstanding the provisions of section 1712(a) or 1712(b) of title 38, United States Code, an eligible person, as defined in section 1701(a)(1) of such title, who is entitled to pursue a program of apprenticeship or other on-job training by virtue of the provisions of section 1787 of such title (as added by section 316 of this Act) shall have eight years from the date of the enactment of this Act in which to complete such a program of training, except that an eligible person defined in section 1701(a)(1)(A) of such title may not be afforded educational assistance beyond his thirty-first birthday.

And in lieu of the matter stricken and inserted by the amendment of the Senate to the title of the bill, insert: "An Act to amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes."

VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972

Mr. HARTKE. Mr. President, this is the GI educational bill with the amendments to the GI educational bill. I do believe that the results we have obtained represent a substantial and perhaps even an historic movement forward—at least a movement forward exceeded only by the introduction of the original GI bill after World War II, which many, many Members of the Senate had the opportunity to be the beneficiaries of in their younger days.

I now express my gratitude to all those who helped to work out the compromise version with the House.

In particular, I should like to extend my thanks to all members of the committee, especially to the Senator from South Carolina (Mr. THURMOND) for his great help to me in working out this matter.

Mr. President, I am pleased to urge the Senate to support and pass the amended version of H.R. 12828, the Vietnam Era Veterans Readjustment Assistance Act of 1972. Earlier this year, the House passed and sent to the Senate its bill H.R. 12828. Subsequently the Committee on Veterans' Affairs, which I am privileged to chair, reported its own bill, S. 2161, which was adopted in the nature of a substitute to H.R. 12828. Since that time, the members and the staffs of both committees have been engaged in active negotiations to resolve the differences between the two versions. These discussions, which were frank and open, revealed considerable differences of opinion concerning some provisions as well as disclosing large areas of agreement. To be candid, some differences of opinion remain. It should be clear, however, that the compromise version of the two bills, which you have before you today, is in my opinion a major piece of legislation. Further, we would not have the fine bill we do were it not for the good will, the cooperation and the leadership exhibited by the distinguished chairman of the House Veterans' Affairs Committee, OLIN "TIGER" TEAGUE.

This amended measure, which will provide in its first year nearly a half-billion dollars in additional readjustment and educational benefits represents a giant step toward recognizing the enormous debt we owe to our Nation's veterans. I believe a brief summary of the provisions agreed upon by both committees and our intentions with respect to the compromise version is in order.

TITLE I

Members of the Senate will recall that the administration approved increasing the educational rates for a single veteran from $175 to $190 with corresponding increases in dependency allowances. H.R. 12828, as originally passed by the House of Representatives, provided for a starting rate of $200 for a single veteran. S. 2161, as passed by the Senate, would have boosted the single veteran's rate to a monthly stipend of $250.

After considerable discussion between the two committees, it was agreed that the rate for a single veteran would be increased 25.7 percent to $220 a month. Even higher percentage increases are provided for veterans with dependents, who it was agreed, have a higher degree of need. In this connection, it is appropriate to note that over 40 percent of all veterans currently in training have dependents.

As agreed upon, the compromise version, which will be retroactive September 1, 1972, provides that a married veteran's rate will be increased 27.3 percent from $205 to $261. The addition of a child will boost the rate about 29 percent from $230 to $298. Finally, a 28-percent increase to $18 is provided for each additional child. As in S. 2161, there have been adjustments in the bill to make the rate for half and three-quarter time trainees exactly that proportion of the basic full-time rate and to make each rate schedule consistent in form and method for increasing the allowance for each dependent in excess of two.

Corresponding increases, of course, have been made in vocational rehabilitation rates in chapter 31 and in the chapter 35 rates for wives, widows and children. Finally, the compromise version retains the 48-percent increase in on-job-training rates as originally passed by both the House and Senate.

TITLE II

The compromise agreement retains the advance payment and prepayment system for educational assistance or subsistence allowances as passed by the Senate. The prepayment provisions will become effective on November 1, 1972. Because the fall school semester has already commenced and because the Veterans' Administration has indicated a need for additional time to more effectively implement them, the bill provides that the advance payment provisions shall become effective on August 1, 1973, or at such earlier time as the Administrator shall specify in certification filed with the Senate and House Committees on Veterans' Affairs.

Although the size of the program has been reduced, the Workstudy/Outreach program as passed by the Senate has been essentially retained in a somewhat rewritten version of the program. Under the Senate version as originally passed, a veteran could receive an advance payment of up to $300 for an additional education assistance allowance when he entered into a workstudy agreement with the Administrator to perform 120 hours of needed services for the Veterans' Administration in connection with:

First, the outreach services program under section 241;

Second, preparation and processing of necessary papers and other documents of schools or VA regional offices;

Third, provision of medical treatment in Veterans' Administration facilities; or

Fourth, any other activity in the Veterans' Administration which the Administrator deemed appropriate.

As rewritten in the compromise version, an eligible veteran is limited to a maximum payment of $250 for 100 hours of work. In order to insure that there be an effective outreach program, the Senate has agreed at the insistence of the House to insure that any veteran engaged in outreach services under this section shall do so under the supervision of a Veterans' Administration employee. The compromise version also limits the number of veterans who can participate in the program not to exceed 800 man-

years in any 1 fiscal year. It is estimated that 16,000 veterans could participate and receive workstudy allowances in the first full fiscal year at a cost of $4 million.

TITLE III

The House committee was adamant in their opposition to Senate amendments to the farm cooperative program. They expressed the belief that return to a farm program similar to that which existed following World War II and the Korean war would give rise to insufficient educational training and possible abuse. Agreement was reached, however, to reduce the required number of clock hours in a year from 528 to 440 for a farm cooperative program. This reduction in yearly clock hours is in accord with current educational philosophy and has been coupled with changes in the program which give added flexibility which will permit a veteran's curriculum to be prescheduled to provide a minimum of classroom instruction during peak periods of farming activity and conversely a maximum class schedule during off-season periods.

Finally, amendments provide that time utilized for field trips as well as individual and group instruction can be included in computing the institutional portion of a farm cooperative training program. The committee believes these changes will encourage greater numbers of young veteran farmers to avail themselves of this program and accordingly strengthen the small family farmer.

The compromise version does not include a provision to make specific the inclusion of so-called GED—high school equivalency certificate—as one purpose for pursuit of the PREP program under present section 1696(a) of title 38. The Department of Defense has for many years been conducting through base education officers special GED programs under which servicemen prepare for and take the GED exam and hopefully receive an equivalency certificate. It was evident from the cost estimates submitted by the Department of Defense that they no longer intended to fund GED programs in their budget. Neither committee believed it desirable to shift the full cost of such an on-going program to the Veterans' Administration readjustments benefits account. Nevertheless, it should be clearly understood that by not so specifying in section 1696 it is not intended in any way to indicate that receiving a GED could not properly be one of the objects of a deficiency, remedial, or refresher PREP course under section 1691(a)(2). Indeed, so long as the course otherwise meets the requirements of such section in terms of content and other existing title 38 requirements for PREP programs it would seem desirable for such GED component to be built into such PREP programs in order to provide tangible indications of achievements for the participating servicemen.

The compromise version also contains with minor amendments the new section 1697A added by the Senate to provide for greater coordination with the participation by the Department of Defense in educational programs authorized for active duty servicemen under chapter 34. The bill before you does include a new provision to allow pending submission of the Department's plan for a 90-day continuation of on-going programs at institutions and establishments administered by or under contract to the Department of Defense which provide education and training to persons serving on active duty.

The Department of Defense was also quite concerned with regard to the released-time provisions contained in 1697A(b)(3). In a letter to me, the General Counsel of the Department of Defense stated that:

> Lastly, clause (b)(3) of Section 1697A provides that eligible persons be released for at least ½ of the hours required for a full-time program unless the Departmental Secretary concerned determines that such release of time is inconsistent with the interest of the national defense. While in many cases military members now participating in PREP get as much or more release time than the bill specifies, the bill provides no flexibility without reference to the Service Secretary. We have no objections to requiring release time; however, we believe that setting a specific amount would unduly add to the Services' administrative burden. An alternative that would be more acceptable would be to set at least ½ release time unless the base commander determines that it is incompatible with his mission under regulations promulgated by the Service Secretaries. This provision would provide the Services with flexibility in accomplishing their missions while still extending the benefits to as many service members as possible.

Accordingly, a change has been made in that section to effectuate the requested changes sought by the Department of Defense. It should be noted, however, that it is intended that the Service Secretary issue precise and specific regulations to guide the base commander to insure that the intent of this released-time requirement is fully carried out and that exceptions are made only when such release would in fact be inconsistent with the interest of national defense.

Considerable attention was also given to new provisions added by the House and the Senate concerning programs of education pursued exclusively by correspondence. The compromise version before you today first amended the entitlement charge to provide that the period of entitlement of a veteran or person pursuing education by correspondence shall be reduced by 1 month for each $220—currently $175—paid to a veteran or person for such course.

Second, the compromise version provides as did the bill originally passed by the House and recommended by the Veterans' Administration for computation of educational assistance allowance based upon 90 percent of the established charge for the full cost of that program. The Veterans' Administration noted that correspondence schooling is the only program which will return to the veteran the full cost of his tuition. Additionally, there was firm conviction that requiring the eligible veteran to pay a minimal 10 percent of the cost of the course would give him a stake in his education and thus lead him to give greater thought to his choice of a training objective. At a minimum it is hoped that adoption of this provision will put a brake on the sales pitch of a number of home study schools which inform the veteran in a variety of ways that the VA picks up the whole tab so why not sign up?

Third, considerable attention was given to the pro rata refund policy adopted in S. 2161. Representatives of the home study industry argued vigorously that the policy adopted by the Senate is unduly restrictive and would adversely affect quality schools which invest large amounts of money in home study educational courses while not affecting lower quality schools who invest little. Good schools, it was argued, would operate in a deficit position under the Senate pro rata refund policy which would force them either to discontinue enrolling veterans or to engage in severe cost cutting which would adversely affect the quality of the educational program offered. Finally, representatives of the home study industry pressed the argument that the problems encountered by veterans with correspondence schools did not arise principally from refund policies but rather from the enrollment practices of certain schools who recruit inappropriate students by the use of intense, skillful and misleading or deceptive advertisements and sales presentations.

In view of the foregoing, the compromise agreement retains the Senate provisions requiring full disclosure prior to the enrollment of a veteran plus a 10-day mandatory cooling off period but adopts the less restrictive refund policy recently established by the National Home Study Council, the nationally recognized accrediting agency for correspondence schools.

It is intended that the disclosure provisions and the 10-day cooling off period—following which there must be a written affirmation of the enrollment agreement—will provide the veteran with a period in which he may decide after adequate reflection and with full knowledge of the provisions of the agreement whether he in fact still desires to pursue that course of study. There have been suggestions by some in the home study industry that a written affirmation provision will present severe administrative problems for the schools. The committee is disinclined to believe that such problems will be widespread or insoluble, but in any event will closely monitor the operation of the program in the coming year to see if the amendment adopted today is accomplishing its intended purpose without undue administrative problems.

Finally, in order to allow correspondence schools sufficient time within which to adapt their programs and contracts to the new provisions of the law, the effective date of the amendments has been delayed until January 1, 1973.

Most of the remaining amendments to title III of S. 2161 have been retained in the compromise agreement. The Senate committee did agree at the insistence of the House to drop the administration recommended provision permitting certain schools to adopt new measurement standards for technical courses.

TITLE IV

The Senate provisions in title IV of S. 2161 providing for increased outreach

efforts by the Veterans' Administration, higher administrative expenses for State approval agencies and for an independent study of educational assistance programs under title 38 with recommendations to Congress, remain in the compromise version before the Senate today. In addition, there are new provisions dealing with the release of names and addresses of veterans and their dependents and survivors in the possession of the Veterans' Administration. Section 3301 currently provides that:

All files, records, reports, and other papers and documents pertaining to any claim under any of the laws administered by the Veterans' Administration shall be confidential and privileged, and no disclosures thereof shall be made except as follows: . . .

There follows a series of exceptions in which information can be released including:

(7) The Administrator in his discretion may authorize an inspection of Veterans' Administration by duly authorized representatives of recognized organizations.

Under this provision, records have for some time been regularly made available to nationally chartered veterans' organizations to aid in the processing of veterans claims.

A number of problems have developed, however, with respect to the release of these names. Certain veterans' organizations have been arbitrarily denied access to the names. Legal action by one group last year resulted in a decision by a Federal court that the organization was entitled to the names. Since that time, however, the Veterans' Administration has continued to deny the list of names to other veterans' groups or to make them available to State veteran departments. I insert in the RECORD at this point a letter containing the Veterans' Administrations' most recent denial of names—in this case directed to the American Veterans' Committee.

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

VETERANS' ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C. September 18, 1972.

MRS. JUNE A. WILLENZ,
Executive Director, American Veterans Committee, Washington, D.C.

DEAR MRS. WILLENZ: I am pleased to reply to your several requests for lists of the names and addresses of veterans discharged from the armed forces since May 1968.

Your request is representative of a large and rapidly growing list of requests to the Veterans Administration for various types of veteran's name listings. Within the past year, we have received literally scores of similar requests, all designed to serve a useful purpose. Some have come from municipal, county, state organizations, and even regional administrative bodies. Others represent the needs of educational institutions, service organizations, fraternal groups, and many represent various minority interest groups. Each such request is seriously motivated and is unquestionably intended to serve a worthwhile purpose. A large number would use the names to provide out-reach services, while others would render valuable assistance to a particular group of veterans. A different category and a different problem involves those who obviously are interested in selling a particular program, product, or item.

Over the past year, we have been undergoing a complete evaluation of our automatic data processing resources, including machine utilization and organizational deployment of personnel resources. We have deferred a response to requests for name listings until the study was complete and the findings analyzed. This has now been done, and the data show that our personnel and machine resources are already heavily committed to maintaining service to veterans of all wars, and we are faced with the certainty of additional computer demands represented by significant new veterans' legislation, both recently enacted and now before Congress.

The volume of requests for veterans' name listings has reached such proportions that an attempt to honor each would seriously interfere with our primary veterans benefit responsibilities. Recognizing that we are simply unable to service every worthwhile proposal, we must channel our available computer and personnel resources into those areas which ensure the best possible service to all of the nation's veterans. With the cooperation of the national veterans' organizations, together with our own increased outreach effort, we feel that our returning servicemen are receiving the necessary personal counseling on available Federal benefits and services which is so vital to a smooth transition from military to civilian life.

In the absence of a specific Congressional mandate recognizing name list activities as a fundable VA program, I have therefore concluded that the only fair and equitable policy under the present circumstances is to supply no additional lists of veterans' names and addresses.

While I am in full sympathy with your aims, I regret that I cannot be more responsive to your request.

Sincerely,

DONALD E. JOHNSON,
Administrator.

Mr. HARTKE. Mr. President, this unusual situation of supplying the names to some organizations but not to others on an arbitrary basis becomes even more absurd in light of the fact that the names and addresses of all former servicemen are available for purchase from commercial concerns. We are thus presented with an anomalous situation in which insurance agents, for example, have access to the names for the purpose of soliciting business while nonprofit organizations interested in outreach activities to encourage veterans to make use of their veteran benefits are denied the lists.

The committee has been most concerned about the manner in which these lists have been obtained by commercial companies. I insert in the RECORD at this point a letter which I recently received from the Administrator of Veterans' Affairs in response to my inquiries concerning this matter.

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

VETERANS' ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C. October 11, 1972.

Hon. VANCE HARTKE,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to reply to your letter of September 19, 1972, enclosing a form letter advertising, for sale, monthly lists of names and addresses of recently discharged veterans.

I share your concern and reaction to the use of veterans' lists for commercial solicitation and harassment. Unfortunately, there are many organizations and individuals throughout the country who compile and sell such lists to businesses anxious to sell their products to newly discharged servicemen. The Veterans Administration has no jurisdiction or control over these business activities. We can neither force them to disclose their sources nor stop their practices. We have contacted several of them. For example, one firm advertised its lists were "cleared" through the Veterans Administration which, of course, was false, and it readily agreed to cease such statements, but declined to reveal its sources.

In 1969, we learned that several insurance carriers participating in the Servicemen's Group Life Insurance program (SEGLI) began to receive form letters similar to the one you enclosed offering veterans' lists for insurance conversion or solicitation. We found that the compilers of these lists would not reveal their sources but guaranteed that they were legal and not of government origin. One company claimed it compiled lists from mailing houses, newspaper clipping services, referrals from other servicemen discharged earlier, and from county courthouses where discharges were a matter of public record. We understand that a catalogue is published in Illinois which contains a number of businesses supplying lists of veterans. We are aware of one case in which an individual was prosecuted for soliciting servicemen's names on a military base. We are satisfied to date that such lists are not being obtained from national veterans' organizations to whom we make distribution, as you know, to augment our outreach program. However, we are presently investigating several other sources of possible leaks and will advise you of our findings as soon as possible.

We interviewed Mr. Jim Johnon, Victory Enterprises, Limited, St. Louis, whose form letter you enclosed. Mr. Johnson claimed he is a "broker" who obtains his lists from suppliers whom he refused to identify. He sells them to schools and insurance companies. He specifically denied obtaining these from the Veterans Administration or veterans' organizations, and his attorney has assured him that his operation is entirely legal. Recent contacts with several other suppliers of such lists have produced similar results.

I appreciate your interest and the opportunity to discuss this matter.

Sincerely,

DONALD E. JOHNSON,
Administrator.

Mr. HARTKE. The committee of course wishes to protect veterans from unwarranted intrusions on their privacy. At the same time, it believes that if the names are to be released at all it should be done on a nondiscriminatory basis to those who are working to aid the veteran in utilization of his benefits rather than to those who enrich themselves at the veteran's expense. Accordingly, a new clause (9) has been added to section 3301 which provides that the Administrator may pursuant to regulations he shall prescribe, release the names and addresses to any nonprofit organization but only if the release is directly connected with the conduct of the programs and utilization of benefits under this title. The names are not to be released to any commercial organization. Criminal penalties are prescribed should any organizations or its members in receipt of the list pursuant to this section use the names and addresses for unauthorized purposes.

VETERANS EDUCATION LOAN PROGRAM

The Senate reluctantly agreed to drop the veterans' education loan program

which was contained in title V of S. 2161 in the face of strong opposition from the administration. Subsequent to Senate passage of this provision the Veterans' Administration stated:

We strongly oppose the education loan provisions which were added to the measure by the Senate. It is our firm belief that there is a comprehensive program of loans, grants, and other forms of financial aid already available through the National Defense Education Act and related education assistance programs administered by the Department of Health, Education, and Welfare. These loan programs are operated on low interest basis and many contain provisions permitting forgiveness for portions of the loans for performance of certain types of public services such as teaching in certain areas of the nation. Because of these many sources of available funds it does not appear reasonable to set up still another program.

The loan program as passed by the Senate would have provided loans to veterans only if they had been unable to obtain education loans under these other Federal programs. As such, it has been and continues to be difficult for the Senate committee to reconcile the Veterans' Administration's position that the loan program was not needed, with their own estimates supplied to the committee that 203,000 veterans would qualify for loans in the amount of $213 million during the first year. The Senate committee intends to monitor Federal loan programs in the coming year to ascertain whether in fact veterans are having any significant problems in obtaining loans under those programs.

TITLE V

Title V of the compromise version containing veterans employment assistance and preference provisions—originally included in title VI of S. 2161—has been retained essentially with some modifications. Chapter 41, providing for job counseling, training, and placement service for veterans is approximately the same as passed by the Senate. Section 2003 of chapter 41, providing for the assignment of additional assistant veteran employment representatives—AVER's—has been amended to provide for a more objective criteria for their assignment. As originally passed, the number of AVER's to be assigned to the States was to be based upon determinations made by the Secretary of Labor. The compromise version provides for the assignment of an AVER for each 250,000 veterans of a State's veteran population. At present, for example, New York and California with respective veteran populations of 2.6 million and 3.1 million have only one State VER and two AVER's or approximately 1 million veterans per staff member. Currently, there are 25 AVER's on the field staff. No additions to the staff have been made since 1957 although the country's veteran population has grown from 27 million to 28.6 million. At the same time local employment service offices have increased from 1,800 to over 2,400 offices. Committee hearings revealed that because of insufficient staff there was evaluation of less than one-half of these local offices in the past year, a primary function of the AVER. Applying the formula adopted in the compromise version, 67 additional AVER's would be added as indicated in the following table:

PROPOSED DISTRIBUTION OF ONE AVER PER EACH 250,000 VETERANS, BY STATE

United States	Total veterans population in (December 1971) (thousands)	Total AVER's per formula	Present number of AVER's	Change
Alabama	421	1	0	+1
Alaska	32	0	0	
Arizona	246	1	0	+1
Arkansas	222	0	0	
California	3,109	12	2	+10
Colorado	302	1	0	+1
Connecticut	452	1	0	+1
Delaware	78	0	0	
District of Columbia	122	0	0	
Florida	1,016	4	1	+3
Georgia	494	1	1	0
Hawaii	71	0	0	
Idaho	88	0	0	
Illinois	1,622	6	2	+4
Indiana	729	2	1	+1
Iowa	389	1	0	+1
Kansas	305	1	0	+1
Kentucky	397	1	0	+1
Louisiana	445	1	0	+1
Maine	143	0	0	
Maryland	542	2	0	+2
Massachusetts	846	3	1	+2
Michigan	1,216	4	2	+2
Minnesota	544	2	1	+1
Mississippi	222	0	0	
Missouri	666	2	1	+1
Montana	100	0	0	
Nebraska	189	0	0	
Nevada	69	0	0	
New Hampshire	108	0	0	
New Jersey	1,096	4	1	+3
New Mexico	142	0	0	
New York	2,601	10	2	+8
North Carolina	555	2	1	+1
North Dakota	74	0	0	
Ohio	1,593	6	2	+4
Oklahoma	349	1	0	+1
Oregon	326	1	0	+1
Pennsylvania	1,836	7	2	+5
Puerto Rico	210	0	0	
Rhode Island	130	0	0	
South Carolina	272	1	0	+1
South Dakota	86	0	0	
Tennessee	501	2	1	+1
Texas	1,415	5	2	+3
Utah	138	0	0	
Vermont	61	0	0	
Virginia	563	2	1	+1
Washington	497	2	0	+2
West Virginia	272	1	0	+1
Wisconsin	613	2	1	+1
Wyoming	55	0	0	
Total	28,583	72	25	+67

Section 2006 of chapter 41 was further amended in the compromise version to provide that estimated funds necessary for proper counseling, placement, and training services to veterans provided by the various State employment service agencies shall be separately identified in the budgets of the agencies as approved by the Department of Labor. Adoption of this provision will enable the Department of Labor to more effectively evaluate State services and to effectuate the intent of section 2007 which directs the Secretary of Labor to insure that each eligible veteran who requests assistance shall promptly be placed in a satisfactory job or job training opportunity.

New chapter 42 as passed by the Senate has been amended in a number of respects. First, the compromise version does not include section 2012 which would have provided for an affirmative action plan for every Federal department and agency for the preferential employment of disabled veterans and veterans of the Vietnam era. This provision was dropped in view of the strong objection voiced by the Civil Service Commission and House Committee on Post Office and Civil Service. I insert in the RECORD at this point communications from the Civil Service Commission and the House Committee on Post Office and Civil Service concerning section 2012.

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

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., September 19, 1972.

Hon. OLIN TEAGUE,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This refers to H.R. 12828, the "Vietnam Era Veterans Readjustment Assistance Act of 1972," as amended and passed by the Senate.

The Commission objects strongly to two provisions in this legislation.

At the outset, I would like to say that the Commission agrees, in principle, with the objectives of this legislation to give an extra measure of assistance to disabled veterans and veterans of the Vietnam era. We recognize that veterans have the greatest need of assistance during the time following their discharge from service, when they face their most serious problems in making the transition from military to civilian life. We question, however, whether one of the means of providing assistance that this legislation would establish is in the interest of effective and efficient Government operation.

Section 603 of the bill would create a new chapter in title 38 of the United States Code to authorize, among other things, the Administrator of Veterans Affairs, in consultation with the Secretary of Labor and the Civil Service Commission, to establish an affirmative action plan providing for the preferential employment of disabled veterans and veterans of the Vietnam era by every Federal department and agency.

Granting this authority to the Administrator would be in basic conflict with the provisions of title 5 of the United States Code

under which the Civil Service Commission is given authority and responsibility for regulating employment in most Federal departments and agencies. Title 5 also charges the Civil Service Commission with responsibility for administering other laws which have granted preference for veterans in Federal employment. To permit the Administrator of Veterans Affairs also to regulate in this area could create administrative chaos. There is no truly effective means whereby a separate authority can regulate one aspect of a total system without creating operational conflicts with the authority charged with the overall operation of the full system.

In our view, enactment of this provision would be harmful to effective personnel management in the executive branch. We strongly recommend that the provision be deleted from the bill.

We further strongly object to the definitions of a "disabled veteran" and "veteran of the Vietnam era" as contained in section 603. Section 2108(2) of title 5 of the United States Code defines a "disabled veteran" for Federal employment purposes, and this definition should continue to apply to all Federal employment. Among other differences, section 603 would appear to give preference to persons whose only active service was for training whereas section 2108 does not. This would cause a very basic change in the concept of veteran preference, a change to which the Commission must object.

The Commission also strongly objects to the definition of a "veteran of the Vietnam era" as any veteran "who (1) served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era, and was discharged or released therefrom with other than a dishonorable discharge." This represents a departure from the current standards in law, which provide preference in Federal employment only to those veterans who are separated from active military duty under honorable conditions.

We recognize the need to give assistance to those veterans who have special problems, such as drug addiction, during their service which resulted in discharge from service under less than honorable conditions. We do not feel, however, that this assistance should include preference in Federal employment, which has traditionally been reserved for ex-servicemen who sacrificed part of their personal lives to serve honorably in the military forces of our country.

Except for persons whose only active service was for training, we do not believe the deletion from the bill of the provision relating to preference in Federal employment will be to the disadvantage of disabled or Vietnam era veterans. There are now in operation under existing law and regulation positive action programs that give extra consideration to disabled veterans and Vietnam era veterans, over and above that provided for veterans as a group.

Under the veteran preference laws in title 5 of the United States Code, all veterans have extra points added to their passing scores on civil service examinations, which places them higher on lists of eligibles and gives them earlier consideration for selection than those below them on the lists. Appointing officers may not pass over an eligible veteran to select a nonveteran without prior approval of the Civil Service Commission. In addition, existing law restricts certain positions to veterans as long as they are available.

Disabled veterans get 10 points added to their passing examination scores (as compared with 5 points for nondisabled veterans), and compensably disabled veterans are put at the very top of most lists of eligibles for appointments to Federal positions. Disabled veterans may also have the added advantage of qualifying for special assistance under the Government's substantial action programs for hiring the handicapped.

The employment problems of the Vietnam era veteran are, and have been, of special concern to the Federal Government as an employer, and efforts are constantly being made to improve the positive action programs provided to meet their employment needs. The keen interest of the Executive Branch in establishing programs of special assistance to these veterans in obtaining Federal employment is exemplified by the transitional appointment system inaugurated by Executive order in 1968. This permitted newly discharged Vietnam era veterans to get jobs in all Federal agencies up to the grade 5 level "noncompetitively," that is, without competition with those on civil service lists of eligibles. In 1970 that system was further expanded by an Executive order which established the Veterans Readjustment Appointment authority and gave even higher priority to positive placement of Vietnam era veterans in Federal agencies. It is pertinent to point out that almost three-fourths of the new hires by the Federal Government are in grade 5 and below, the levels covered by the current Veterans Readjustment Appointment program. More recently, we have also authorized agencies to make noncompetitive temporary limited appointments of veterans who are eligible for Veterans Readjustment Appointments. This authority enables many of these veterans to obtain temporary work while continuing to seek a permanent position.

To tell veterans about job opportunities and their preference, the Commission has special counseling, job assistance, and job information programs for veterans in our 65 area offices and in cooperation with United States Veterans Assistance Centers, military separation centers, Department of Defense transition centers, the Jobs for Veterans program, and veterans organizations. There is a Veterans Federal Employment Representative in each of our 10 regional offices whose major responsibility is to see that our programs for the employment of veterans are carried out effectively. The Commission also cooperates with the Department of Labor in providing information about Federal job openings for listing with the United States Employment Service to help carry out the President's objective of giving veterans preference in job referrals through the U.S. Employment Service system.

Through these programs and their preference, veterans now make up about half the total Federal work force and about two-thirds the male work force. In F.Y. 1972, agencies hired almost 148,970 veterans, of whom 74,450 were Vietnam-era veterans. About 14,400 of the Vietnam era veteran appointments were under the Veterans Readjustment Appointment authority.

In light of the foregoing, the Commission feels that the objectives of section 603 are already being met in that there are by law and by administrative action positive and dynamic programs giving preference to disabled veterans and Vietnam era veterans in Federal employment. We see no need or justification for additional legislation in this area at this time. For this reason and because of the serious administrative problems that will be involved if section 603 is enacted, the Commission urges that the section be stricken from the bill during the conference deliberations.

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

By direction of the Commission:

Sincerely yours,

ROBERT HAMPTON,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 25, 1972.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: It has been brought to my attention that the bill, H.R. 12828, as amended and passed by the Senate, contains certain provisions which are of vital concern to the Members of our Committee.

The provisions of H.R. 12828, as passed by the House, related only to educational assistance programs for veterans. The Senate amended H.R. 12828 by striking out all after the enacting clause and inserting in lieu thereof the text of S. 2161.

In particular, I am concerned about section 603 of the Senate amendment which adds a new chapter to title 38 of the United States Code, dealing with the employment of disabled and Vietnam era veterans. Section 2012 of the new chapter provides, in part, as follows:

"(a) The Administrator, in consultation with the Secretary of Labor and the Civil Services Commission, shall establish an affirmative action plan providing for the preferential employment of disabled veterans and veterans of the Vietnam era by every department and agency."

As you know, the Rules of the House place the primary and basic jurisdiction with the Post Office and Civil Service Committee over all matters relating to civil service employment. This jurisdiction clearly embraces matters relating to preference for veterans in Federal employment. Therefore, I must take exception to the provisions in the Senate amendment, as noted above, which relate to veterans' preference in civil service employment.

I have been furnished a copy of the letter which Chairman Hampton of the Civil Service Commission addressed to you on September 19, 1972. I wholeheartedly concur in the statements made by Chairman Hampton in that letter. Furthermore, I and the Members of our Committee, firmly believe that no legislation dealing with the subject of veterans' preference in civil service employment should be considered by the House unless our Committee first has had an opportunity to consider the justification and need for such legislation.

Therefore, I urge that you and the other conferees on H.R. 12828 vigorously oppose the inclusion of the provisions of section 603 of the Senate amendment.

With kindest regards,

Sincerely yours,

THADDEUS J. DULSKI,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., October 4, 1972.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: On September 25, 1972, I addressed a letter to you expressing my concern over certain provisions contained in the bill, H.R. 12828, as amended and passed by the Senate. My concern was directed at Section 603 of the Senate amendment which adds a new chapter to title 38 of the United States Code providing for the preferential employment of disabled and Vietnam era veterans.

With respect to this matter, I have been furnished a copy of the changes to the language of Section 603 as prepared by members of your staff. I have carefully reviewed these changes and have discussed them with officials of the Civil Service Commission.

As you know, the Civil Service Commission is opposed to the definitions of the terms "disabled veterans" and "veteran of the Vietnam era" as contained in Section 603 of the Senate amendment. Since no changes in

these definitions have been proposed, the Commission's opposition to such definitions remains unchanged.

Further, the Commission believes that, notwithstanding the proposed changes to Section 603, the provisions of that section would still conflict with the provisions of title 5, United States Code, which grant authority to the Commission for administering the existing laws relating to veterans' preference in civil service employment. In this regard, I must agree with the Commission. I believe it to be impracticable and harmful to allow two separate authorities to regulate over the same subject matter.

Under the language of Section 2012 of title 38, as proposed by your staff, the Administrator of Veterans' Affairs would be required to take appropriate steps to encourage each agency and department to establish a plan providing for the preferential employment of disabled and Vietnam era veterans. In my opinion, this language would have little or no effect in the employment of disabled and Vietnam era veterans in the Federal civil service. The employment of individuals, including veterans, by agencies of the Government must be carried out in accordance with the provisions of title 5 and the implementing regulations of the Civil Service Commission. The proposed language of Section 603 could not operate to supersede the statutory requirements of title 5 relating to civil service employment.

For the reasons expressed above, I again must urge that you and the other Conferees oppose the inclusion in H.R. 12828 of any provision relating to veterans' preference in civil service employment.

With kindest regards,

Sincerely yours,

THADDEUS J. DULSKI,
Chairman.

Mr. HARTKE. Mr. President, in agreeing to delete this provision, however, the committee wishes to emphasize its continuing concern over the failure of the Federal Government to hire more disabled and Vietnam era veterans seeking work. The Administration's fiscal year 1972 goal was a modest 75,000 veteran hires. It now appears that even this goal has not been met. Available statistics by individual agency indicate that only about 32,000 Vietnam era veterans were hired through February 1972, of which approximately half were lower grade Postal Service positions. The following table indicates hiring by Government agency:

Vietnam era veterans employment in Federal agencies

Agency and Vietnam era veterans hired, cumulative, October 1971–February 1972

Government Printing Office	106
Civil Service Commission	46
Navy	3,136
Veterans' Administration	4,695
Postal Service	14,431
Tennessee Valley Authority	221
Army	3,777
Smithsonian	45
Air Force	1,961
Defense Supply Agency	197
General Services Administration	164
Transportation	159
Justice	295
National Aeronautics and Space Administration	13
Commerce	105
Treasury	1,466
Selective Service	31
Information Agency	19
Interior	293
Other DOD	39
Small Business Administration	24
Agriculture	211
Labor	13
State (includes AID)	58
Housing and Urban Development	11
Health, Education, and Welfare	258
Environmental Protection Agency	7
Atomic Energy Commission	40
Total	31,821

The committee strongly believes that it is hypocrisy of the highest order to encourage or require hiring of disabled and Vietnam era veterans by private industry and by State and local governments under the public employment program and not to make similar efforts in its own hiring. The committee will follow with great interest the hiring practices of various agencies in the coming year.

Section 2013 of chapter 42 has also been amended. In the face of strong objection from the administration, the compromise agreement does not include the requirement that any Government contract entered into by a Federal department or agency contain a provision that those contracting with the United States shall give employment preferences to otherwise qualified veterans.

Although the legal requirement for mandatory preference has been dropped to avoid any "unnecessary litigation" which the Department of Labor fears will result, the section does provide that any such Federal contract shall contain provisions requiring that the contracting party shall give "special emphasis" to the employment of qualified disabled veterans of the Vietnam era.

In carrying out the provisions of this section, the compromise agreement also adds to the section a strengthened version of Executive Order 11598 which requires a mandatory listing of job openings with the employment service by Federal contractors. Each local employment service office is directed to give veterans priority in referral to any employment openings so listed. The committee intends that there be an effective Government contractor listing program which has been disappointing in its operation to date. During the past fiscal year fewer than 40,000 veterans of the 3 million veterans who registered with the Employment Service were placed in jobs listed by Federal contractors participating in the program. From the employment service side, it seems clear that local offices are not following the guidelines set forth in the Manpower Administration's training and employment service program letter No. 2696, which I insert in the RECORD at this point:

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

TRAINING AND EMPLOYMENT SERVICE PROGRAM LETTER NO. 2696

U.S. DEPARTMENT OF LABOR,
MANPOWER ADMINISTRATION,
Washington, D.C., November 26, 1971.

To: All State employment security agencies.
Subject: President's Program for Veterans.
Purpose: To outline local office actions to implement the mandatory listing program for service to Vietnam-era veterans emphasizing the goal of "same-day" service.
References: TESPL 2678.

TESPL 2678, issued August 20, 1971, provided general guidelines for activities resulting from Executive Order 11598. This letter outlines details of actions to be taken by local offices to achieve the goal of same-day service to Vietnam-era veterans under the mandatory listing program.

The mandatory listing aspect of this program has far-reaching promise and potential, but it also entails a substantial risk for the public employment system. Unless the Employment Service can respond rapidly and effectively to mandatory listings by referring adequate numbers of qualified veterans to fill the openings, there is no real prospect for any significant reduction of the unemployment rate among the estimated million or more Vietnam-era veterans who will be in the job market in the next year, nor for continued employer support of the mandatory listing program.

The Manpower Administration anticipates that the mandatory listing of job openings required by Executive Order 11598 will bring at least 4.5 million additional job openings into the Employment Service over and above the 6.5 million originally estimated for FY 1972. Improvements in the economy according to administration forecasts, could increase the number of openings to 9 million. These openings must be converted into job orders, identified, and fed into the job banks in major cities and States where computerized systems are operational. *Vietnam era veteran jobseekers must be screened against these openings and referred to employers on the same day that the openings are received.*

Experience in Utah and other States which have tried to improve their effectiveness by close consultation with employers indicates that some form of *same-day service* is the only way to compete effectively with such traditional recruitment methods as advertising, passing the word to employees, use of schools and other agencies. Staff must be trained and specifically assigned to (1) visit employers to clarify their needs, (2) take complete job orders, (3) recruit, develop complete applications, counsel, test, select, and refer veterans, (4) control the inputs and outputs of the job bank system whether computerized or manually operated, (5) install and maintain a system for assuring that veterans are promptly exposed to job bank listings, (6) verify referrals and placements, (7) track case failures in veteran acceptance of referrals or of employer acceptance of veterans referred, and (8) report on the results and take corrective action as required.

Most of the points described here were covered in some detail in TESPL 2678. This letter spells out further specific actions necessary to achieve the goal of same-day service.

I. IDENTIFY ALL VETERANS

Complete a salmon-colored application card (ES–511) for all veterans.

II. INTERVIEW ALL VETERANS

During the intake interview:

A. Record sufficient information for effective file selection and job development. Assign classifications which reflect civilian and military work experience and training and which take into account the vocational interests and potential of the veteran.

B. Inform veterans of the services available in the Employment Service and Unemployment Insurance offices, including their right to priority of referral and preferential services for disabled veterans, specialized job search assistance, and self-selection services (Job Information Service). Information regarding available services may be provided on an individual or group basis utilizing audiovisual aids.

C. Direct veterans to appropriate services in the local office.

III. PROVIDE SPECIAL SERVICES TO VETERANS IN THE SELF-SELECTION—JIS—UNITS

A. Offer immediate exposure to jobs. In offices that have implemented the concept of self-service (JIS), the new veteran appli-

cant who is ready for referral will receive immediate exposure to all current job openings for the purpose of self-selection. Previously registered veterans may choose to continue to use JIS. For any order, provisions shall permit one "over-referral" if that referral is a veteran.

B. Provide alternatives when there is no referral from self-selection unit by the use of an exit interview to determine the need for additional services, such as review of new and current orders by the interviewer to determine whether the veteran is qualified for referral. (New orders are those orders received today, normally scheduled to appear on tomorrow's job bank listings.)

IV. ESTABLISH A CENTRALIZED ACTIVE FILE FOR VETERANS

To ensure immediate exposure to new job orders and to provide a more systematic approach to veterans' services, the following alternatives should be considered, depending on the size and complexity of local office operations:

A. Multioffice Operations (within SMSA): A veterans file located at a convenient central location containing sufficient data for rapid retrieval and screening.

B. Individual Local Offices (SMSA): Develop a system to ensure immediate and continuing service to veterans; e.g., a centralized application grouping containing a duplicate of the veteran's ES–511.

C. Individual Local Offices (Non-SMSA): Assign interviewers responsibility for service and followup of an assigned portion of the veterans' applications on file in addition to his or her regular assignment.

D. Review Applications Daily: Review all veterans' applications daily for:

1. Referral to new job openings prior to their entry into the job bank;

2. Referral to training or work training and to EEA openings;

3. Assessing needs for other services such as:

(a) Individualized job development, intensive counseling, VER;

(b) Job search and job lead information;

(c) Referral to specialized veterans' services offered by VA or Vocational Rehabilitation.

E. Local management should ensure that no veteran's card remains in the veterans' central file for more than 10 working days without some positive action.

V. PROCESS JOB ORDERS TO INSURE CONTINUOUS EXPOSURE OF VETERANS TO NEW AND CURRENT JOB OPPORTUNITIES

In addition to instructions contained in the TESPL 2678, Part IV, take the following actions:

A. Review orders and continuously search the veterans' files and other application files to ensure same-day service on orders.

B. An order shall not be continued in active status in excess of 5 days without response, search, or additional contact with the employer to explain lack of action or obtain modification to permit referral action.

VI. DEVELOP TRACKING SYSTEM FOR SERVING VIETNAM ERA VETERANS AND FILLING ORDERS RECEIVED UNDER MANDATORY LISTING

Establish a tracking system of services provided and outcomes achieved to reflect referrals made, job development attempts, counseling, and services provided to ensure same-day service and positive outcome for Vietnam era veterans.

A. Develop a feedback system to ensure coordination of services and to avoid duplication of efforts in referral of veterans to jobs and other manpower services.

B. Tracking may be accomplished by:

1. Use of electronic or mechanical filing and retrieval systems.

2. Special coding or tabbing of records of Vietnam era veterans for easy identification and locating; or

3. Maintenance of a log or ledger system.

VII. PROVIDE FOR SPECIAL IDENTIFICATION OF VIETNAM VETERANS AND MANDATORY LISTING ORDERS

A. Provide special identification for all records of Vietnam era veterans to ensure that they are provided services outlined in TESPL 2678.

B. Since the mandatory listing program was promulgated to promote job opportunities for Vietnam era veterans it is suggested that each State may wish to develop a referral card or letter which makes this clear to the employer and urges his cooperation with the President's Veterans Program. Such an appeal might also increase the level of verification response from employers.

C. Identify all orders received as a result of mandatory listing requirements so that they may receive special attention.

VIII. MODIFY OFFICE HOURS

States are urged to adjust working schedules for some local offices to accommodate services to veterans, to ensure preferential treatment, and to provide efficient, rapid response to all employer orders and particularly to those resulting from mandatory listing.

PAUL J. FASSER, Jr.,
Deputy Assistant Secretary for Manpower and Manpower Administration.

Mr. HARTKE. Mr. President, by requiring Federal contractors to give special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era, this provision considerably strengthens what is required of a contractor under the present Executive order. Too often contractors have listed openings without serious intent or consideration given to hiring qualified veterans referred by the employment service. In some instances contractors have listed openings with the employment service after that opening has been filled by a nonveteran through another source. By permitting contractors to file reports on veteran hires on a quarterly basis, there has been insufficient information coming to the employment service which prevents the monitoring of patterns of noncompliance. The committee intends that this section aid in providing an effective employment service which will prove to be an attractive and useful source of labor supply for the needs of the employer.

Finally, the House has added two new provisions to title V which I urge the Senate to adopt. New section 504 would amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration dates specified in the power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war. Many servicemen executed powers of attorney prior to going into overseas service which were generally limited to a specific period of time. As to those servicemen who are now held as prisoners of war, the expiration of power of attorney has resulted in many wives finding they are unable to transact many aspects of family business affairs. This provision to automatically extend the period of time for those missing in action or held as prisoners of war has the approval of both the Department of Defense and the Department of Justice. I insert in the RECORD at this point the report of the Department of Justice to this provision.

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

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, D.C., July 26, 1972.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your letter of April 11, 1972, requesting the views of the Department of Justice on the merits of H.R. 936, 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 as a prisoner of war."

The main thrust of H.R. 936 is to extend the effectiveness of powers of attorney bearing stated expiration dates, when executed in favor of their wives by servicemen later listed as missing in action or as prisoners of war. The extension would remain effective while a particular serviceman continues as so listed. However, a power executed after enactment of H.R. 936 would expire upon conclusion of its stated term, if the intention is specifically expressed that expiration occur despite the grantor's subsequent missing or prisoner status.

The family of a missing or captured serviceman often faces considerable difficulty in managing property interests during his absence. Such difficulties can be intensified if he has issued someone a power of attorney which expires by its terms while he is still away. However, such powers are of course matters of private contract, and any termination date included therein necessarily represents the voluntary expressed intention of the grantor. Some servicemen, for various reasons of their own, might not wish their wives to sell property or take other legal steps beyond such a date, regardless of their military status at that time. Such possibilities cannot be dealt with in general legislation such as H.R. 936.

Your aforementioned letter requested this Department's view respecting the question raised regarding the power of Congress to legislate in H.R. 936 or similar legislation a unilateral change in the written express intent of a party executing a power of attorney in the first instance.

If it is argued that the proposed amendment is not in accordance with the strict laws of agency it must indeed be conceded. Normally, any power of attorney, which is in fact the evidence of an agency relationship, would terminate on the expiration date mentioned in the instrument. Restatement of the Law 2d, Agency 2d section 105. Williston on Contracts (3d Ed.) section 279. However, the effect of such a termination in the case of a military personage missing in action or detained as a prisoner of war is to tie the hands of a wife so that her authority, once given for a stated period, is no longer available to conduct her husband's affairs and to provide the support for herself and children for which he is legally responsible.

The power of Congress to invade private property arrangements is quite sweeping; when exercised to effectuate proper legislative objectives, pertinent to powers conferred under the Constitution. *Legal Tender Cases*, 12 Wall (79 U.S.) 457, 549–550 (1870); see discussion in *Continental Bank* v. *Rock Island Ry.*, 294 U.S. 648, 680 (1935). For instance, the cancellation of an agency contract, under its terms, has been prohibited under an interpretation of the Soldiers' and Sailors' Civil Relief Act. *Stockton* v. *Ford Motor Co.*, 61 F. Supp. 261 (D. Ida. 1945). (However, cf. *Lawrence* v. *Keokuk Steel Casting Co.*, 162 F. 2d 929 (C.C.A. 10, 1947)). And veterans' reemployment laws, which similarly interfere with private contractual arrangements, have been upheld on much the same

basis. See, for instance, *Hall* v. *Union Light, Heat & Power Co.*, 53 F. Supp. 817 (E.D. Ky. 1944).

One of the purposes of the Soldiers' and Sailors' Relief Act of 1940, of which the proposed amendment will become a part, is to relieve military personnel of anxieties through suspension of the enforcement of civil liabilities, in certain cases, "in order to enable such persons to devote their entire energy to the defense needs of the Nation." The objective of the amendment is to continue the wife's authority for the period of absence over which her husband has no control and for the length of time which he could not anticipate when he imposed an expiration date on the power of attorney. In supporting provision for a stay of court proceedings for military personnel, the Supreme Court said in *Boone* v. *Lightner*, 319 U.S. 561 (1943), "the Soldiers' and Sailors' Relief Act is always to be liberally construed to protect those who have been obliged to drop their own affairs to take up the burdens of the Nation."

An agency relationship which may arise from the exigencies of a situation is not unknown to the law. For example, the neglect of a principal or an act of God may render the acts of an agent necessary for the preservation of a principal or for the well-being of society. *Sherman's Estate*, 6 Pa. CCR 225 (1839). In that case, the claim of an agent against an estate was disallowed by the executor for the reason that he was without authority. It appeared that the decedent was so far impaired by a brain tumor that he could not be consulted in his final illness about employing an agent. One of the grounds on which the court upheld the agent's claim was that the principal was "bound by the acts of a self-constituted agent where his own neglect or the act of God had rendered those acts necessary for his self-preservation, or for the well-being of society." This reasoning, the court said, "is largely due to modern ideas of humanity. * * * The doctrine * * * has been repeatedly enforced. It is the doctrine of public policy."

In *Allen* v. *Minnesota Loan Co.*, 68 Minn. 8, 70 N.W. 800 (Sup. Ct. 1897), the court recognized the principle that a wife binds her husband as his agent where she pledged his credit for suitable necessities when without cause he has deserted her or turned her out and she is without other means of obtaining such necessities.

For other examples of agency relationship which arise without specific delegation of authority but through the operation of circumstances such as war or where children are left destitute, etc., see 3 Am. Jur. 2d Agency § 19.

However, if H.R. 936 were enacted and judicially upheld as valid, it would not solve all problems of property management and disposition and might create some other problems, particularly in situations where an attorney under an extended power acts contrary to the actual (and perhaps even known) desires and intention of the absent serviceman.

In its present form, H.R. 936 seemingly applies only where a man, already in the service, designates his wife as his attorney; husbands of servicewomen are not mentioned. Some persons execute powers prior to entering military service, and furthermore, relatives other than wives (or nonrelatives, such as attorneys at law and trust institutions) are often named. These common situations are not covered by H.R. 936, although the Defense Department's substitute draft bill (which accompanied its letter of July 20, 1971, to your committee) would extend coverage to parents and other named relatives.

We are of the view that, within the spirit of the Soldiers' and Sailors' Relief Act, the courts would be inclined to look with equal favor upon a parent or other named relative, as suggested in the Defense Department substitute draft bill, if in place of the wife, such a designee had been specifically mentioned in the original power of attorney by the person missing in action or held as a prisoner of war. Barring a change in the designee's circumstances such a designee presumably would be as agreeable a choice after the person became incapacitated as before.

In general, we consider that the language of that substitute draft bill is to be preferred from the standpoint of draftsmanship.

While the question is not entirely free from doubt, we believe that legislation in the nature of H.R. 936 is an appropriate exercise of legislative authority. As we see it, the effect of H.R. 936 would be to give statutory recognition, within the spirit of the Soldiers' and Sailors' Relief Act, to an agency relationship which is not unknown to the law.

The Department of Justice would defer to the Department of Defense views as to the need for this legislation.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

RALPH E. ERICKSON,
Deputy Attorney General.

Mr. HARTKE. New section 505 would amend section 3107 of title 38 to authorize the Administrator to apportion to a veteran's wife or children as he may prescribe that portion of his educational assistance allowance under chapter 34, title 38 as is payable on account of dependents where it is found that the veteran is not living with his wife or if any of his children are not in his custody. Discretionary apportionment authority in section 3107 has been vested in the Administrator for many years with regard to compensation, pension and subsistence allowance under the vocational rehabilitation program. It is logical to extend this authority to those training under chapter 34. Adoption of this provision will eliminate certain hardship cases involving the support of wives and children of veterans pursuing the regular GI bill which has come to the attention of the committee.

TITLE VI

Title VI—which was title VII in S. 2161—provides for savings provisions and effective dates of this act. Under the compromise agreement as previously noted, the benefit increases are retroactive to September 1, 1972. The Administrator is given until August 1, 1973 or such earlier time as he chooses to implement the new advance pay provisions. The prepayment provisions, however, will become effective on November 1. Thus, a veteran who entered school on September 15, for example, will receive in his VA educational check, scheduled to be mailed in early November, payment for the month of October at the new rates, additional payment of the differential between the old and new rates for the 15 days of September and his educational assistance allowance for the month of November in advance. Each succeeding month he will continue to receive his educational allowance in advance.

Existing law concerning training by correspondence will remain in force until January 1, 1973, when the amendments added by this act are scheduled to go into effect.

This title also contains a savings provision for eligible persons training under chapter 35. Under this provision, persons will have a full period of eligibility for programs of education exclusively by correspondence, apprenticeship, and other on-job training which are being made available to them for the first time by this act.

Mr. STAFFORD. Mr. President, this new GI education bill which is now before us, goes a long way toward bringing parity to the Vietnam era veterans as compared with those who fought and served our country before this time.

The new rate increase to $220 per month represents a 25.7 percent increase for a single veteran. Married veterans will receive 27 to 28 percent increases in their monthly allotments. This is a significant step in meeting the cost-of-living increases and the parity which is needed for the Vietnam veteran to get an education under this act.

While we were unable to give full consideration to the World War II type program, I think we have taken a significant step toward the needed parity of the system with the one which many Americans were able to take advantage of.

Mr. President, I am glad to see that the benefit levels are being made retroactive to the beginning of the school year so that those veterans who have been waiting to receive these benefits will get this new amount for their whole school year.

I fully support the actions of the conference committee and hope that the Senate will do the same so that the President can sign this into law immediately for the benefit of those who need it.

Thank you, Mr. President.

H.R. 12828—VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972

RATE INCREASE

Mr. CRANSTON. Mr. President, as the principal sponsor of this bill, along with the distinguished chairman of the Committee on Veterans' Affairs, Mr. HARTKE, I am particularly delighted to speak in support of this compromise version which has been negotiated between the Committee on Veterans' Affairs of the two bodies.

Mr. President, the compromise version provides for a 25.7 percent rate increase in GI bill allowances in the chapter 31 vocational rehabilitation program, and the basic GI bill institutional program, the farm cooperative program and the OJT/apprenticeship program. The Senate amendment had proposed a 43 percent increase from the present $175 per month to $250 for the veteran, with no dependents, studying full-time in an institutional course. The House was unwilling to go above a $220 basic rate and presented some persuasive argument for its position.

Mr. President, I believe that the Senate amendment rate increase was fully justifiable and, in negotiations with the House, we did all possible to sustain the Senate position.

I regret that we were unable to do so, but I do wish to say in behalf of the position taken by the House, that the mathematical computations can be employed

effectively to support many different rate figures. It is a question of choosing which mathematical formula best serves the conclusions one wishes to reach.

The question is whether or not the basic $220 figure, coupled with the innovations and improvements in the compromise version, particularly the new veteran-student service program for the most needy veterans, will enable most every eligible veteran, who wishes to, to pursue an appropriate course of education or training under the GI bill. I believe the answer to that is probably "yes," although clearly the $220 monthly rate will still not come close to covering the costs at certain very expensive private colleges and universities.

I certainly believe that we should have achieved a rate of at least $225 or $230 per month, but in view of the willingness on the part of the House to accept so many of the other substantive provisions in the Senate amendment—which I will outline later—I believe that this bill represents an enormous improvement and expansion of the GI bill and other readjustment assistance for post-Korean and Vietnam era veterans. And particularly I think this is the case for educationally disadvantaged veterans who should benefit greatly from the amendments and new programs contained in the remainder of the compromise version.

For all of these reasons, Mr. President, I feel strongly that we have effectively represented the Senate position and have achieved a wise and equitable accommodation of the two bills.

Mr. President, another issue involving GI bill rates, included in the compromise version, requires special mention. The Senate amendment included proposals I offered to provide, for the first time, a consistency of concept with respect to the subsistence amounts added to the basic rates in the four GI bill programs for veterans with one, two, or more dependents.

The Senate amendment included a single scale—derived by averaging the level of dependency support under employment compensation, AFDC, and the adjusted World War II rate—$47 for the first dependent; $42 for the second; and $21 for each additional dependent in excess of two. In addition, the Senate amendment made all part-time rates directly proportional to the percentage of training time; for example, the basic half-time rate was $125 per month for the veteran—with no dependents—studying on a half-time basis.

The compromise version incorporates these approaches from the Senate amendment on a reduced scale: $41 for the first dependent; $37 for the second, and $18 for each additional dependent in excess of two. I believe this is an important, although not a dramatic, improvement in the philosophy underlying the GI bill, and I am grateful to the House for accepting the Senate concept on this point.

Finally and very significantly, Mr. President, the rate increases, are made effective retroactively to September 1 for those veterans now in training, so that they can receive the benefits of a full school year's increase. This was a concept we, in the Senate, felt most strongly about, and the House was willing to accept this approach.

The result of these rate increases, the retroactive effective date, and the prepayment of allowance provision included in title II of the compromise version is, according to the VA, that in November current GI bill trainees will receive a lump sum check including their allowance entitlement for the months of October and November plus the increase percentage for the months of September and October. For the single veteran pursuing full-time study, this would be a single check for $530.

ADVANCE PAYMENT AND WORK/STUDY

Mr. President, one of the areas of greatest difficulty in the present GI bill program has been the late payment of initial GI bill checks.

This often poses an enormous hardship for veterans in training under the GI bill. Complaints from veterans who do not receive their first educational assistance allowance checks on time constitute a major share of the casework that my office handles. The delays of 3, 4, or 6 months or longer, in the payment of the educational assistance allowance place an impossible burden on veterans, particularly disadvantaged veterans who are struggling to stay in school. In early January of this year, for example, I received lists from schools in California with the names of 206 veterans who had not yet received their first check for the school year beginning in the fall of 1971. This is an absolutely intolerable situation.

To help ease this hardship, I first introduced in 1970 S. 3657, legislation which would have provided for advance payment of the educational assistance allowance, to put money in the hands of the veteran when he needs it most, at the start of the school year. Unfortunately, this vital legislation, which passed the Senate in September of 1970, died at the end of the 91st Congress when the House took no action.

I am particularly pleased that provisions for advance payment, similar to those which were in my original bill were included in the Senate amendment and are included in the compromise version.

Under the advance payment provisions in the compromise version, an eligible veteran would be entitled to the advance payment of assistance benefits for the first month, or fraction thereof, of attendance, and for the succeeding month as well. Thereafter payments would be made for the succeeding month rather than as at present, after each month. Application for advance payment made to the Administrator would include evidence of eligibility, as well as of acceptance and intention to enroll or return for further study at the institution involved. Upon receiving such application, the Administrator would be authorized to mail to the institution a check made payable to the veteran for delivery to the veteran-student upon registration. In this way, the veteran, rather than often having to wait months to receive a check from the VA, should have initial capital to cover the cost of books and supplies, and living expenses for himself and his family.

A provision is also included providing for disapproval of a school for GI bill study if it alters its payment policies for veterans in anticipation of getting more tuition or fees paid at an earlier date under the advance payment system. The committee intends for the advance payment to be of principal benefit to the veteran student, not the institution, although it may benefit incidentally by getting tuition paid earlier as the allowance prepayment provisions in the bill take effect following the advance initial payment.

These provisions as included in the Senate amendment Mr. President, are contained in title II of the compromise, as well as a new veteran-student service program retaining the basic provisions which I authored in title II of the Senate amendment, with certain changes which I will outline. The advance payment program, however, is not made effective until August 1, 1973, in order to give the VA leadtime to implement this new system.

Although the full provisions for the veteran's outreach work-study program, which I authored in the Senate amendment, is not retained in the compromise version, a substantial beginning is made in that direction. The compromise version establishes as an entitlement program, a program of veteran-student services under which a GI bill trainee entering into an agreement to perform services for the VA would be entitled to receive up to $250 in an academic year for 100 hours of such work performed—or a lesser amount for a pro rata lesser amount of work. The work which such a veteran-student would carry out is essentially the same as that provided for in the provision in the Senate amendment, except that for outreach services, the student has to be under the supervision of a VA employee.

Also, the number of man-hours which could be worked under this veteran-student services program is limited to 800 man-years or their equivalent in man-hours during any fiscal year. This has the effect of limiting the number of 100-hour agreements to approximately 16,500 agreements with individual, needy GI trainees in the course of a fiscal year. The maximum such work-study allowance was reduced from $300 to $250 to increase the number of veterans who could benefit from such agreements under such a limitation.

PROGRAMS FOR EDUCATIONALLY DISADVANTAGED VETERANS

Mr. President, it is extremely gratifyto me that all the provisions regarding PREP, tutorial, outreach and measurement of various courses, which I authored in the Senate amendment, are retained in the compromise version, with the exception of the GED provision which I will explain separately. These provisions were outlined in detail in my floor statement upon passage of the Senate. I ask unanimous consent, Mr. President, that the pertinent portions be included in the RECORD at this point.

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

IMPROVEMENTS IN SPECIAL GI BILL PROGRAMS FOR THE EDUCATIONALLY DISADVANTAGED

Even more distressing than the low-participation rate for the general Vietnam era veteran population is the fact, pointed out earlier, that the utilization of benefits is in inverse proportion to the degree of individual need for readjustment assistance. Almost 80 percent of all Vietnam era veterans have a high school diploma or less upon discharge. Studies by the American Association of Junior Colleges, which has provided much important leadership in improving and providing readjustment programs and benefits to the returning Vietnam era veteran, indicate that as many as 50 percent of these veterans require further education or training to compete realistically in the employment market. And yet veterans who face the least readjustment problems, those who have had preservice college, are more than three times more likely to utilize GI bill benefits than those veterans who have only preservice high school.

Only 17.4 percent of the nearly 1 million veterans who do not have even a high school diploma have pursued further training under the present GI bill. The fact is that the Vietnam era veterans who most desperately need readjustment assistance—those who are educationally and economically disadvantaged—are the least likely to get it under the present GI bill.

NEW PROGRAMS IN 1970

Increases in financial benefits alone are not enough to reach out to many of these veterans. Educationally and economically disadvantaged veterans need remedial and refresher programs and other educational assistance and counseling which are specially tailored to their needs and educational deficiencies. It was to help meet this special need that in 1970, in cooperation with Chairman TEAGUE, I authored several new programs which were included in Public Law 91-219, to help these veterans. Following is a brief review of these programs:

First. PREP: A new subchapter V—sections 1695 through 1697—was added to chapter 34 of title 38 to help men still in the service, by enabling them to complete their high school education or to undertake deficiency, remedial, refresher, or preparatory work in order to continue their education. PREP, the "pre-discharge education program," was conceived as a way to help tens of thousands, perhaps hundreds of thousands, of young servicemen to continue their education while in service, and to begin planning for their futures, without charge to their GI bill entitlement.

Second. Tutorial assistance: Section 1692 was added to title 38 to help veteran GI bill trainees enrolled in college but having academic difficulties, by permitting them to receive up to $50 a month for up to 9 months for tutorial assistance in their courses.

Third. Remedial-refresher courses. A new chapter VI—section 1691—was added to chapter 34 of title 38—amending previous law—to permit veterans to complete high school—or grammar school—and necessary refresher, deficiency or preparatory courses needed to prepare for a postsecondary program. Under this provision, veterans receive their GI bill educational assistance allowances while enrolled in such programs, but these allowances, as with PREP, are not charged against their GI bill entitlement. Thus, after completing this secondary-level or remedial work, these veterans generally still have a full 36 months of GI bill benefits to draw upon.

Fourth. A much greater emphasis on veterans outreach. A new subchapter IV was added to chapter 1 of title 38 to assure that the Veterans' Administration would expand and improve its programs for veterans outreach, so that all returning servicemen, and especially the disadvantaged, would be fully informed of all benefits available to them. The last sentence of the new section 240(a) declared:

"The Congress further declares that the outreach services authorized by this subchapter is for the purpose of charging the Veterans' Administration with the *Affirmative duty* of seeking out eligible veterans and eligible dependents and providing them with such services."

INADEQUATE IMPLEMENTATION OF NEW PROGRAM

Mr. President, I am deeply disappointed that only a handful of the hundreds of thousands of veterans who could have so greatly benefited from these new programs have actually participated in them. The establishment of these programs in colleges and universities, has been greatly handicapped by lethargy, delays, and inexcusable footdragging, and, in some cases, out-right resistance, by the VA and the Defense Department. For example, in the 2 years since enactment, only 3,954 veterans have utilized tutorial assistance benefits.

The Defense Department, the individual armed services, and the individual military base commanders have never taken steps to make PREP available to large numbers of servicemen. The complete failure of individual base commanders to publicize PREP, to establish and promote PREP programs, or to encourage their men to participate has been particularly frustrating. I wish to stress that PREP cannot succeed without the active cooperation of the individual base commander. That this cooperation has not been forthcoming in any uniform sense is not really surprising in view of the fact that no official in either the Department of Defense or the Veterans' Administration has even been given the specific responsibility to implement and oversee PREP. The establishment of PREP programs has also been hindered by excessively restrictive and cumbersome VA and DOD regulations.

Where small PREP programs have been established often with great difficulty, many bases have refused to allow release time from duty. The VA requires that a PREP program be in session 25 clock hours a week to be considered full time. Most bases have apparently not been willing to release more than a handful of servicemen for 25 hours a week for education or even to permit them perhaps 12 hours—the remaining 13 hours to come from their own off-duty time. Where PREP has been successful, it has often been because servicemen, after a full day's work, have been willing to spend from 2 to 5 hours a night, 5 nights a week, in class. These men have shown their desire for further education by this commitment of time; unfortunately, many times their dedication has not been matched by that of the military base commanders.

Minority group servicemen—black, chicano, Puerto Rican, American Indian, and others—are often in special need of educational help. But there has been no concerted effort by DOD to help these men upgrade themselves through PREP, which is designed to serve them as well as the hundreds of thousands of educationally disadvantaged white GI's.

PREP has also represented a way to help very large numbers of men overseas, in Europe and parts of Asia, to continue their education. Many of these men have a considerable amount of spare time, and could use it profitably to upgrade themselves. Only recently, however, have the services begun to move to create meaningful PREP programs in Europe; there has apparently been little of this kind of special help for men stationed in Asia and the Pacific.

In the case of servicemen, a great opportunity has been permanently lost for the very large numbers who have left the service or will leave it in the next few months. These men needed PREP; they lost this chance—for counseling, guidance, and placement as well as course work. There is nothing which can be done now, through PREP, to help them.

DEPARTMENTS IN EXISTING PROGRAMS

In order that the potentially great benefit of the PREP program will not continue to be wasted, the S. 2161 committee substitute includes the following clarifying changes and improvements in PREP:

First. Authorization is provided for proprietary nonprofit educational institutions to offer PREP programs for servicemen—and also remedial and refresher program for educationally disadvantaged veterans—as long as the school has been in existence for 2 years by eliminating the requirement as applied to PREP programs at nonpublic colleges that the course in question must have been in operation for 2 years or be offered at a nonprofit accredited college for credit. This requirement has the effect of eliminating the typical noncredit PREP programs at private nonprofit accredited colleges. Under the Committee substitution this requirement continues to apply to other GI bill programs.

Second. Existing law is also amended in the committee substitute to make clear that the PREP program can include courses needed to obtain an equivalency or GED certificate. At present, veterans may receive GI bill benefits while enrolled in equivalency or GED programs. But the VA has construed present section 1696 as not permitting servicemen to do so. The armed services are already helping very large numbers of men to obtain equivalency certificates each year; this legislative change will allow many more servicemen to use PREP to advance their education in a more appropriate way than formal secondary school courses.

Third. The committee substitute also provides for the lump-sum prepayment of the total anticipated PREP costs—either the established tuition and charges for nonservicemen in an identical program, or reasonable charges where there is no identical programs—a legislative gloss made explicit—or $250, whichever is the least. Particularly in the cases of institutions offering PREP programs overseas, very serious problems have resulted from the greatly delayed or even the nonpayment of tuition costs. For example, Big Bend Community College, from Moses Lake, Wash., which offers PREP in Europe, is threatened with the loss of $45,000 and perhaps much more. The committee expects that the new lump-sum advance payment will overcome the great difficulties being experienced by Big Bend in its servicemen enrollees not receiving PREP checks before they terminate in the program. In order to insure the effectiveness of the new system in the overseas context, maximum cooperation by and coordination between DOD and VA with the PREP institution will be necessary, and every effort must be made to expedite and advance the date of enrollment processing and the transmittal of appropriate papers to VA in the United States in order to lead to timely mailing and receipt of checks.

Toward this end, the committee believes the VA should give the most serious consideration to assignment of a DVB expert to the overseas area to assure the most expeditious and accurate processing and transmittal.

Fourth. Increased cooperation within the Department of Defense as well as closer coordination with the VA is also called for by the committee substitute. The Administrator of the VA is required to designate an appropriate official who shall cooperate with and assist officials designated by the Secretary of Defense as administratively responsible for carrying out DOD functions and duties with regard to PREP.

Fifth. Moreover, in order for Defense Department overseas schools to be eligible to participate in PREP or any other title 38

program, the committee substitute requires the Department of Defense to submit to both the House and Senate Committee on Veterans' Affairs a detailed plan for greatly expanded implementation of PREP, including provisions for each Secretary concerned to advise counsel, and encourage eligible servicemen regarding the educational benefits available to them, especially the special remedial programs designed for the educationally disadvantaged. The plan would also include provision for the release of participating servicemen for at least one-half of the hours required for PREP, unless such release would be inconsistent with the interests of national defense. The establishment of an interservice and interagency coordinating committee is another condition established, this committee to be under the cochairmanship of the Assistant Secretary of Defense and the Chief Benefits Director of the VA with the task of promoting and coordinating all VA educational assistance programs, as well as implementing the plan mentioned above. One element of cooperation which the committee deems particularly important is for base commanders to be urged to assist in and encourage the earliest possible registration of PREP enrollees both in the United States and abroad so that the new advance lump-sum payment can arrive in time for the PREP institution to receive its charges from the serviceman as early as possible and at least prior to his completion of the program.

Sixth. A significant boost for PREP and college preparatory programs should be provided by the provision in the committee substitute to permit reduction of the 25-clock hours that are presently required for fulltime PREP participation. Educational authorities concerned with educationally disadvantaged young adults believe that such students should not be kept in class 25 hours a week, but rather should be assisted in developing habits of self-directed study. The present rule has occasioned numerous complaints from servicemen as well as PREP institutions. Under the change a precollege PREP program—or remedial or refresher program for veterans—would be considered full time if the program included a minimum of four Carnegie units per year—or, under a general change in measurement of high school courses, if the program, pursued full time for 4 years, would lead to a high school diploma—or if the school measured the program itself on a semester-hour basis in which case generally only 12 hours of classes would be needed. In any case, the form of measurement used would be left up to the school.

Seventh. Consultation between active duty servicemen who desired VA educational assistance and the appropriate education service officer—ESO—would also be required under the committee substitute. Such consultation would be particularly useful in helping servicemen choose the course of training best suited to his aptitude, educational needs, and his vocational goals. I am convinced, as are the other members of the Senate Veterans' Affairs Committee, that maximum encouragement should be given to servicemen to enroll in PREP programs, where appropriate.

At this point, I believe it is important to point out that while education service officers have an extremely important role to play in the successful training of servicemen, unfortunately very little is known in the Congress about ESO's or their work. Thus, I intend to followup with the Defense Department, requesting information in the following areas: The total number of ESO's; their educational background; their previous experience; and whether they have backgrounds in teaching or educational administration? How many of them are minority group members; how many have had special training in working with minorities or the disadvantaged? It is difficult enough for professionally trained educators with years of school experience to work effectively with many minority group and disadvantaged students today. It may be far more difficult for a man to do so who has been away from his own college education for many years, and has not had the advantage of recent refresher or advanced work in a graduate school. Thus, we should determine how many education service officers are trained in counseling and guidance, and how many can meet the minimum requirements which a high school guidance counselor, for example, must meet in most States.

I hope the Defense Department will compile that information and make it available to the Congress and the public. Certainly, we need to know at least this much before we provide a statutory veto for the ESO over servicemen's GI bill participation during service, as the administration proposed.

A more professionalized and better supported off-duty education program is essential to help both the large number of men now being separated and the many who will remain in the service for shorter or longer tours of duty. The Nation and the military will be the better for it if most servicemen are advanced at least through the high school equivalency or GED—general educational development, comparable to a high school diploma—and if many are given the incentive and the ability to take advantage of the opportunity for further education, either in service or later.

Therefore, Mr. President, I believe there is a great need for an evaluation by outside experts of all DOD off-duty education programs. Such a study would be a valuable one to be undertaken by the Carnegie Commission on Higher Education, for example. In addition, I am hopeful that, in the near future, the Senate Veterans' Affairs Committee will be able to conduct such an indepth review in order to help the individual services to upgrade their members' skills and to help a far greater number of servicemen advance themselves under the GI bill, both while in the service and following discharge. Such a study would be a valuable part of planning for an all-volunteer Armed Forces, a concept I strongly support and one to which which a strong in-service education program, especially for the educationally disadvantaged, is vitally important.

Eighth. As in the case of the PREP program, I have been deeply concerned by the underutilization of tutorial benefits under the special program I authored in 1970. This has primarily been the result of the VA's failure to adequately inform both veterans and educational institutions about this program. Another adverse factor has been the restrictive regulations the VA has established which require a veteran to be actually failing a subject before he is eligible for tutorial assistance. The intent of Congress was that the veteran be eligible for assistance if his performance was below the norm of his class and certainly well before he was caught in actual course failure. Any veteran who participated in remedial PREP or college preparatory program should be able to utilize his section 1692 tutorial benefits as part of a planned college program, rather than awaiting the development of serious academic difficulties. Therefore, the S. 2161 committee substitute would permit a veteran to use tutorial benefits to remedy a "deficiency" rather than a "marked deficiency," as is presently the case. The negligible utilization of this program to date demands that the eligibility requirements be made more realistic in this way. At the same time, there is no intention for these benefits to be used to upgrade adequate academic performance: from a "C" to a "B," for example.

Mr. CRANSTON. Mr. President. The compromise version does not include a provision to make specific the inclusion of the so-called GED—high school equivalency certificate—as one purpose for pursuit of the PREP program under present section 1696(a) of title 38. The Department of Defense has for many years been conducting, through its base education officers, special G.E.D. programs under which servicemen prepare for and take the GED exam and, hopefully, receive the equivalency certificate. It was not felt desirable to shift the costs of such an on-going program to the VA readjustment benefits account. However, it should be clearly understood that by not so specifying in section 1696, it is not intended in any way to indicate that receiving a GED could not properly be one of the objects of a "deficiency, remedial, or refresher" PREP course under section 1691(a)(2). Indeed, as long as such a course otherwise meets the requirements of such section in terms of content and the other existing title 38 requirements for PREP programs, it is, in my opinion, highly desirable for such a GED component to be built into such a PREP program in order to provide tangible indications of achievement for the participating serviceman.

"I hope that the VA and Defense Department will encourage the inclusion of such GED components as part of PREP programs.

VETERANS' EMPLOYMENT PROVISIONS

Mr. President, as the author of title V in the compromise version—veterans' employment assistance and special emphasis—which was title VI in the Senate amendment, I am delighted with the inclusion in the compromise version of those provisions, with one exception which I will touch upon. Certain modifications have been made to clarify these provisions after consultation with the Department of Labor, but the essential thrust of the Senate amendment is retained.

The compromise version does not include section 2012—"action plan for employment of disabled and Vietnam era veterans"—which would have been added to title 38 by section 603(a) of the Senate bill, in view of the strong objection to such inclusion made by the Civil Service Commission and on jurisdictional grounds by the House Committee on Post Office and Civil Service. Pertinent reports from the Commission and the House Committee on Post Office and Civil Service are set forth elsewhere in the RECORD in Senator Hartke's statement.

VETERANS' DIRECT LOAN PROGRAM

Mr. President, it is indeed regretable that we were unable to convince the House of the necessity and desirability of the veterans' direct loan program—authored by Senator Hartke and myself—in the Senate amendment, but I feel that the House Committee has been most understanding and cooperative in accepting many of the Senate provisions, which I have just outlined. I would hope that if it can be demonstrated that the 25.7 percent increase in GI bill allowances in the compromise version does not provide adequate assistance, the House would give further consideration to adoption of such a direct loan program.

FARM TRAINING

It is also regretable, Mr. President, that the House has again, as it did in the 91st Congress, rejected a substantial revision of the farm cooperative pro-

gram. However, the House was willing to reduce by more than 16 percent the class hour requirements in that program—more than had been done in the House bill—with the result that programs stressing more on-farm training will be given a boost.

CONSOLIDATION OF ADMINISTRATIVE PROVISIONS

Finally, Mr. President, a concept I have long advocated is also carried out in the compromise version. That is the consolidation of certain provisions from chapters 34 and 35 into a single administrative provisions chapter—chapter 36—so that, wherever possible, the same course measurement, payment, overpayment, and numerous other administrative requirements will apply both to the chapter 34 veterans program and the chapter 35 dependents and survivors program under the GI bill.

VETERANS' COST-OF-INSTRUCTION PROGRAM

Mr. President, in closing I wish to add one more note in terms of the adequacy of the program included in this compromise version. The Senate yesterday approved the supplemental appropriations bill (H.R. 17034) which included $75 million, recommended by the Appropriations Committee, for initiation of the veterans' cost-of-instruction program which I authored in the Education Amendments of 1972—Public Law 92–318. This program is designed to create an incentive for institutions of higher education to enroll more GI bill trainees, and to provide funds to schools which do so that they can carry out special veterans programs, particularly the programs for educationally disadvantaged veterans under the GI bill, which I have just described and which the compromise version of H.R. 12828 has improved and expanded. I hope, most earnestly, that this new funding will be retained in the final version of the supplemental appropriations bill as it emerges from conference. In any event, I am extremely grateful to the Appropriations Committee for responding in such a generous fashion to this new program, and I ask unanimous consent, Mr. President, that the text of my October 6, 1972, letter to the distinguished subcommittee chairman (Mr. MAGNUSON) be set forth in the RECORD at this point.

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

U.S. SENATE,
Washington, D.C., October 6, 1972.

Hon. WARREN G. MAGNUSON,
Chairman, Subcommittee on Labor-HEW Appropriations, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to express my very strong support of funding for the Veterans' Cost-of-Instruction and Consumer Education programs as authorized in the Education Amendments of 1972.

As the author of these two provisions, I feel it is vitally important to fund them at this point rather than waiting until later in this fiscal year.

With respect to the Veterans' Cost-of-Instruction provision, I recommend the inclusion of $90 million which would permit Veterans' Cost-of-Instruction payments beginning in the spring semester. We estimated the cost of this provision for full fiscal year funding as approximately $180 million. Although the GI Bill provides substantial "scholarship" funds for the individual veteran student, the present GI Bill contains no incentive funds for institutions of higher learning to make positive efforts to enroll veterans, and, indeed, we have received numerous letters from veterans protesting the great difficulty they have in gaining admission to colleges that they wish to enter.

As you will recall, the World War II GI Bill, by providing generally for full tuition, fees and book costs, provided the type of incentive that the Congress believed was necessary when it enacted the Veterans' Cost-of-Instruction program this past summer. The purpose of the program is to provide colleges both with a financial benefit from the enrollment of veteran students utilizing the GI Bill and with special funds to set up special Veterans Affairs offices, outreach programs, tutorial programs and special preparatory programs. In addition, schools could receive the $300 incentive payment ($450 if the veteran is educationally disadvantaged) only if they increase their enrollment in the first year 10 percent over their enrollment of GI Bill trainees in the preceding year.

I feel that funding of this program can provide opportunities for many, many veterans to receive the benefits of college education and thus greatly increase their ability to effectively readjust to civilian life and maximize their productivity.

Secondly, I would like to urge full funding of the Consumer Education provision for which $20 million are authorized to be appropriated this fiscal year. Because of the lack of adequate resources for educating and informing consumers about their role as participants in the marketplace, the Congress voted to authorize that amount. This field has received increasing national attention in recent years, and the cost of this program would be slight compared to the very substantial savings it could bring about. The government now spends $200 million annually enforcing laws and regulations "after the fact." We spend $25 million a year in legal action alone, trying to undo damage consumers have suffered which proper consumer education could do much to prevent.

Mr. Chairman, I greatly appreciate all of the courtesies you have extended to me in the past, and I very much hope that you will give the most serious consideration to the recommendations set forth above and will share this letter with the members of your subcommittee and the full committee.

Sincerely,

ALAN CRANSTON.

CONCLUSION

Mr. CRANSTON. Mr. President, I think this is a bill of which the Congress can be truly proud. It is, in virtually in every respect, a congressional initiative and, although the administration will attempt, belatedly, to take credit for it—for its scope, for its inventiveness, for its compassion, no one who has followed the progress of this legislation will be fooled.

This bill is what the Congress believes is a fitting tribute to the contributions our returning servicemen have made to their Nation. This bill provides what the Congress believes are appropriate benefits and programs to assist these veterans in readjusting to civilian life and assuming a productive place in our society.

Mr. THURMOND. Mr. President, the Vietnam Era Veterans' Readjustment Assistance Act of 1972 is of vital importance to our veterans who wish to continue their education.

Our veterans deserve our special thanks. Having served our Nation in the armed services, many have returned to civilian life to find higher education opportunities more competitive. Particularly, they have been faced with the rising costs of living and education, family responsibilities, and scarce jobs. Educational assistance provided in this bill will serve to ease the burden for those who desire to continue their education.

Mr. President, I cosponsored the original Senate bill to increase GI benefits by 43 percent over the present GI bill.

Now, under the Senate-House compromise, the basic monthly education rate for single veterans is increased from $175 to $220. This represents a 25.7-percent increment. For the married veteran, the current rate is $205, but the new rate will be $261, a 27.3-percent increase. With one child, the current rate is $230, but the new rate will be $298, a 29.5-percent addition. For each additional dependent, the veteran now receives $13, but under the new rates he will receive $18, a 38-percent increase.

Mr. President, this increase does not represent the maximum benefits the Senate approved, but it does represent an equitable adjustment of the present rates.

Moreover, Mr. President, these additional benefits are being made retroactive to September 1, 1972. It is my belief that the provision for retroactivity will help to correct any inequities where the veteran relied on these additional benefits at the beginning of the school term and they were not available.

Mr. President, I am proud to support this important piece of veterans legislation, and urge its prompt approval.

Mr. DOLE. Mr. President, I wish to comment upon H.R. 8395, the bill to extend the Vocational Rehabilitation Act. Its primary objectives are twofold: To introduct a strong element of accountability into the administration of rehabilitation programs, especially at the State level; and to encourage rehabilitation agencies to take on more cases of individuals with substantial handicaps. The bill authorizes the Department of Health, Education, and Welfare to give project grants to the severely disabled and does not put total emphasis on vocational goals. The bill is realistic and should provide great improvements in America's vocational rehabilitation program. Several provisions of the conference committee report stand out in importance.

NATIONAL INFORMATION AND RESOURCE CENTER FOR THE HANDICAPPED

One provision is of particular interest to me, because it embodies a proposal I originated in the 91st Congress and included in S. 41, a bill I introduced in January 1971. It deals with the creation of the National Information and Resource Center for the Handicapped.

It is an unfortunate reality in our country today that information on the facts, facilities and services available to the handicapped is incomplete and fragmentary and often available only through narrow, specialized channels. In many cases existing stores of knowledge and information about programs, research and services which could be of immense benefit to the handicapped simply are not readily available to them,

because there is no organized, systematic way of reaching it.

My personal experience and a continuing concern for the problems of the handicapped have led me to see that a basic need exists for a central source, a clearinghouse, to channel the questions and inquiries of the handicapped to the answers they seek. With these thoughts in mind I proposed the creation of the National Information and Resource Center for the Handicapped. Now included by the Vocational Rehabilitation Act within the Office of the Handicapped in the Department of Health, Education, and Welfare, the Center will provide a point of contact for the handicapped, their families, interested citizens as well as private and professional organizations, city and State officials who need guidance or direction to information which will enable them to deal more effectively with problems faced by the handicapped.

The Center is not intended to duplicate any programs in Government or the private sector; rather, the idea is to coordinate knowledge relating to all programs of benefit to the handicapped. A small staff will be available to direct inquiries to specialized contacts which have particular knowledge or have had success in working on aspects of any problem.

I believe this is an innovative, commonsense approach to a basic problem, I am pleased that it has been included in this bill and hope that it can be put into operation at the earliest possible date.

The millions of Americans who belong to the handicapped minority will be the immediate and long-term beneficiaries of the Center's services, but America will be the ultimate beneficiary through increased contribution, well-being, and personal fulfillment of the handicapped.

OTHER PROVISIONS

H.R. 8395 will also establish new authority for annual grants for rehabilitation facilities serving severely handicapped deaf individuals. It makes available funding for the establishment and operation of centers for spinal cord injury and provides grants for services for individuals suffering from end-stage renal disease. It provides for establishing State advisory councils on rehabilitation of the handicapped and an expanded program of grants for various special projects and demonstrations, including the special program for rehabilitation services for handicapped migratory or agricultural workers and their families. The bill will continue existing authority for grants for construction of rehabilitation facilities, construction and operation of the National Center for Deaf-Blind Youths and Adults, and vocational training for handicapped individuals. It will also expand the National Advisory Council on Rehabilitation of the Handicapped.

To handicapped individuals, the vocational rehabilitation bill is the most important measure in this session of Congress. I am pleased that it contains many worthwhile and highly beneficial programs that will pay dividends to handicapped Americans and all their fellow citizens.

Mr. HARTKE. Mr. President, I move that the Senate concur in the House amendments to the Senate amendment.

The motion was agreed to.

VETERANS' ADMINISTRATION MEDICAL SCHOOL ASSISTANCE AND HEALTH MANPOWER TRAINING ACT

Mr. CRANSTON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 748.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the amendments of the Senate to the resolution (H.J. Res. 748) amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; "the improvement of existing medical schools affiliated with the Veterans' Administration; and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel", which were in lieu of the matter stricken and inserted by the amendment of the Senate, insert:

That this Act may be cited as the "Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972".

SEC. 2. (a) Part VI of title 38, United States Code, is amended by inserting immediately after chapter 81 the following new chapter—

"Chapter 82—ASSISTANCE IN ESTABLISHING NEW STATE MEDICAL SCHOOLS; GRANTS TO AFFILIATED MEDICAL SCHOOLS; ASSISTANCE TO HEALTH MANPOWER TRAINING INSTITUTIONS

"Sec.
"5070. Coordination with public health programs; administration.

"SUBCHAPTER I—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW STATE MEDICAL SCHOOLS

"5071. Declaration of purpose.
"5072. Authorization of appropriations.
"5073. Pilot program assistance.
"5074. Limitations.

"SUBCHAPTER II—GRANTS TO AFFILIATED MEDICAL SCHOOLS

"5081. Declaration of purpose.
"5082. Authorization of appropriations.
"5083. Grants.

"SUBCHAPTER III—ASSISTANCE TO PUBLIC AND NONPROFIT INSTITUTIONS OF HIGHER LEARNING, HOSPITALS AND OTHER HEALTH MANPOWER INSTITUTIONS AFFILIATED WITH THE VETERANS' ADMINISTRATION TO INCREASE THE PRODUCTION OF PROFESSIONAL AND OTHER HEALTH PERSONNEL

"5091. Declaration of purpose.
"5092. Definition.
"5093. Grants.

"SUBCHAPTER IV—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL EDUCATION AND TRAINING CAPACITY

"5096. Expenditures to remodel and make special allocations to Veterans' Administration hospitals for health manpower education and training.

"§ 5070. Coordination with public health programs; administration

"(a) The Administrator and the Secretary of Health, Education, and Welfare shall, to the maximum extent practicable, coordinate the programs carried out under this chapter and the programs carried out under section 309 and titles VII, VIII, and IX of the Public Health Service Act.

"(b) The Administrator may not enter into any agreement under subchapter I of this chapter or make any grant or provide other assistance under subchapter II or III of this chapter after the end of the seventh calendar year after the calendar year in which this chapter takes effect.

"(c) The Administrator, after consultation with the special medical advisory committee established pursuant to section 4112(a) of this title, shall prescribe regulations covering the terms and conditions for entering into agreements and making grants under this chapter.

"(d) Payments made pursuant to grants under this chapter may be made in installments, and either in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Administrator may determine.

"(e) In making grants under this chapter, the Administrator shall give special consideration to applications from institutions which provide reasonable assurances, which shall be included in the grant agreement, that priority for admission to health manpower and training programs carried out by such institutions will be given to otherwise qualified veterans who during their military service acquired medical military occupation specialties, and that among such qualified veterans those who served during the Vietnam era and those who are entitled to disability compensation under laws administered by the Veterans' Administration or whose discharge or release was for a disability incurred or aggravated in line of duty will be given the highest priority. In carrying out this chapter and section 4101(b) of this title in connection with health manpower and training programs assisted or conducted under this title or in affiliation with a Veterans' Administration medical facility, the Administrator shall take appropriate steps to encourage the institutions involved to afford the priorities described in the first sentence of this subsection and to advise all qualified veterans with such medical military occupation specialties of the steps he has taken under this subsection and the opportunities available to them as a result of such steps.

"(f)(1) Each recipient of assistance under this chapter shall keep such records as the Administrator 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 made or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit.

"(2) The Administrator 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 recipient of any assistance under this chapter which are pertinent to such assistance.

"SUBCHAPTER I—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW STATE MEDICAL SCHOOLS

"§ 5071. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to implement a pilot program under which he may provide assistance in the establishment of new State medical schools at colleges or universities which are primarily supported by the States in which they are located if such schools are located in proximity to, and operated in

conjunction with, Veterans' Administration medical facilities.

"§ 5072. Authorization of appropriations

"(a) There is authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and a like sum for each of the six succeeding fiscal years. Sums appropriated pursuant to this section shall be used for making grants pursuant to section 5073 of this title.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the sixth fiscal year following the fiscal year for which they are appropriated.

"§ 5073. Pilot program assistance

"(a) Subject to subsection (b) of this section, the Administrator may enter into an agreement to provide to any college or university which is primarily supported by the State in which it is located (hereinafter in this subchapter referred to as 'institution') the following assistance to enable such institution to establish a new medical school:

"(1) The leasing to the institution, for such consideration and under such terms and conditions as the Administrator deems appropriate, of such land, buildings, and structures (including equipment therein) under the control and jurisdiction of the Veterans' Administration as may be necessary for such school. The three-year limitation on the term of a lease in section 5012(a) of this title shall not apply with respect to any lease entered into pursuant to this paragraph. Any lease made pursuant to this subchapter may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act entitled 'An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes,' approved June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subchapter may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease.

"(2) The extension, alteration, remodeling, improvement, or repair of buildings and structures (including, as part of a lease made under paragraph (1), the provision of equipment) provided under paragraph (1) to the extent necessary to make them suitable for use as medical school facilities.

"(3) The making of grants to assist the institution to pay the cost of the salaries of the faculty of such school during the initial twelve-month period of operation of the school and the next six such twelve-month periods, but payment under this paragraph may not exceed an amount equal to—

"(A) 90 per centum of the cost of faculty salaries during the first twelve-month period of operation,

"(B) 90 per centum of such cost during the second such period,

"(C) 90 per centum of such cost during the third such period,

"(D) 80 per centum of such cost during the fourth such period,

"(E) 70 per centum of such cost during the fifth such period,

"(F) 60 per centum of such cost during the sixth such period, and

"(G) 50 per centum of such cost during the seventh such period.

"(b)(1) The Administrator may not enter into any agreement under subsection (a) of this section unless he finds, and the agreement includes satisfactory assurances, that—

"(A) there will be adequate State or other financial support for the proposed school;

"(B) the overall plans for the school meet such professional and other standards as the Administrator deems appropriate;

"(C) the school will maintain such arrangements with the Veterans' Administration medical facility with which it is associated (including but not limited to such arrangements as may be made under subchapter IV of chapter 81 of this title) as will be mutually beneficial in the carrying out of the mission of the medical facility and the school; and

"(D) on the basis of consultation with the appropriate accreditation body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare, there is reasonable assurance that, with the aid of an agreement under subsection (a) of this section, such school will meet the accreditation standards of such body or bodies within a reasonable time.

"(2) Any agreement entered into by the Administrator under this subchapter shall contain such terms and conditions (in addition to those imposed pursuant to subsections (a)(1) and (b)(1) of this section) as he deems necessary and appropriate to protect the interest of the United States.

"(c) If the Administrator, in accordance with such regulations as he shall prescribe, determines that any school established with assistance under this chapter—

"(1) is not accredited and fails to gain appropriate accreditation within a reasonable period of time;

"(2) is accredited but fails substantially to carry out the terms of the agreement entered into under this chapter; or

"(3) is no longer operated for the purpose for which such assistance was granted,

he shall be entitled to recover from the recipient of assistance under this chapter the facilities of such school which were established with assistance under this chapter. In order to recover such facilities the Administrator may bring an action in the district court of the United States for the district in which such facilities are situated.

"§ 5074. Limitations

"The Administrator may not use the authority under this subchapter to assist in the establishment of more than eight new medical schools. Such schools shall be located in geographically dispersed areas of the United States.

"SUBCHAPTER II—GRANTS TO AFFILIATED MEDICAL SCHOOLS

"§ 5081. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to carry out a program of grants to medical schools which have maintained affiliations with the Veterans' Administration in order to assist such schools to expand and improve their training capacities and to cooperate with institutions of the types assisted under subchapter III of this chapter in carrying out the purposes of such subchapter.

"§ 5082. Authorization of appropriations

"(a) There is further authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, and a like sum for each of the six succeeding fiscal years, for carrying out programs authorized under this chapter.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the sixth fiscal year following the fiscal year for which they are appropriated.

"§ 5083. Grants

"(a) Any medical school which is affiliated with the Veterans' Administration under an agreement entered into pursuant to subchapter IV of chapter 81 of this title may apply to the Administrator for a grant under this subchapter to assist such school, in part, to carry out, through the Veterans' Administration medical facility with which it is affiliated, projects and programs in furtherance of the purposes of this subchapter, except that no grant shall be made for the construction of any building which will not be located on land under the jurisdiction of the Administrator. Any such application shall contain such information in such detail as the Administrator deems necessary and appropriate.

"(b) An application for a grant under this section may be approved by the Administrator only upon his determination that—

"(1) the proposed projects and programs for which the grant will be made will make a significant contribution to improving the medical education (including continuing education) program of the school and will result in a substantial increase in the number of medical students attending such school, provided there is reasonable assurance from a recognized accrediting body or bodies approved for such purposes by the Commissioner of Education of the Department of Health, Education, and Welfare that the increase in the number of students will not threaten any existing accreditation or otherwise compromise the quality of the training at such school;

"(2) the application contains or is supported by adequate assurance that any Federal funds made available under this subchapter will be supplemented by funds or other resources available from other sources, whether public or private;

"(3) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds expended under this subchapter; and

"(4) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

"SUBCHAPTER III—ASSISTANCE TO PUBLIC AND NONPROFIT INSTITUTIONS OF HIGHER LEARNING, HOSPITALS, AND OTHER HEALTH MANPOWER INSTITUTIONS AFFILIATED WITH THE VETERANS' ADMINISTRATION TO INCREASE THE PRODUCTION OF PROFESSIONAL AND OTHER HEALTH PERSONNEL

"§ 5091. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to carry out a program of grants to provide assistance in the establishment of cooperative arrangements among universities, colleges, junior colleges, community colleges, schools of allied health professions, State and local systems of education, hospitals, and other nonprofit health manpower institutions affiliated with the Veterans' Administration, designed to coordinate, improve, and expand the training of professional and technical allied health and paramedical personnel, and to assist in developing and evaluating new health careers, interdisciplinary approaches and career advancement opportunities, so as to improve and expand allied and other health manpower utilization.

"§ 5092. Definition

"For the purpose of this subchapter, the term 'eligible institution' means any nonprofit educational facility or other public or nonprofit institution, including universities, colleges, schools of allied health professions, State and local systems of education, hospitals, and other nonprofit health manpower institutions for the training or education of allied health or other health personnel affiliated with the Veterans' Administration for the conduct of or the providing of guidance for education and training programs for health manpower.

"§ 5093. Grants

"(a) Any eligible institution may apply to the Administrator for a grant under this subchapter to assist such institution to carry out, through the Veterans' Administration medical facility with which it is, or will become affiliated, educational and clinical

projects and programs, matching the clinical requirements of the facility to the health manpower training potential of the eligible institution, for the expansion and improvement of such institution's capacity to train health manpower, including physicians' assistants, nurse practitioners, and other new types of health personnel in furtherance of the purposes of this subchapter. Any such application shall contain a plan to carry out such projects and programs and such other information in such detail as the Administrator deems necessary and appropriate.

"(b) An application for a grant under this section may be approved by the Administrator only upon his determination that—

"(1) the proposed projects and programs for which the grant will be made will make a significant contribution to improving the education (including continuing education) or training program of the eligible institution and will result in a substantial increase in the number of students trained at such institution, provided there is reasonable assurance from a recognized accrediting body or bodies approved for such purposes by the Commissioner of Education of the Department of Health, Education, and Welfare that the increase in the number of students will not threaten any existing accreditation or otherwise compromise the quality of the training at such institution;

"(2) the application contains or is supported by adequate assurance that any Federal funds made available under this subchapter will be supplemented by funds or other resources available from other sources, whether public or private;

"(3) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds expended under this subchapter; and

"(4) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

"SUBCHAPTER IV—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL EDUCATION AND TRAINING CAPACITY

"§ 5096. Expenditures to remodel and make special allocations to Veterans' Administration hospitals for health manpower education and training

"Out of funds appropriated to the Veterans' Administration pursuant to the authorization in section 5082 of this title, the Administrator may expend such sums as he deems necessary, not to exceed 30 per centum thereof, for (1) the necessary extension, expansion, alteration, improvement, remodeling, or repair of Veterans' Administration buildings and structures (including provision of initial equipment, replacement of obsolete or worn-out equipment, and, where necessary, addition of classrooms, lecture facilities, laboratories, and other teaching facilities) to the extent necessary to make them suitable for use for health manpower education and training in order to carry out the purpose set forth in section 4101(b), and (2) special allocations to Veterans' Administration hospitals and other medical facilities for the development or initiation of improved methods of education and training which may include the development or initiation of plans which reduce the period of required education and training for health personnel but which do not adversely affect the quality of such education or training."

(b) The table of chapters at the beginning of part VI of title 38, United States Code, is amended by adding

"82. Assistance in Establishing New State Medical Schools; Grants to Affiliated Medical Schools; Assistance to Health Manpower Training Institutions ..... 5070".

immediately below

"81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply ..... 5001".

SEC. 3. (a) Chapter 73 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER II—REGIONAL MEDICAL EDUCATION CENTERS

"§ 4121. Designation of Regional Medical Education Centers

"(a) In carrying out his functions under section 4101 of this title with regard to the training of health manpower, the Administrator shall implement a pilot program under which he shall designate as Regional Medical Education Centers such Veterans' Administration hospitals as he determines appropriate to carry out the provisions of this subchapter in geographically dispersed areas of the United States.

"(b) Each Regional Medical Education Center (hereinafter in this subchapter referred to as 'Center') designated under subsection (a) of this section shall provide in-residence continuing medical and related education programs for medical and health personnel eligible for training under this subchapter, including (1) the teaching of newly developed medical skills and the use of newly developed medical technologies and equipment, (2) advanced clinical instruction, (3) the opportunity for conducting clinical investigations, (4) clinical demonstrations in the utilization of new types of health personnel and in the better utilization of the skills of existing health personnel, and (5) routine verification of basic medical skills and, where determined necessary, remediation of any deficiency in such skills.

"§ 4122. Supervision and staffing of Centers

"(a) Centers shall be operated under the supervision of the Chief Medical Director and staffed with personnel qualified to provide the highest quality instruction and training in various medical and health care disciplines.

"(b) As a means of providing appropriate recognition to individuals in the career service of the Department of Medicine and Surgery who possess outstanding qualifications in a particular medical or health care discipline, the Chief Medical Director shall from time to time and for such period as he deems appropriate assign such individuals to serve as visiting instructors at Centers.

"(c) Whenever he deems it necessary for the effective conduct of the program provided for under this subchapter, the Chief Medical Director is authorized to contract for the services of highly qualified medical and health personnel from outside the Veterans' Administration to serve as instructors at such Centers.

"§ 4123. Personnel eligible for training

"The Chief Medical Director shall determine the manner in which personnel are to be selected for training in the Centers. Preference shall be given to career personnel of the Department of Medicine and Surgery. To the extent that facilities are available, other medical and health personnel shall, on a fully reimbursable basis, be eligible for in-residence training in the Centers.

"§ 4124. Consultation

"The Chief Medical Director shall carry out the provisions of this subchapter after consultation with the special medical advisory group established pursuant to section 4112(a) of this title.

(b) (1) The table of sections at the beginning of chapter 73 of title 38, United States Code, is amended by inserting at the beginning of such table the following:

"SUBCHAPTER I—ORGANIZATION; GENERAL".

(2) Such table of sections is further amended by adding at the end thereof the following:

"SUBCHAPTER II—REGIONAL MEDICAL EDUCATION CENTERS

"4121. Designation of Regional Medical Education Centers.
"4122. Supervision and staffing of Centers.
"4123. Personnel eligible for training.
"4124. Consultation.

"SUBCHAPTER I—ORGANIZATION; GENERAL".

And in lieu of the matter stricken and inserted by the amendment of the Senate to the title of the resolution, insert: "Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools and the improvement of existing medical schools affiliated with the Veterans' Administration; to develop cooperative arrangements between institutions of higher education, hospitals, and other nonprofit health service institutions affiliated with the Veterans' Administration to coordinate, improve, and expand the training of professional and allied health and paramedical personnel; to develop and evaluate new health careers, interdisciplinary approaches and career advancement opportunities; to improve and expand allied and other health manpower utilization; to afford continuing education for health manpower of the Veterans' Administration and other such manpower at Regional Medical Education Centers established at Veterans' Administration hospitals throughout the United States; and for other purposes."

Mr. CRANSTON. Mr. President, the House amendment to the Senate amendment is the result of extensive negotiations between the Committees on Veterans' Affairs of the two bodies and represents, in my opinion, an appropriate and effective accommodation of the different versions of this bill as passed by the two Houses.

The bill retains the basic provisions and philosophies of the Senate amendment with a few exceptions which I will point out subsequently, after I have outlined the basic provisions in the compromise version now before us.

Mr. President, final passage this morning of House Joint Resolution 748, the Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972, will be a historic breakthrough in mobilizing the vast medical resources of the VA to help not only veterans but all Americans.

This bill, coupled with H.R. 10880, which we will also take up this morning, gives a new basic mission to the 42-year-old VA Department of Medicine and Surgery: to assist in providing an adequate supply of health manpower to the entire Nation.

This new VA mission will rank in importance second only to the VA's traditional function of providing complete medical and hospital services to veterans.

The compromise bill authorizes $525 million, an appropriation of $75 million annually for the next 7 years beginning in fiscal 1973, to expand the VA's health

care manpower training program and those of affiliated schools.

The Veterans' Administration health and hospital system, with its budget for fiscal year 1973 of approximately $2.8 billion, is already the largest single source of health care manpower training in the United States. Presently more than 55,000 medical and health care personnel are receiving education and training in VA medical facilities. In fiscal year 1972, the figures were:

Medical residents	9,467
Dental residents	193
Medical interns	2,090
Dental interns	99
Medical and osteopathic students	11,435
Dental students	868
Nurses	17,783
Other professionals (at graduate level)	3,085
Allied health trainees	10,070
Administrative trainees	596
Total	55,686

SUMMARY OF COMPROMISE VERSION

Mr. President, the compromise version of the bill before us does the following:

First. Authorizes for each of 7 fiscal years beginning in fiscal year 1973 the appropriation of $75 million for a new chapter 82 in title 38, containing four major programs which would be established—all stressing development of innovative health programs, greater career advancement opportunities, and development of new types of training procedures and types of health care personnel:

One. VA grants to State universities to assist in the establishment of up to eight new schools at VA hospitals. VA assistance could include the leasing cost-free to the institution of unused VA hospital and other health facilities; remodeling and extension of such facilities when necessary to make them suitable for such educational purposes; and reimbursement of the costs of faculty salaries for the first 7 years of the operation of the new school or center—90 percent for the first 3 years, decreasing by 10 percent each year for the next 4 years to 50 percent in the seventh year. Provisions are included to insure the maintenance of high standards both of education and the health care provided in such facilities, including appropriate consultation with the Secretary of Health, Education, and Welfare and academic accrediting bodies. A separate $25 million is authorized to be appropriated each year for this purpose.

Two. Authorize the VA to make grants to medical schools affiliated with VA hospitals and other VA facilities for the purposes of assisting such schools to expand and improve their training capacities and to cooperate with other health professions, allied health and other health manpower training institutions in the improvement and expansion of the training of the health personnel trained at such other institutions, and to assist in the development and evaluation of new health careers, interdisciplinary approaches and career advancement opportunities in the health manpower field.

Three. VA grants to any nonprofit and other health professions, allied health or other health personnel training institution or area health education center, which maintains a teaching affiliation with the VA Department of Medicine and Surgery, for the purpose of expanding and improving the capacity of those institutions—including the establishment of an area health education center—but not for construction of new free-standing facilities. Again, provision is made for receiving reasonable assurance from recognized academic accrediting bodies that the caliber of training will not be diminished due to substantial increases in the number of trainees at the recipient institutions.

Four. Expansion of the VA's own hospital education and training capacity through remodeling and renovation of existing facilities to provide for expanded education programs as well as through special allocations to particular VA hospitals to develop, or develop and initiate, programs for improved methods of education and training—up to 30 percent of the amount appropriated each year may be used for this purpose.

Second. Authorizes a program for continuing medical education for health care staff of VA medical facilities and staff of other Federal medical facilities and members of the surrounding medical community on a reimbursable basis utilizing certain VA hospitals as Regional Medical Education Centers. This would help keep VA medical care modern and innovative and also help the VA recruit new and high quality health professionals.

Third. Provides generally that in making grants under the new chapter 82 added to title 38, United States Code, the Administrator shall give special consideration to institutions providing reasonable assurances—which assurances shall thereafter be included in the grant agreement—that priority for admission to all health manpower and training programs carried out by such institutions will be given to otherwise qualified veterans who during their military service acquired medical military occupational specialities—MOS's—and that among such qualified veterans with medical MOS's those who served during the Vietnam era—after August 5, 1964—and those disabled in service will be given the highest priority. It also provides that the Administrator, in carrying out the new chapter 82, as well as section 4104(b) of title 38—which is revised and expanded in regard to health manpower training in the compromise version of H.R. 10880 which we are about to take up this morning—in connection with all health manpower and training programs assisted or conducted under title 38 or in affiliation with a VA medical facility, shall encourage such institutions to afford the priority for admission described in the first sentence and, most significantly, to advise all qualified veterans with military MOS's, including servicemen about to be separated, of the opportunities available to them for admission to training programs at such institutions.

Mr. President, although much attention has been devoted to the establishment of new medical schools, as authorized in this bill, it is also important to stress that $50 million is authorized to be appropriated in the compromise version for the expansion of health education and training opportunities in VA hospital and in affiliated training institutions. A 1971 survey of all VA hospitals showed that for a cost of approximately $37.5 million, the VA could expand its own education and training program by over 12,000 additional physicians, dentists, nurses and allied health and paramedical personnel if existing capabilities were fully utilized. This would entail certain space modifications and renovations and payment of stipends for traineeships and certain research projects.

This would mean that over the next 5 years the VA would be able to more than double its present 55,000 annual total of health personnel trained.

A full hospital-by-hospital description of this training potential was set forth in appendix A of the subcommittee hearings. For example, in the 10 VA hospitals and medical facilities existing at that time in California, 941 more health care personnel could be trained with the addition of $4.9 million.

Mr. President, the substitute version also retains the basic provision of the Senate amendment to provide for the designation of area medical education centers at appropriate VA hospitals. These provisions are contained in section 3 of the compromise version, although a minimum number of centers is not specified in the compromise version.

SENATE PROVISIONS NOT INCLUDED

Mr. President, I would like to explain at this point that several provisions included in the Senate amendment are not included in the compromise version.

First, the statement of findings and declarations included in section 2 of the Senate amendment is not set forth. Although an agreement had been reached which would have blended together the Senate's findings and declarations with the whereas clauses in the House bill—which would have made them reflective of the compromise version—because of a technical problem the whereas clauses were unable to be further amended and thus do not fully reflect the purposes and provisions of the compromise version.

Second, section 3 of the Senate amendment included a rewrite of section 4101 (b) of title 38 to expand the mission of the VA's Department of Medicine and Surgery to include assisting in providing an adequate supply of health care manpower for national needs in addition to providing a complete medical and hospital service for veterans. It also required a separate line item in the annual budget for estimated expenditures for the education and training of health care manpower and placed special emphasis on programs to recruit and train veterans with medical military occupation specialties and to employ them in the VA, enabling them to pursue civilian health careers. The crux of this provision is now included in section 201 of the H.R. 10880 compromise version.

Third, the compromise version does

not include the Senate provision—section 5—requiring that a new hospital—other than a replacement hospital—be constructed, to the extent feasible, in close proximity to an affiliated medical school, and that such new hospital include necessary classroom and teaching facilities. Since this provision merely sets forth in statutory form the present policy of the Veterans' Administration, and since the VA has no intention to alter it, it was not felt necessary to place this requirement in the statute at this time.

EXPLANATION OF CONGRESSIONAL INTENT

Mr. President, there is also some clarification required with respect to the intent in retaining or modifying certain provisions that are now included in the compromise version.

First, section 5073 (a)(1)—Language in the comparable Senate provisions. Section 5067(a)(1) authorized the leasing of VA land, buildings and structures to institutions for nominal or no consideration. As worded it appeared to preclude requiring in any case consideration other than nominal. Accordingly, this language is stricken in the compromise version but authority is retained to lease "for such consideration and under such terms and conditions as the Administrator deems appropriate." This gives the Administrator flexibility to require either substantial, nominal, or no consideration, as may be indicated in any given case.

Section, section 5073(a)(1) and (2)—Provision of and leasing of equipment. In retaining sec. 5073(a)(1) and (2) specifying that leases in connection with new medical schools may include equipment, the compromise version contemplates that the equipment which the VA would provide would be that essential to the effective use of the facility leased to the medical school for the purpose for which it is leased, which generally would include furnishings and basic equipment integral to the operation of the facility which is leased. It is not intended that this would include the furnishing of valuable specialized medical resources or extensive equipping beyond the immediate teaching needs of the medical school. The compromise version also makes clear that any provision of equipment under clause (2) must be included in the lease under clause (1), either initially or through amendment to the lease.

Third, section 5083(a)—Use of grant funds for renovation and improvements of medical school facilities. The House language is retained in section 5083(a) to the effect that no subchapter II grants to affiliated medical schools may be used for the construction of any building which will not be located on land under the jurisdiction of the Administrator. This provision is, of course, not intended to prohibit use of such grants for renovation or improvement, as distinguished from new construction, of any facilities located on the medical school's property.

Fourth, section 5083(b)(2) and section 5093(b)(2)—The original House provision language (sec. 5085 and sec. 5096), which could be construed to require a full 50 percent matching for grants to affiliated medical schools and other health manpower institutions, was not retained in the compromise version in order not to place an unreasonable administrative and cost accounting burden on both the VA and the schools. Rather, it is required that the Administrator find that—and the grant application include adequate assurances that—there will be supplementation of the VA funds from some other source. In this connection, it is expected that the school will bear its fair and substantial share of the project costs.

Fifth, subchapter III—Although not making specific reference to the establishment of area health education centers, as in the Senate bill, section 5091 in subchapter III in the compromise version clearly would include a grant for the establishment of such a center.

FISCAL YEAR 1973 FUNDING

Mr. President, last night, the Senate voted to adopt an amendment I offered to the supplemental appropriation bill (H.R. 17034) to provide $40 million in appropriations to carry out the new chapter 82 in House Joint Resolution 748, $25 million of which was provided for the establishment of new medical schools under the new subchapter I. I was extremely gratified by this action by the Senate and hope very much that the House conferees will give the most careful consideration to the importance of moving forward immediately with this vital program.

CONCLUSION

Mr. President, the compromise version of House Joint Resolution 748, which I will move that the Senate agree to, is the result of enormously effective staff work on both sides of the Congress. Particularly, I have reference to Oliver Meadows and Don Knapp from the House side and Jon Steinberg, Guy McMichael, and Louise Ringwalt from the Senate side.

I also wanted to express my deep appreciation to the chairman of the Health and Hospitals Subcommittee in the other body, Mr. SATTERFIELD and the chairman of the full Veterans' Affairs Committee in the House, my good friend from Texas (Mr. TEAGUE), who have made it possible for us to reach this most effective accommodation. Finally, I am indebted to the leadership and contributions of both the distinguished chairman of the Committee on Veterans Affairs (Mr. HARTKE) and the ranking minority member (Mr. THURMOND), and to the Senate leadership for their cooperation in bringing this bill to the successful conclusion which we will reach today.

Mr. President, the VA operates the country's largest medical system—166 hospitals and 202 outpatient clinics—and is affiliated with 84 medical, 52 dental and 304 nursing schools, and 400 institutions of higher learning which train health care personnel. The bill we are about to pass this morning aims to utilize to the fullest extent these extensive VA facilities and relationships to overcome current national health-care shortages and to meet today's pressing medical needs. Enactment of the compromise version will insure both maximum utilization of the VA potential for training health care personnel and the highest quality medical services for the veteran.

AN INDEPENDENT VA MEDICAL SYSTEM

In closing, Mr. President, let me utter one cautious note. The administration has strongly opposed this bill from the outset. Many expect that this is because strengthening the VA medical system through the expansion and improvement of health manpower training and education will help preserve the VA system as a separate and independent one—a goal to which I am irrevocably and most strongly committed. I hope that those in the administration who wish to abolish the VA medical system or to bring it under some other agency within an overall health-care insurance program will not prevail upon the President to disapprove this legislation. For that is what I think such disapproval would indicate.

HOUSE JOINT RESOLUTION 748

Mr. ROBERT C. BYRD. Mr. President, I wish to express my strong support for House Joint Resolution 748, the Veterans' Administration Health Manpower Training Act of 1972. I also wish to compliment Senator CRANSTON for the fine leadership he has demonstrated in handling this bill.

While I would have preferred to see enactment of the Senate version of this bill, S. 2219, which passed the Senate on April 27, 1972, I feel that House Joint Resolution 748 is preferable to having no bill at all. The major difference between the two bills is that the Senate bill authorized construction of 10 new hospitals at an annual expenditure of $125 million, whereas the House bill provides for eight new hospitals at an annual expenditure of $70 million.

The purpose of this resolution is to utilize, to the fullest extent possible, VA hospitals and other VA health facilities for the training and education of physicians, dentists, nurses, and other health professionals. This bill will improve the capacity of the VA to train these personnel and will provide the VA with the medical resources to exercise leadership within the medical community in providing these highly innovative health manpower education and training programs.

House Joint Resolution 248 authorizes programs which will make available a continuing medical education for the health-care staff of VA hospitals, the staffs of other Federal medical facilities and members of the surrounding medical community. These programs would operate on a reimbursable basis and would utilize certain VA hospitals as regional medical centers. This approach would serve a dual purpose, in that it would keep existing VA medical-care centers modern and innovative and at the same time help the VA to prepare new and high-quality health professionals. It also directs that, to the extent feasible, all new VA hospitals are to be constructed in close proximity to an existing medical school.

The total amount authorized by the joint resolution is $75 million per year for 7 years beginning with fiscal year 1973, which would be allocated as follows: $25 million of this amount is authorized for VA grants to State institutions to assist them in the establishment of up to 8 new medical and allied health

professions schools or area health education centers; 30 percent of the remaining $50 million, or the amount appropriated each year, could be used for expansion of the VA's own hospital education and training capacity through remodeling and renovation of existing facilities to provide for expanded education programs as well as through special allocations to particular VA hospitals to develop and initiate improved programs for education and training.

Any unused balances could be used for VA grants to any nonprofit medical and other health professions training center which maintains a teaching affiliation with the VA Department of Medicine and Surgery. These grants would be for the purpose of expanding and improving the capacity of those institutions to train health manpower, and while they could be used to remodel existing facilities, they could not be used for the construction of new facilities.

Mr. President, I believe the Veterans' Administration can make an enormous contribution to the improvement of health personnel training programs. House Joint Resolution 748 will give the Veterans' Administration the needed authority and the resources to make that contribution and, in addition, it will insure better care for veterans and an improved health care for all Americans.

I want to note that, if this resolution is enacted into law, I would hope that one of the eight authorized hospitals will be located in Huntington, W. Va. I have been in contact with officials of the VA and other Federal agencies in this regard and I have participated in several meetings which I believe will further these efforts. Officials of Marshall University, the medical and civic community are fully supporting the establishment of this proposed medical school at Huntington, and I hope that the VA will promptly take actions to implement this new act and to site one of these hospitals at Huntington.

Mr. THURMOND. Mr. President, as the population of the United States increases, so does the need for quality health care and modern medical facilities.

The Veterans' Administration has long played an integral part in our health care program. We should all be proud of the efforts the Veterans' Administration has made to provide medical services for our veterans, but we cannot be satisfied with past accomplishments alone. We must insure that it keeps pace with the rapid developments in the medical field.

Particularly, there is a need for modern equipment, hospitals, and medical schools. Equally as important as the new ventures in experimentation and construction is the necessity to upgrade our existing equipment, hospitals, and medical schools.

Mr. President, there are now over six million veterans of the Vietnam war. There are millions of veterans from other periods of service in our Armed Forces. Many have physical disabilities and health problems which require immediate attention. Others are physically fit and healthy today, but will require hospitalization or medical care in the future.

Mr. President, House Joint Resolution 748 deals with this problem. It authorizes the Veterans' Administration to provide assistance in establishing new State medical schools and to upgrade existing medical schools affiliated with the VA.

The Senate-House compromise would authorize $25 million for pilot programs to establish up to eight new medical schools. These schools would be located in proximity to and operated in conjunction with existing VA medical facilities. Further, $50 million is authorized to support the new facilities and to improve programs at existing medical schools connected with the Veterans' Administration. This will be a 7-year program, authorizing a $450 million expenditure.

I cosponsored the Cranston amendment to the 1973 Supplemental Appropriations Act. This amendment, which was passed by the Senate last evening, makes $40 million available this fiscal year to begin the implementation of the goals outlined in House Joint Resolution 748. Of course, the effectiveness of this amendment is subject, first of all, to the Senate's approval of House Joint Resolution 748.

Mr. President, the Veterans' Administration now operates one of the largest medical care systems in the world, and enhancing the ability of the Veterans' Administration to provide quality medical care will benefit us all. House Joint Resolution 748 will allow us to train more doctors, who in turn will serve all of our communities. It will aid in alleviating the medical manpower shortage. It will increase the medical care capability of our Nation.

Mr. President, I urge my colleagues to support House Joint Resolution 748.

Mr. HARTKE. Mr. President, as chairman of the Senate Committee on Veterans' Affairs I am pleased to rise in support of the amendments to House Joint Resolution 748 which embody the compromise reached as to the respective versions of the bill as passed by the House and by the Senate—which was reported to the Senate originally as S. 2219. As agreed upon by the Senate and House Committees, the compromise version which passed the House of Representatives Wednesday night and is before the Senate today would provide assistance in the establishment of eight new medical schools. The original House bill would have authorized five such schools and the Senate version made provision for 10 new medical schools.

With respect to funding, the House version originally authorized a total first year appropriation of $33 million with similar appropriations for the next 7 years. Senate amendments authorized $125 million for the first and succeeding years. As agreed upon by the two committees House Joint Resolution 748 as now amended provides for $25 million in each fiscal year for the purpose of assistance in establishing new medical schools, plus an additional $50 million for each such fiscal year for financing the remaining programs under the resolution. The compromise version also incorporates certain additional provisions contained in the Senate version of House Joint Resolution 748 which are designed to emphasize and strengthen the health manpower training programs in the Veterans' Administration and affiliated institutions.

Mr. President, I believe this bill presents a major step forward in improving the capacity of the Veterans' Administration to train needed health personnel and to maximize the potential of its medical resources in providing leadership to the Nation's medical community in the development of health-care manpower education and training programs. Both our veterans and our Nation will be the beneficiaries of this farsighted program. I particularly wish to commend the House Committee and its able and distinguished chairman, OLIN "TIGER" TEAGUE for his leadership in developing this legislation. On the Senate side I want to particularly praise the hard work of the chairman of the Subcommittee on Health and Hospitals, Mr. CRANSTON, whose dedication and commitment to providing the best in health care to our Nation's veterans has found fruition in this bill. The interest and effort to secure passage by the senior Senator from West Virginia, Mr. RANDOLPH, who has been a hard working member of the committee also has been instrumental in obtaining the bill which we will send to the President.

I would also hope that the fiscal year 1973 supplemental appropriations bill as it is cleared for signature will retain the initial funding of this bill in the amount of $40 million.

Mr. CRANSTON. Mr. President, I move that the Senate concur in the House amendments to the Senate amendment to the bill.

The motion was agreed to.

VETERANS HEALTH CARE EXPANSION 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. 10880.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 10880) "to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery, which was in lieu of the matter stricken and inserted by the amendment of the Senate, insert:

That this Act may be cited as the "Veterans Health Care Expansion Act of 1972".

TITLE I—HOSPITAL, DOMICILIARY, AND MEDICAL CARE BENEFITS

SEC. 101. (a) Subparagraph (C) of section 601(4) of title 38, United States Code, is amended to read as follows:

"(C) private facilities for which the Administrator contracts in order to provide (i) hospital care or medical services for persons suffering from service-connected disabilities or from disabilities for which such persons were discharged or released from the active military, naval, or air service; (ii) hospital care for women veterans; (iii) hospital care for veterans in a State, territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, except that the annually determined average hospital patient load per

thousand veteran population hospitalized at Veterans' Administration expense in Government and private facilities in each such noncontiguous State may not exceed the average patient load per thousand veteran population hospitalized by the Veterans' Administration within the forty-eight contiguous States; but authority under this clause (iii) shall expire on December 31, 1978; or (iv) hospital care, where appropriate facilities defined in clauses (A) and (B) are not available, for the wife or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability, and the widow or child of a veteran who died as a result of a service-connected disability.".

(b) Section 601(5) of such title is amended to read as follows:

"(5) The term 'hospital care' includes—

"(A) (i) medical services rendered in the course of the hospitalization of any veteran, and (ii) transportation and incidental expenses for any veteran who is in need of treatment for a service-connected disability or is unable to defray the expense of transportation;

"(B) such mental health services, consultation, professional counseling, and training (including (1) necessary expenses for transportation if unable to defray such expenses; or (ii) necessary expenses of transportation and subsistence in the case of a veteran who is receiving care for a service-connected disability or in the case of a dependent or survivor of a veteran under the terms and conditions set forth in section 111 of this title) of the members of the immediate family (including legal guardians) of a veteran or a dependent or survivor of a veteran, or, in the case of a veteran or dependent or survivor of a veteran who has no immediate family members (or legal guardian), the person in whose household such veteran, or a dependent or survivor certifies his intention to live, as may be necessary or appropriate to the effective treatment and rehabilitation of a veteran or a dependent or a survivor of a veteran; and

"(C) (i) medical services rendered in the course of the hospitalization of a dependent or survivor of a veteran, and (ii) transportation and incidental expenses for a dependent or survivor of a veteran who is in need of treatment for any injury, disease, or disability and is unable to defray the expense of transportation."

(c) Section 601(6) of such title is amended by inserting immediately after "treatment," the following: "such home health services as the Administrator determines to be necessary or appropriate for the effective and economical treatment of a disability of a veteran or a dependent or survivor of a veteran,".

SEC. 102. Section 610 of title 38, United States Code, is amended by—

(1) inserting in subsection (a) "or nursing home care" immediately after "hospital care" where it first appears;

(2) striking out clause (1)(B) of subsection (a) and inserting in lieu thereof the following:

"(B) any veteran for a non-service-connected disability if he is unable to defray expenses of necessary hospital care;";

(3) amending subsection (c) to read as follows:

"(c) While any veteran is receiving hospital care or nursing home care in any Veterans' Administration facility, the Administrator may, within the limits of Veterans' Administration facilities, furnish medical services to correct or treat any non-service-connected disability of such veteran, in addition to treatment incident to the disability for which he is hospitalized, if the veteran is willing, and the Administrator finds such services to be reasonably necessary to protect the health of such veteran."; and

(4) adding at the end thereof the following new subsections:

"(d) The Administrator, within the limits of Veterans' Administration facilities, may furnish hospital care or nursing home care to the following individuals, in accordance with such regulations as he shall prescribe, to the extent that the provision of such care does not interfere with the furnishing of hospital and domiciliary care under subsections (a) and (b) of this section:

"(1) the wife or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability; and

"(2) the widow or child of a veteran who died as the result of a service-connected disability.

"(e) In no case may nursing home care be furnished in a hospital not under the direct and exclusive jurisdiction of the Administrator except as provided in section 620 of this title."

SEC. 103. Subsection (f) of section 612 of title 38, United States Code, is amended to read as follows:

"(f) The Administrator may also furnish medical services for any disability on an outpatient or ambulatory basis—

"(1) to any person eligible for hospital care under section 610 of this title (A) where such services are reasonably necessary in preparation for, or to obviate the need of, hospital admission, or (B) where such a person has been granted hospital care and such medical services are reasonably necessary to complete treatment incident to such hospital care; and

"(2) to any veteran who has a service-connected disability rated at 80 per centum or more."

SEC. 104. (a) The first sentence of subsection (a) of section 620 of title 38, United States Code, is amended by redesignating clauses (1) and (2) as clauses (i) and (ii), respectively; by striking out "veteran" in redesignated clause (i) and inserting "person"; and by amending that portion preceding such clauses to read as follows:

"(a) Subject to subsection (b) of this section, the Administrator may transfer—

"(1) any person who has been furnished care by the Administrator in a hospital under the direct and exclusive jurisdiction of the Administrator, and

"(2) any person (A) who has been furnished care in any hospital of any of the Armed Forces, (B) who the appropriate Secretary concerned has determined has received maximum hospital benefits but requires a protracted period of nuring home care, and (C) who upon discharge therefrom will become a veteran

to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care, for care at the expense of the United States, only if the Administrator determines that—".

(b) The second sentence of section 620(a) of such title is amended by striking out the designations (A) and (B) and inserting in lieu thereof (I) and (II), respectively; and by striking out "veteran" wherever it appears in such sentence and inserting in lieu thereof "person".

(c) Section 620(b) of such title is amended by (1) striking out "veteran" and inserting in lieu thereof "person"; (2) by adding "or admitted" after "transferred" and (3) by adding at the end thereof the following: "The standards prescribed and any report of inspection of institutions furnishing care to veterans under this section made by or for the Administrator shall, to the extent possible, be made available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such institutions.".

(d) Section 620 of such title is further amended by—

(1) adding at the end thereof the following new subsection (d):

"(d) Subject to subsection (b) of this section, the Administrator may authorize for any veteran requiring nursing home care for a service-connected disability direct admission for such care at the expense of the United States to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care. Such admission may be authorized upon determination of need therefor by a physician employed by the Veterans' Administration or, in areas where no such physician is available, carrying out such function under contract or fee ararngement, based on an examination by such physician. The amount which may be paid for such care and the length of care available under this subsection shall be the same as authorized under subsection (a) of this section."

SEC. 105. (a) Section 626 of title 38, United States Code, is amended by striking out "fire" and inserting in lieu thereof "fire, earthquake, or other natural disaster".

(b) The catchline at the beginning of section 626 of such title is amended to read as follows:

"§ 626. Reimbursement for loss of personal effects by natural disaster".

SEC. 106. (a) Subchapter III of chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 628. Reimbursement of certain medical expenses

"(a) The Administrator may, under such regulations as he shall prescribe, reimburse veterans entitled to hospital care or medical services under this chapter for the reasonable value of such care or services (including necessary travel), for which such veterans have made payment, from sources other than the Veterans' Administration, where—

"(1) such care or services were rendered in a medical emergency of such nature that delay would have been hazardous to life or health;

"(2) such care or services were rendered to a veteran in need thereof (A) for an adjudicated service-connected diability, (B) for a non-service-connected disability associated with and held to be aggravating a service-connected disability, (C) for any disability of a veteran who has a total disability permanent in nature from a service-connected disability, or (D) for any illness, injury, or dental condition in the case of a veteran who is found to be (i) in need of vocational rehabilitation under chapter 31 of this title and for whom an objective had been selected or (ii) pursuing a course of vocational rehabilitation training and is medically determined to have been in need of care or treatment to make possible his entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training which was interrupted because of such illness, injury, or dental condition; and

"(3) Veterans' Administration or other Federal facilities were not feasibly available, and an attempt to use them beforehand would not have been reasonable, sound, wise, or practical.

"(b) In any case where reimbursement would be in order under subsection (a) of this section, the Administrator may, in lieu of reimbursing such veteran, make payment of the reasonable value of care or services directly—

"(1) to the hospital or other health facility furnishing the care or services; or

"(2) to the person or organization making such expenditure on behalf of such veteran."

(b) The table of sections at the beginning of such chapter is amended by deleting

"626. Reimbursement for loss of personal effects by fire.
"627. Persons eligible under prior law."

and inserting in lieu thereof

"626. Reimbursement for loss of personal effects by natural disaster.
"627. Persons eligible under prior law.

"628. Reimbursement of certain medical expenses."

SEC. 107. (a) Chapter 17 of title 38, United States Code, is amended by striking out sections 631 and 632 in their entirety and inserting in lieu thereof the following:

"§ 631. Assistance to the Republic of the Philippines

"The President is authorized to assist the Republic of the Philippines in providing medical care and treatment for Commonwealth Army veterans and new Philippine Scouts in need of such care and treatment for service-connected disabilities and non-service-connected disabilities under certain conditions.

"§ 632. Contracts and grants to provide hospital and medical care

"(a) The President, with the concurrence of the Republic of the Philippines, may authorize the Administrator to enter into a contract with the Veterans Memorial Hospital, with the approval of the appropriate department of the Government of the Republic of the Philippines, covering the period beginning on July 1, 1972, and ending on June 30, 1978, under which the United States—

"(1) will pay for hospital care in the Republic of the Philippines, or for medical services which shall be provided either in Veterans' Administration facilities, or by contract, or otherwise, by the Administrator in accordance with the conditions and limitations applicable generally to beneficiaries under section 612 of this title, for Commonwealth Army veterans determined by the Administrator to be in need of such hospital care or medical services for service-connected disabilities;

"(2) will pay for hospital care at the Veterans Memorial Hospital for Commonwealth Army veterans determined by the Administrator to need such care for non-service-connected disabilities if they are unable to defray the expenses of necessary hospital care;

"(3) will pay for hospital care, determined by the Administrator to be necessary, at the Veterans Memorial Hospital for new Philippine Scouts for service-connected disabilities and for non-service-connected disabilities, if they enlisted before July 4, 1946, and if they are unable to defray the expenses of necessary hospital care;

"(4) will pay for medical services for new Philippine Scouts determined by the Administrator to be in need thereof for service-connected disabilities as authorized for Commonwealth Army veterans in clause (1) of this subsection;

"(5) may provide for the payment of travel expenses pursuant to section 111 of this title for Commonwealth Army veterans in connection with hospital care or medical services furnished them;

"(6) may provide that payments for hospital care and for medical services provided to Commonwealth Army veterans or to United States veterans may consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Administrator to the Veterans Memorial Hospital at valuations therefor as determined by the Administrator. The Administrator is authorized to furnish through the revolving supply fund, pursuant to section 5011 of this title, such medicines, medical supplies, and equipment as necessary for this purpose and to use therefor, as applicable, appropriations available for such payments;

"(7) may provide for payments for such hospital care at a per diem rate to be jointly determined for each fiscal year by the two Governments to be fair and reasonable; and

"(8) may stop payments under any such contract upon reasonable notice as stipulated by the contract if the Republic of the Philippines and the Veterans Memorial Hospital fail to maintain such hospital in a well-equipped and effective operating condition, as determined by the Administrator.

"(b) The total of the payments authorized by subsection (a) of this section shall not exceed $2,000,000 for any one fiscal year ending before July 1, 1978.

"(c) The contract authorized by subsection (a) of this section may provide for the use by the Republic of the Philippines of beds, equipment, and other facilities of the Veterans Memorial Hospital at Manila, not required for hospital care of Commonwealth Army veterans for service-connected disabilities, for hospital care of other persons in the discretion of the Republic of the Philippines, except that (1) priority of admission and retention in such hospital shall be accorded Commonwealth Army veterans needing hospital care for service-connected disabilities, and (2) such use shall not preclude the use of available facilities in such hospital on a contract basis for hospital care or medical services for persons eligible therefor from the Veterans' Administration.

"(d) To further assure the effective care and treatment of patients in the Veterans Memorial Hospital, there is authorized to be appropriated for each fiscal year during the six years beginning July 1, 1972, and ending June 30, 1978—

"(1) the sum of $50,000 to be used by the Administrator for making grants to the Veterans Memorial Hospital for the purpose of education and training of health service personnel at the hospital; and

"(2) the sum of $50,000 to be used by the Administrator for making grants to the Veterans Memorial Hospital for the purpose of assisting the Republic of the Philippines in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of such hospital.

Such grants shall be made on such terms and conditions as prescribed by the Adminisrator, including approval by him of all education and training programs conducted by the hospital under such grants."

(b) The table of sections at the beginning of such chapter 17 is amended by striking out

"631. Grants to the Republic of the Philippines.

"632. Modification of agreement with the Republic of the Philippines effectuating the Act of July 1, 1948."

and inserting in lieu thereof

"631. Assistance to the Republic of the Philippines.

"632. Contracts and grants to provide hospital and medical care.".

(c) Nothing in subsection (a) of this section shall be deemed to affect in any manner any right, cause, obligation, contract (specifically including that contract executed April 25, 1967, between the Government of the Republic of the Philippines and the Government of the United States resulting from Public Law 89-612, which shall remain in force and effect until modified or superseded by an agreement executed under authority of this Act), authorization of appropriation, grant, function, power, or duty vested by law or otherwise under the provisions of section 632 of title 38, United States Code, in effect on the day before the date of enactment of this section.

SEC. 108. (a) Chapter 17 of title 38, United States Code, is further amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER VI—SICKLE CELL ANEMIA

"§ 651. Screening, counseling, and medical treatment

"The Administrator is authorized to carry out a comprehensive program of providing sickle cell anemia screening, counseling, treatment, and information under the provisions of this chapter.

"§ 652. Research

"The Administrator is authorized to carry out research and research training in the diagnosis, treatment, and control of sickle cell anemia based upon the screening examinations and treatment provided under this subchapter.

"§ 653. Voluntary participation; confidentiality

"(a) The participation by any person in any program or portion thereof under this subchapter shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program under this title.

"(b) The Administrator shall promulgate rules and regulations to insure that all information and patient records prepared or obtained under this subchapter shall be held confidential except for (1) such information as the patient (or his guardian) requests in writing to be released or (2) statistical data compiled without reference to patient names or other identifying characteristics.

"§ 654. Reports

"The Administrator shall include in the annual report to the Congress required by section 214 of this title a comprehensive report on the administration of this subchapter, including such recommendations for additional legislation as the Administrator deems necessary."

(b) The analysis at the beginning of such chapter is amended by adding at the end thereof:

"SUBCHAPTER VI—SICKLE CELL ANEMIA

"651. Screening, counseling, and medical treatment.

"652. Research.

"653. Voluntary participation; confidentiality.

"654. Reports.".

TITLE II——AMENDMENTS TO CHAPTER 73 OF TITLE 38, UNITED STATES CODE, RELATING TO THE DEPARTMENT OF MEDICINE AND SURGERY

SEC. 201. Section 4101 of title 38, United States Code, is amended by amending subsection (b) to read as follows:

"(b) In order to carry out more effectively the primary function of the Department of Medicine and Surgery to provide a complete medical and hospital service for the medical care and treatment of veterans and to assist in providing an adequate supply of health manpower to the Nation, the Administrator shall, to the extent feasible without interfering with the medical care and treatment of veterans, develop and carry out a program of education and training of such health manpower (including the developing and evaluating of new health careers, interdisciplinary approaches and career advancement opportunities), and shall carry out a major program for the recruitment, training, and employment of veterans with medical military occupation specialties as physicians' assistants, dentists' assistants, and other medical technicians (including advising all such qualified veterans and servicemen about to be discharged or released from active duty of such employment opportunities), acting in cooperation with such schools of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry, public health, or allied health professions; other institutions of higher learning; medical centers; academic health centers; hospitals; and such other public or nonprofit agencies, institutions, or organizations as the Administrator deems appropriate.".

"(c) In order to attain comparability in the staff-to-patient ratio in the several services of Veterans' Administration hospitals with like services of other public and private hospitals, the Administrator shall, on a geographical or regional area basis, select as an index for such purpose any hospital or hospitals (or other medical installation or installations having hospital facilities) having an optimum staff-to-patient ratio in such services. Within three years after the date of the enactment of this subsection, the staff-to-patient ratio in each such serv-

ice at each Veterans' Administration hospital, domiciliary, and clinic within the same geographic or regional area shall be comparable to that in the index service of the index facility in such area at such time, taking into consideration the composition of patient population. To secure the information and statistical data necessary for the selection of such index hospital, the Administrator may make arrangements, by contract or other form of agreement, for such medical information services. The Administrator shall submit to the Congress, not more than sixty days after the end of each fiscal year, a report describing the actions taken to implement the provisions of this subsection and the extent to which such provisions have been implemented. Such report shall also include a service-by-service description of the index ratios and established staff-to-patient ratios in each Veterans' Administration facility."

SEC. 202. Section 4103(a) of title 38, United States Code, is amended—

(1) by amending paragraph (4) to read as follows:

"(4) Not to exceed eight Assistant Chief Medical Directors, who shall be appointed by the Administrator upon the recommendations of the Chief Medical Director. Not more than two Assistant Chief Medical Directors may be individuals qualified in the administration of health services who are not doctors of medicine, dental surgery, or dental medicine. One Assistant Chief Medical Director shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operation of the Dental Service."; and

(2) by amending paragraph (7) to read as follows:

"(7) A Director of Pharmacy Service, a Director of Dietetic Service, and a Director of Optometry, appointed by the Administrator."

SEC. 203. Section 4107 of title 38, United States Code, is amended by—

(1) amending subsections (a) and (b) to read as follows:

"(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director and Deputy Chief Medical Director, shall be as follows:

"SECTION 4103 SCHEDULE

"Associate Deputy Chief Medical Director, at the annual rate provided in section 5316 of title 5 for positions in level V of the Executive Schedule.

"Assistant Chief Medical Director, $39,693.

"Medical Director, $34,335 minimum to $38,915 maximum.

"Director of Nursing Service, $34,335 minimum to $38,915 maximum.

"Director of Chaplain Service, $29,678 minimum to $37,590 maximum.

"Director of Pharmacy Service, $29,678 minimum to $37,590 maximum.

"Director of Dietetic Service, $29,678 minimum to $37,590 maximum.

"Director of Optometry, $29,678 minimum to $37,590 maximum.

"(b)(1) The grades and per annum full-pay ranges for positions provided for in paragraph (1) of section 4104 of this title shall be as follows:

"PHYSICIAN AND DENTIST SCHEDULE

"Director grade, $29,678 minimum to $37,590 maximum.

"Executive grade, $27,581 minimum to $35,852 maximum.

"Chief grade, $25,583 minimum to $33,260 maximum.

"Senior grade, $21,960 minimum to $28,548 maximum.

"Intermediate grade, $18,737 minimum to $24,362 maximum.

"Full grade, $15,866 minimum to $20,627 maximum.

"Associate grade, $13,309 minimum to $17,305 maximum.

"NURSE SCHEDULE

"Director grade, $25,583 minimum to $33,260 maximum.

"Assistant Director grade, $21,960 minimum to $28,548 maximum.

"Chief grade, $18,737 minimum to $24,362 maximum.

"Senior grade, $15,866 minimum to $20,627 maximum.

"Intermediate grade, $13,309 minimum to $17,305 maximum.

"Full grade, $11,046 minimum to $14,358 maximum.

"Associate grade, $9,524 minimum to $12,377 maximum.

"Junior Grade, $8,153 minimum to $10,601 maximum.

"(2) No person may hold the director grade in the 'Physician and Dentist Schedule' unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or comparable position."; and

(2) adding at the end thereof the following new subsections:

"(d) The limitations in section 5308 of title 5 shall apply to pay under this section.

"(e)(1) In addition to the basic compensation provided for nurses in subsection (b)(1) of this section, a nurse shall receive additional compensation as provided by paragraphs (2) through (8) of this subsection.

"(2) A nurse performing service on a tour of duty, any part of which is within the period commencing at 6 postmeridian and ending at 6 antemeridian, shall receive additional compensation for each hour of service on such tour at a rate equal to 10 per centum of the employee's basic hourly rate, if at least four hours of such tour fall between 6 postmeridian and 6 antemeridian. When less than four hours of such tour fall between 6 postmeridian and 6 antemeridian, the nurse shall be paid the differential for each hour of work performed between those hours.

"(3) A nurse performing service on a tour of duty, any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday, shall receive additional compensation for each hour of service on such tour at a rate equal to 25 per centum of such nurse's basic hourly rate.

"(4) A nurse performing service on a holiday designated by Federal statute or Executive order shall receive such nurse's regular rate of basic pay, plus additional pay at a rate equal to such regular rate of basic pay, for that holiday work, including overtime work. Any service required to be performed by a nurse on such a designated holiday shall be deemed to be a minimum of two hours in duration.

"(5) A nurse performing officially ordered or approved hours of service in excess of forty hours in an administrative workweek, or in excess of eight hours in a day, shall receive overtime pay for each hour of such additional service; the overtime rates shall be one and one-half times such nurse's basic hourly rate, not to exceed one and one-half times the basic hourly rate for the minimum rate of Intermediate grade of the Nurse Schedule. For the purposes of this paragraph, overtime must be of at least fifteen minutes duration in a day to be creditable for overtime pay. Compensatory time off in lieu of pay for service performed under the provisions of this paragraph shall not be permitted. Any excess service performed under this paragraph on a day when service was not scheduled for such nurse, or for which such nurse is required to return to her place of employment, shall be deemed to be a minimum of two hours in duration.

"(6) For the purpose of computing the additional compensation provided by paragraph (2), (3), (4), or (5) of this subsection, a nurse's basic hourly rate shall be derived by dividing such nurse's annual rate of basic compensation by two thousand and eighty.

"(7) When a nurse is entitled to two or more forms of additional pay under paragraph (2), (3), (4), or (5) for the same period of duty, the amounts of such additional pay shall be computed separately on the basis of such nurse's basic hourly rate of pay, except that no overtime pay as provided in paragraph (5) shall be payable for overtime service performed on a holiday designated by Federal statute or Executive order in addition to pay received under paragraph (4) for such service.

"(8) A nurse who is officially scheduled to be on call outside such nurse's regular hours shall be compensated for each hour of such on-call duty, except for such time as such nurse may be called back to work; at a rate equal to 10 per centum of the hourly rate for excess service as provided in paragraph (5) of this subsection.

"(9) Any additional compensation paid pursuant to this subsection shall not be considered as basic compensation for the purposes of subchapter VI and section 5595 of subchapter IX of chapter 55, chapter 81, 83, or 87 of title 5, or other benefits based on basic compensation."

SEC. 204. (a) Section 4108 of title 38, United States Code, is amended to read as follows:

"§ 4108. Personnel administration

"(a) Notwithstanding any law, Executive order, or regulation, the Administrator shall prescribe by regulation the hours and conditions of employment and leaves of absence of physicians, dentists, and nurses appointed to the Department of Medicine and Surgery, except that the hours of employment in carrying out responsibilites under this title of any physician, dentist (other than an intern or resident appointed pursuant to section 4114 of this title), or nurse appointed on a full-time basis who accepts responsibilities for carrying out professional services for remuneration other than those assigned under this title, shall consist of not less than eighty hours in a biweekly pay period (as that term is used in section 5504 of title 5), and no such person may—

"(1) assume responsibility for the medical care of any patient other than a patient admitted for treatment at a Veterans' Administration facility, except in those cases where the individual, upon request and with the approval of the Chief Medical Director, assumes such responsibilities to assist communities or medical practice groups to meet medical needs which would not otherwise be available for a period not to exceed one hundred and eighty calendar days, which may be extended by the Chief Medical Director for additional periods not to exceed one hundred and eighty calendar days each;

"(2) teach or provide consultative services at any affiliated institution if such teaching or consultation will, because of its nature or duration, conflict with his responsibilities under this title;

"(3) accept payment under any insurance or assistance program established under subchapter XVIII, or XIX of chapter 7 of title 42, or under chapter 55 of title 10 for professional services rendered by him while carrying out his responsibilities under this title;

"(4) accept from any source, with respect to any travel performed by him in the course of carrying out his responsibilities under this title, any payment or per diem for such travel, other than as provided for in section 4111 of title 5;

"(5) request or permit any individual or organization to pay, on his behalf, for insurance insuring him against malpractice claims arising in the course of carrying out his responsibilities under this title or for his dues or similar fees for membership in medical or dental societies or related professional

associations, except where such payments constitute a part of his remuneration for the performance of professional responsibilities permitted under this section, other than those carried out under this title; and

"(6) perform, in the course of carrying out his responsibilities under this title, professional services for the purpose of generating money for any fund or account which is maintained by an affiliated institution for the benefit of such institution, or for his personal benefit, or both, and in the case of any such fund or account established before the effective date of this subsection—

"(A) the affiliated institution shall submit semi-annually an accounting to the Administrator and to the Comptroller General of the United States with respect to such fund or account, and thereafter shall maintain such fund or account subject to full public disclosure and audit by the Administrator and the Comptroller General for a period of three years or for such longer period as the Administrator shall prescribe, and

"(B) no physician, dentist, or nurse may receive, after the effective date of this subsection, any cash from amounts deposited in such fund or account derived from services performed prior to the effective date of this subsection.

"(b) As used in this section, the term 'affiliated institution' means any medical school or other institution of higher learning with which the Administrator has a contract or agreement pursuant to section 4112(b) of this title for the training or education of health manpower.

"(c) As used in this section, the term 'remuneration' means the receipt of any amount of monetary benefit from any non-Veterans' Administration source in payment for carrying out any professional responsibilities."

(b) The table of sections at the beginning of chapter 73 of such title is amended by striking out

"4108. Administration."

and inserting in lieu thereof

"4108. Personnel administration.".

SEC. 205. (a) Section 4109 of title 38, United States Code, is amended by striking out "the Civil Service Retirement Act" and inserting in lieu thereof "chapter 83 of title 5".

(b) Subsection (b) of section 4112 of such title 38, is amended by striking out "service personnel" in the first sentence immediately after "health" and by inserting in lieu thereof "manpower".

SEC. 206. Section 4114 of title 38, United States Code, is amended as follows:

(1) by striking out the words "ninety days" in the last sentence of paragraph (3)(A) of subsection (a) and inserting in lieu thereof "one year";

(2) by inserting "(1)" immediately after "(b)" at the beginning of subsection (b) of such section and by adding at the end of such subsection a new paragraph as follows:

"(2) In order to carry out more efficiently the provisions of paragraph (1) of this subsection, the Administrator may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Veterans' Administration in the training of interns or residents to provide for the central administration of stipend payments, provision of fringe benefits, and maintenance of records for such interns and residents by the designation of one such institution to serve as a central administrative agency for this purpose. The Administrator may pay to such designated agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such interim or resident serves in a Veterans' Administration hospital of (A) stipends fixed by the Administrator pursuant to paragraph (1) of this subsection, (B) hospitalization, medical care, and life insurance, and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Veterans' Administration hospital, (C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1954, where applicable, and in addition, (D) an amount to cover a pro rata share of the cost of expense of such central administrative agency. Any amounts paid by the Administrator to such central administrative agency to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim he might have to any payment of stipends or employee benefits to which he may be entitled under this title or title 5. Notwithstanding the foregoing, any period of service of any such intern or resident in a Veterans' Administration hospital shall be deemed creditable service for the purposes of section 8332 of title 5. The agreement may further provide that the designated central administrative agency shall make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes, maintain all records pertinent thereto and make proper deposits thereof, and shall maintain all records pertinent to the leave accrued by each intern and resident for the period during which he serves in a participating hospital, including a Veterans' Administration hospital. Such leave may be pooled, and the intern or resident may be afforded leave by the hospital in which he is serving at the time the leave is to be used to the extent of his total accumulated leave, whether or not earned at the hospital in which he is serving at the time the leave is to be afforded."; and

(3) by adding at the end thereof the following new subsection:

"(e) The program of training prescribed by the Administrator in order to qualify a person for the position of full-time physicians' assistant or dentists' assistant shall be considered a full-time institutional program for purposes of chapter 34 of this title. The Administrator may consider training for such a position to be on a less than full-time basis for purposes of such chapter when the combined class room (and other formal instruction) portion of the program and the on-the-job training portion of the program total less than 30 hours per week."

SEC. 207. Section 4116 of title 38, United States Code, is amended—

(1) by amending subsection (a) to read as follows: "(a) The remedy—

"(1) against the United States provided by sections 1346(b) and 2672 of title 28, or

"(2) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under section 1346(b) or 2672 of title 28,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, nurse, physicians' assistant, dentists' assistant, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel in furnishing medical care or treatment while in the exercise of his duties in or for the Department of Medicine and Surgery shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, physicians' assistant, dentists' assistant, pharmacist, or paramedical or other supporting personnel (or his estate) whose act or omission gave rise to such claim.";

(2) by striking out the last sentence in subsection (c) and inserting in lieu thereof the following: "After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the employee whose act or omission gave rise to the suit was not acting within the scope of his office or employment, the case shall be remanded to the State court."; and

(3) by adding at the end thereof the following new subsection:

"(e) The Administrator may, to the extent he deems appropriate, hold harmless or provide liability insurance for any person to whom the immunity provisions of this section apply (as described in subsection (a) of this section), for damage for personal injury or death, or for property damage, negligently caused by such person while furnishing medical care or treatment (including the conduct of clinical studies or investigations) in the exercise of his duties in or for the Department of Medicine and Surgery, if such person is assigned to a foreign country, detailed to a State or political division thereof, or is acting under any other circumstances which would preclude the remedies of an injured third person against the United States, provided by sections 1346(b) and 2672 of title 28, for such damage or injury."

SEC. 208. Section 4117 of title 38, United States Code, is amended to read as follows:

"The Administrator may enter into contracts with medical schools, clinics, and any other group or individual capable of furnishing such services to provide scarce medical specialist services at Veterans' Administration facilities (including, but not limited to, services of physicians, dentists, nurses, physicians' assistants, dentists' assistants, technicians, and other medical support personnel)."

TITLE III—AMENDMENTS TO CHAPTER 81 OF TITLE 38, UNITED STATES CODE—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

SEC. 301. (a) Subsection (a) of section 5001 of title 38, United States Code, is amended by—

(1) striking out the period at the end of paragraph (2) and inserting in lieu thereof a comma and the following: "but in no event shall the Administrator provide for less than an average of 98,500 operating beds in Veterans' Administration hospitals, nor maintain an average daily patient census in such beds of less than 85,500 in any fiscal year."; and

(2) striking out in the first sentence of paragraph (3) "is authorized to" and inserting in lieu thereof "shall", and by striking out "four thousand beds" and inserting in lieu thereof "eight thousand beds in the fiscal year ending June 30, 1974, and in each fiscal year thereafter".

(b) Subsection (b) of section 5001 of such title is amended to read as follows:

"(b) Hospitals, domiciliaries, and other medical facilities provided by the Administrator (including nursing home facilities for which the Administrator contracts under section 620 of this title) shall be of fire, earthquake, and other natural disaster resistant construction in accordance with standards which the Administrator shall prescribe on a State or regional basis after surveying appropriate State and local laws, ordinances, and building codes and climatic and seismic conditions pertinent to each such facility. When an existing plant is purchased, it shall be remodeled to comply with the requirements stated in the first sentence of this subsection. In order to carry out this subsection, the Administrator shall appoint an Advisory Committee on Structural Safety of Veterans' Administration Facilities, on

which shall serve at least one architect and one structural engineer expert in fire, earthquake, and other natural disaster resistance who shall not be employees of the Federal Government, to advise him on all matters of structural safety in the construction and remodeling of Veterans' Administration facilities in accordance with the requirement of this subsection, and which shall approve regulations prescribed thereunder. The Associate Deputy Administrator, the Chief Medical Director, or his designee, and the Veterans' administration official charged with the responsibility for construction shall be ex officio members of such committee."

(c) Section 5001 of such title is further amended by adding the following new subsection:

"(g) The Administrator may make contributions to local authorities toward, or for, the construction of traffic controls, road improvements, or other devices adjacent to Veterans' Administration medical facilities when deemed necessary for safe ingress or egress."

SEC. 302. Chapter 81 of title 38, United States Code, is amended—

(1) by adding at the end of subchapter I the following new section:

"§ 5007. Partial relinquishment of legislative jurisdiction

"The Administrator, on behalf of the United States, may relinquish to the State in which any lands or interests therein under his supervision or control are situated, such measure of legislative jurisdiction over such lands or interests as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of legislative jurisdiction shall be initiated by filing a notice thereof with the Governor of the State concerned, or in such other manner as may be prescribed by the laws of such State, and shall take effect upon acceptance by such State.";

(2) by inserting immediately after the first sentence in subsection (a) of section 5012 thereof the following: "Any lease made pursuant to this subsection to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act entitled 'An Act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subsection to any public or nonprofit organization may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease. Prior to the execution of any such lease, the Administrator shall give appropriate public notice of his intention to do so in the newspaper of the community in which the lands or buildings to be leased are located."; and

(3) by inserting in the table of sections at the beginning of such chapter

"5007. Partial relinquishment of legislative jurisdiction."

immediately after

"5006. Property formerly owned by the National Home for Disabled Volunteer Soldiers.".

SEC. 303. (a) Section 5053(a) of title 38, United States Code, is amended by striking out "or medical schools" at the beginning of the material contained in parentheses, and by inserting immediately after the close parenthesis the words "or medical schools or clinics".

TITLE IV—MISCELLANEOUS AMENDMENTS TO TITLE 38, UNITED STATES CODE

SEC. 401. Section 230(b) of title 38, United States Code, is amended by striking out "July 3, 1974" and inserting in lieu thereof "June 30, 1978".

SEC. 402. (a) Section 234 of title 38, United States Code, is amended by inserting immediately after the words "telephones for" the following: "nonmedical directors of centers, hospitals, independent clinics, domiciliaries, and".

(b) The table of sections at the beginning of chapter 3 of such title is amended by striking out

"234. Telephone service for medical officers."

and inserting in lieu thereof

"234. Telephone service for medical officers and facility directors.".

(c) The catchline at the beginning of section 234 of such title is amended by inserting immediately after the word "officers" the words "and facility directors".

SEC. 403. (a) Section 641 of title 38, United States Code, is amended by—

(1) striking out in clause (1) "$3.50" and inserting in lieu thereof "$4.50";

(2) striking out in clause (2) "$5" and inserting in lieu thereof "$6";

(3) striking out in clause (3) "$7.50" and inserting in lieu thereof "$10"; and

(4) inserting immediately after the words "veteran of any war" the following: "or of service after January 31, 1955".

(b) Section 644(b) of such title is amended by striking out "50 per centum" and inserting in lieu thereof "65 per centum".

(c) Subsections (a)(1), (b)(2), and (d) of section 5035 of such title are amended by striking out "50 per centum" wherever it appears therein and inserting in lieu thereof "65 per centum".

(d) Section 5036 of such title is amended by striking out "50 per centum" and inserting in lieu thereof "65 per centum".

TITLE V—EFFECTIVE DATES

SEC. 501. The provisions of this Act shall become effective the first day of the first calendar month following the date of enactment, except that sections 105 and 106 shall be effective on January 1, 1971, and section 203 shall become effective beginning the first pay period following thirty days after the date of enactment of this Act.

Mr. CRANSTON. Mr. President, the House amendment to the Senate amendment is the result of extensive negotiations between the Committees on Veterans' Affairs of the two bodies and represents, in my opinion, an appropriate and effective accommodation of the different versions of this bill as passed by the two Houses.

The bill retains the basic provisions and philosophies of the Senate amendment with a few exceptions which I will point out subsequently, after I have outlined the basic provisions in the compromise version now before us.

SUMMARY OF COMPROMISE VERSION

Mr. President, the Veterans Health Care Expansion Act of 1972 is designed to launch the Veterans' Administration on the most comprehensive series of medical reforms in its 42-year history. This far-ranging measure calls for expenditures over 5 years of $497 million—$85 million of it in fiscal 1973.

Mr. President, I would like to describe in more detail the basic provisions of the compromise version.

First, as in the Senate amendment, new emphasis is to be placed upon treating the patient as part of a family unit, not as an isolated individual removed from any family or social setting. This is particularly essential for patients undergoing psychiatric treatment, but in addition, total care of a physically disabled veteran also may require that his family be fully oriented on the philosophy, goals, and achievements of his rehabilitation program. The bill thus authorizes bringing key family members to VA hospitals for such orientation.

It also stresses home health care programs under which mobile teams will train families to care for patients so they can be released from the hospital sooner and removed from the debilitation and stagnation of institutional life. This could in many cases provide more compassionate, more effective and far more economical care.

Second. An estimated 204,808 veterans with 80 percent—compromised from 50 percent in the Senate amendment—or more service-connected disabilities are, for the first time, made eligible for VA outpatient care and medicines (including by fee or contract) for all their non-service-connected disabilities regardless of their financial status or a future need for hospitalization. At present, only those with 100-percent service-connected disabilities are provided such total care. The annual cost of this expanded program is estimated at $13.5 million.

Third. As under the Senate amendment, some 150,000 peacetime veterans who are suffering from non-service-connected disabilities and are unable to afford private care will, for the first time, be eligible for VA hospital, nursing home and certain outpatient care under regular VA eligibility requirements. These are veterans whose service ended prior to April 6, 1917, and those who served between November 12, 1918, and December 6, 1941, or between January 1, 1947, and June 27, 1950. The VA estimates the annual cost at $6.9 million.

Fourth. Also for the first time, as proposed in the Senate amendment, 282,000 veterans' dependents not covered by medicare, medicaid, or military medical benefits programs will become eligible for VA medical care. They are the wives and children of veterans with total and permanent service-connected disabilities, and the widows and orphans of veterans who died from service-connected disabilities. The annual cost is estimated to be $16.9 million.

Fifth. Both these groups—totaling 432,000 new VA health care beneficiaries—and all veterans presently eligible for VA hospital care, will also for the first time be eligible for outpatient care if such treatment would obviate the need for hospitalization. This outpatient care may be provided by fee or contract where necessary. The estimated annual cost of this expanded program is $20.18 million. Presently, outpatient care for veterans with non-service-connected disabilities—except for 100-percent service-connected disabled veterans—is available only if they cannot afford hospital care—this is unchanged by the compromise version—and only when such outpatient care is necessary to prepare for or follow up on a hospitalization.

Sixth. The compromise version also includes, with some modifications, the basic Senate provision to establish a sickle cell anemia screening, counseling and medical treatment program. Under the compromise version, the Administra-

tor is authorized to carry out a comprehensive program of providing sickle cell anemia screening, counseling, treatment and provision of information under the provisions of chapter 17 of title 38. This would authorize the VA to carry out all those programs included specifically in the Senate amendment for which the VA estimated a 5-year cost of $10 million. Under the compromise version it would be appropriate for the VA to provide appropriate counseling on a voluntary basis to a spouse of an eligible veteran, who was found to have the sickle cell trait. We would assume that the VA would advise every black veteran receiving outpatient or inpatient VA care or undergoing a VA physical examination about the availability of sickle cell anemia screening under this new subchapter.

The compromise version also includes authority for the VA to carry out a special research and training program in the prevention, diagnosis, and treatment of sickle cell anemia based upon screening examinations and treatment provided under the new subchapter.

Seventh. To meet the needs of an aging veterans population, the compromise version permits veterans and eligible dependents to enter a VA nursing home without immediately prior hospitalization, and raises the present statutory minimum of 4,000 VA nursing home beds to 8,000 by fiscal 1974. It also permits veterans at VA expense to enter community nursing homes without first going into a VA hospital if such action is certified necesary for their service-connected disabilities by a VA physician, or to enter directly from military hospitals.

Eighth. The compromise version includes the Senate provision giving the VA 3 years to raise the staff-to-patient ratio in every VA service facility to the point where such facilities will be comparable on a service-by-service basis with other comparable medical services in facilities in the community. The present ratio is 1.5 to 1 in the average VA general hospital compared with a 2.7 to 1 ratio for the average community hospital and up to 4 to 1 at a university hospital.

A survey conducted in 1971 shows some of the wide variations that exist in staffing intensity between VA hospitals and community hospitals. The VA hospitals used in the survey ranged in size from 188 beds to 1,565 and contained 5,339 operating beds. The gross staffing ratios in VA hospitals ranged from 1.19 to 2.49 employees per operating bed. The overall ratio for the nine VA hospitals surveyed was 1.70 employees per operating bed. Since outpatient staffing could not accurately be separated from inpatient staffing in several of the hospitals, all statistics were included in the total.

The community hospitals ranged in size from 130 beds to 1,063. The eight community hospitals surveyed contained 3,678 operating beds. The gross staffing ratios in community hospitals ranged from 2.08 to 4.33 employees per operating bed. The overall ratio for the eight community hospitals was 3.23 employees per operating bed.

Overall, the community hospitals were staffed almost 2 to 1 over VA hospitals. The overall occupancy rate of the VA hospitals surveyed was 89 percent compared to 85 percent for the community hospitals. Percentagewise, the VA utilizes almost three times as many volunteer and other nonpaid productive workers as the community hospitals. This amounted to 6½ percent over the paid VA hospital combined staffs. When the unpaid personnel are added to the paid staff, the overall VA ratio rises from 1.70 to 1.81. The community hospital ratio rises from 3.23 to 3.31.

A survey of nursing service statistics illustrates that community hospitals are staffed for nursing personnel on the average about twice as well numerically as VA hospitals. The cumulative averages showed VA hospitals have one nursing employee to every 1.8 beds while community hospitals in the survey have one nursing employee to every one bed. It is important to note that staffing of nursery, labor, and delivery rooms in community hospitals was not included in these figures because VA hospitals do not have these services.

Moreover, the study showed that community hospitals have approximately twice as many registered nurses per bed as VA hospitals. It should be remembered however that special duty nurses in the community hospitals are not part of the hospital staff, unlike the VA.

The following charts show the three basic tours that all hospitals use. The statistics gathered show the average VA hospital nursing unit was 33 beds and the average community hospital nursing unit was 30 beds. For the total Nursing Service, personnel were assigned as follows:

ALL NURSING PERSONNEL

DAY TOUR, EVENING TOUR, AND NIGHT TOUR

(In percent)

Veterans' Administration: 64, 20, and 16.
Community: 57, 26, and 17.

This chart and the survey data show that the day tour was staffed almost 50 percent better per nursing unit in community hospitals than VA hospitals. The evening tour in community hospitals was staffed twice as well as the VA hospitals, and the night tour was staffed a little less than twice as well in the community hospitals.

In terms of numbers of nursing personnel, for the night shift the VA hospitals surveyed had an average 2.9 nursing personnel per unit in the hospitals surveyed for 7-day coverage. The community hospitals averaged 5.2 nursing personnel per unit.

Regarding the evening shift, the community hospitals used more of their staffs than did the VA hospitals—26 percent versus 20 percent. By contrast, the VA staffed its day shift with a higher proportion of available staff than community hospitals—64 percent versus 57 percent. The night shift was about the same—VA 16 percent versus community 17 percent.

The following chart shows registered nurses by shift; the percentage assigned to the three shifts are in the same approximate proportion as for all nursing personnel:

REGISTERED NURSES

DAY TOUR, EVENING TOUR, AND NIGHT TOUR

[In percent]

Veterans' Administration: 67, 19, and 14.
Community: 58, 24, and 18.

The survey also showed that community hospitals are staffed nearly three times as well in X-ray units as VA hospitals. This is in part attributable to the fact that community hospitals tend to use scheduled staff at night and on weekends rather than to use callback.

I think this study and the figures I have cited quite clearly demonstrate the types of startling staffing disparities that exist today between VA and community hospitals.

The compromise version includes in section 201 a provision which is modeled upon section 3 of House Joint Resolution 748 as passed by the Senate unanimously and section 201 of the Senate amendment of H.R. 10880 which would have added a new subsection (c) to present section 4101 of title 38. In effect the provisions of the revised subsection (b) of House Joint Resolution 748 and the proposed new subsection (c) in H.R. 10880 as passed by the Senate have been blended together in a revised subsection (b) included in the compromise version, the revised subsection (b) in section 4101 expands the primary function of the VA Department of Medicine and Surgery to include assisting in providing an adequate supply of health care manpower in order to meet national needs in addition to meeting the hospital needs of veterans.

The provision stresses the development and establishment of new health careers, interdisciplinary approaches and career advancement opportunities and directs the VA to carry out a major program for the recruitment, training and employment within the VA of veterans with medical military occupational specialties. Such veterans would train to become and serve as physicians' assistants, dentists' assistants, and medical technicians, and the VA is charged in the compromise provision with the responsibility to advise all veterans, and servicemen about to be discharged, with such MOS's of the opportunities for training and employment in the VA.

Tenth. To facilitate employment of veterans as physicians' assistants by the VA, the compromise version provides that they be eligible for full-time GI bill benefits, just as medical interns and residents are now, while they receive on-job training in the VA.

Eleventh. The compromise version includes the Senate provision directing the VA to take steps to assure that all VA hospitals, domiciliaries, and other medical facilities are resistant to earthquakes and other natural disasters. The Administration is instructed to prescribe construction standards on a State or regional basis—based on a survey of pertinent State and local ordinances, building costs, and climatic and seismic conditions,

Mr. President, the tragic consequences of a number of natural disasters within recent years has pointed to the need for stricter safety standards in the construc-

tion and maintenance of VA facilities. I refer to the disastrous loss of lives due to earthquake damage at San Fernando, Calif., closely followed by a tornado at Fayetteville, N.C., in early 1971. Also, a number of veterans lost personal effects at both places and at VA facilities at Gulfport and Biloxi, Miss., struck by Hurricane Camille.

Twelfth. The compromise version includes the Senate provision authorizing reimbursement for such property losses—retroactive to January 1, 1971, whereas reimbursement from such national disasters under present law is limited to property destroyed by fire.

Thirteenth. The compromise version includes all of the Senate provisions regarding overtime and premium pay for registered nurses employed within the VA Department of Medicine and Surgery. The benefits provided with respect to on call pay are unprecedented within the Federal service, as are the provisions with respect to overtime pay for holidays and Sundays. I am particularly proud of the adoption of these provisions and hope that they will lead the way toward similar, more equitable benefits for all Federal employees.

Fourteenth. The compromise version includes the Senate provisions directing that at the least the VA maintain an average of 98,500 operating beds in any fiscal year and maintain an average daily patient census of no less than 85,500 in any fiscal year, rather than only in fiscal year 1973 as provided in the Senate amendment.

Fifteenth. The compromise version also includes Senate provisions with respect to authorization to cede concurrent jurisdiction over VA lands to a State, with respect to reimbursement of certain medical expenses—a very similar provision also was included in the House bill—for assistance to veterans medical programs in the Republic of the Philippines; for the appointment of a director of optometry—the House bill provided for a chief of optometry service; and for central administration of medical resident and intern programs—previously passed by the House in a separate bill.

Sixteenth. The compromise version includes two provisions which appeared neither in the House nor Senate version: To authorize the Administrator to make contributions to local authorities for the construction of traffic controls, road improvements or other devices adjacent to VA medical facilities when deemed necessary for safe access—a provision included in the fiscal year 1973 VA appropriation item; and to increase the rates for VA payments to State veterans hospitals and nursing homes and to make such payments in the case of veterans of the post-Korean conflict.

Seventeenth. The compromise version includes a provision from the House bill dealing with the outside employment of VA nurses, dentists, and physicians as a new section 4108 in title 38. The provision was modified from the version in the House bill. The compromise version includes in section 204(a) provisions comparable to those included in the House bill in section 205(a)—personnel administration—regarding permissible outside employment by physicians, dentists, and nurses appointed in the Department of Medicine and Surgery.

With respect to clause (1) of the new section 4108(a), limiting the assumption of responsibility for the medical care of other than a VA patient, it is intended that the present policy with respect to exceptions to permit the assumption of such responsibilities, particularly by a physician, would continue to be applied as follows: The Chief Medical Director would delegate to the station director responsibility for granting an exception so that consulting services for up to 6 months would be permissible when necessary to provide scarce expertise to help the non-VA community to provide otherwise unavailable services; and the Chief Medical Director himself would continue to approve, on a doctor-by-doctor basis, all requests for exceptions to provide medical care on a continuing basis—for up to 6 months—when the first situation does not exist.

The basic concept adopted in these provisions in the compromise version was to make clear that VA employees in the Department of Medicine and Surgery were required to be on the job 80 hours every 2-week pay period. The provisions were carefully worked out with the VA Department of Medicine and Surgery in order to insure that it would not impose any crippling restrictions which would impair the VA's ability to carry on its effective VA affiliations with medical schools. In addition, all of the concerns which were expressed to me by various medical schools in California, which I included in the RECORD in my statement upon passage of the Senate amendment on this bill, were carefully considered in the drafting of the compromise version.

SENATE PROVISIONS NOT IN COMPROMISE

The compromise version does not include several provisions from the Senate amendment.

A. AUTHORITY TO INCREASE DEPARTMENT OF MEDICINE AND SURGERY PAY RATES TO MEET REGIONAL COMPETITION

The compromise version does not contain paragraph (h), which section 206(a) of the Senate bill would have added to present section 4107 of title 38, to provide authority for the Administrator to increase pay rates for certain health professionals employed under the Department of Medicine and Surgery personnel system in order to meet regional competition or to attract such personnel to remote VA stations. This provision was deemed unnecessary in view of the March 28, 1972, VA report stating that authority to grant such exceptions would be similar to authority already vested in the President—and delegated to the Civil Service Commission—under 5 U.S.C. 5305 for which exception the VA stated it had not previously felt the necessity to apply, and in view of the May 16, 1972, report of the Civil Service Commission stating that it would "give careful and sympathetic consideration to any request that the Veterans' Administration may make for increasing salaries under" the title 5 provision.

It is noted that the original VA estimate of the annual cost for such a provision was $13 million. In view of all of the above, it is suspected that if, as seems to be the case based upon the cost estimate cited above, there is a real need for increasing VA salaries to meet competition, the VA will request the Civil Service Commission to approve such increases under the title 5 provision and that, in line with its assurances in the report quoted above, the CSC will grant such approval.

B. EXPANDING DEPARTMENT OF MEDICINE AND SURGERY PERSONNEL SYSTEM

The compromise version does not include various provisions in sections 203, 204, 205, and 206 of the Senate bill, which would have placed the position of physicians' and dentists' assistant under the Department of Medicine and Surgery rather than under the General Schedule—GS. Regrettably, the Civil Service Commission and the House Committee on Post Office and Civil Service strongly objected to such a provision. In addition, the provisions in section 206(2) which would have provided the same overtime and differential pay benefits for licensed practical or vocational nurses and nursing assistants employed by the Veterans' Administration—section 4107 (f) (9)—as for VA nurses were also not included in the compromise version in light of similar such objections. It is intended, however, that, to the maximum extent permissible under law, VA nurses, for whom overtime and premium pay benefits are provided for the first time under title 38 by H.R. 10880, and all other VA nursing personnel will be treated as nearly alike as possible for the purposes of overtime and premium pay benefits.

In addition, it would seem desirable for those committees with jurisdiction over GS employment to review overtime and premium pay benefits under the General Schedule with a view toward bringing them into accord with the provisions in the compromise version for such benefits in the case of VA nurses. Both Veterans Affairs' Committees have devoted the most careful study to make such benefits as equitable and consistent with practice in the non-VA medical community as possible.

C. SHARING OF VA BEDS

The compromise version does not contain the Senate provision which would have permitted under very restrictive circumstances the sharing of certain VA hospital beds not needed for the care of veterans. The House was adamant in opposition to any such provision even with the very carefully drawn limitations included in section 303(a) (4) and (b) of the Senate amendment.

D. INCLUSION OF "NURSING HOME CARE" IN CHAPTER 17

The compromise version does not include within the definition of "hospital care" specification of "nursing home care" as provided in section 101(b) of the Senate amendment, in view of the VA recommendation that nursing home care not be considered a part of hospital care but rather be added throughout subchapter II of chapter 17 as a separate service which could be provided. This has been done in the compromise version. The definition contained in present section 101(28) of "nursing home care" would apply to the provision of such care under chapter 17.

CONCLUSION

Mr. President, as the above description should indicate, we believe we have produced a most comprehensive and effective measure in the compromise version, for which I wish to reiterate the deep appreciation I expressed earlier this morning during consideration of House Joint Resolution 748 for the efforts of the Senate and House committees leaders and their staffs who were indispensable to the resolution of the differences between the House bill and the Senate amendment.

Mr. HARTKE. Mr. President, it is my pleasure as chairman of the Veterans' Affairs Committee to urge passage of H.R. 10880 as amended by the House. These amendments contain the compromise agreement reached as to the respective versions of the bill as passed by both Houses—originally reported in the Senate as S. 2354.

As agreed upon by the committees, this bill represents, I believe, an important milestone in improving the ability of the Veterans' Administration to deliver quality medical care. I particularly want to commend the diligent work of the senior Senator from California (Mr. CRANSTON) who as chairman of the Subcommittee on Health and Hospitals, has worked so diligently to create the final bill we have today.

Briefly, the Veterans Health Care Expansion Act of 1972 would extend hospitalization to wives and children of totally disabled service-connected veterans and to widows and children of our war dead and those who have died of service-connected disabilities. The bill would also authorize out-patient care for all veterans and for dependents and survivors previously mentioned when it is necessary to obviate the need for hospitalization. There are provisions for a liberalization of Veterans' Administration nurses' pay for authorizing differential rates for overtime, night and holiday and Sunday work.

In the face of continuing threats of budgetary cuts from the Office of Management and Budget, the bill also requires that Administrator to provide for no less than an average 98,500 operating VA hospital beds in each fiscal year, and an average daily patient census of not less than 85,500.

Nursing home care beds to be operated by the Administrator are increased from 4,000 to 8,000. To further provide for quality health care and to protect against unwarranted staff reductions, the bill provides for staff-to-patient ratios in VA medical services comparable to that of equivalent services in community facilities.

The Health Care Act also provides for increases in the per diem rates payable to State soldiers homes as well as authorizing the increase in grants to State homes for construction, remodeling, or alterations of existing facilities from 50 to 65 percent of the total cost. A further added provision specifically authorizes the Administration to carry out a comprehensive program of providing sickle cell anemia screening, counseling treatment, and furnishing of relevant information with respect to the disease.

Mr. President, I believe, these and the other provisions of the Health Care Expansion Act of 1972, which will cost approximately $88.9 million the first year, will go a long way toward fulfilling our responsibility to our Nation's veterans. I urge the adoption of these amendments.

Mr. CRANSTON. Mr. President, I move that the Senate concur in the House amendment to the Senate amendment to the bill.

The motion was agreed to.

REHABILITATION ACT OF 1972—CONFERENCE REPORT

Mr. CRANSTON. Mr. President, I submit a report of the committee of conference on H.R. 8395, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

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

(The conference report is printed in the House proceedings of the RECORD at page 35141, October 2, 1972.)

Mr. CRANSTON. Mr. President, I ask unanimous consent that during consideration of the conference report, H.R. 8395, Mr. Robert Humphreys of the Committee on Labor and Public Welfare be allowed the privilege of the floor.

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

Mr. CRANSTON. Mr. President, I ask unanimous consent that the printing requirement on this report be waived, because it has been printed as a House report, 92–1581, and that the joint explanatory statement of the conferees be printed in the RECORD.

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

JOINT EXPLANATORY STATEMENTS OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment strikes out all of the House bill after the enacting clause and inserts a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the Senate amendment and the substitute agreed to in conference are noted in the following outline, except for incidental changes made necessary by reason of agreements reached by the conferees and minor and clarifying changes.

DECLARATION OF PURPOSE

A number of purposes in the Senate amendment established a Rehabilitation Services Administration in the Department of Health, Education, and Welfare. The House bill provided that the Administration shall be the principal agency in the Department for carrying out and administering programs and performing services related to the rehabilitation of handicapped individuals, as authorized under the Act. The Senate amendment provided that the Commissioner of the Administration shall carry out and administer all programs and direct the performance of all services for which authority is provided to the Secretary of HEW under the Act. The conference agreement adopts the provision of the Senate amendment, except that reference to the Secretary's authority is deleted throughout titles I through IV.

The Senate amendment, but not the House bill, established within the Rehabilitation Services Administration a Division of Research, Training, and Evaluation to administer title IV of the Act. The Senate amendment, but not the House bill, established within the Division of Research, Training, and Evaluation a Center for Technological Assessment and Application which is responsible for developing and supporting innovative methods of applying technology to resolve rehabilitation problems including the administration of Rehabilitation Engineering Research Centers. The conference report adopts the provisions of the Senate amendment on both these matters. The Senate amendment also increased the number of certain personnel positions authorized for the Rehabilitation Services Administration. The conference agreement retained the Senate provisions with an amendment that the Assistant Commissioner be responsible to the Commissioner and that such Assistant Commissioner be of outstanding "scientific and technical" rather than "medical or technical" as in the Senate amendment qualifications.

Joint funding

Both the House bill and the Senate amendment provided for joint funding of rehabilitation projects. The provisions differed in the following ways:

The House bill provided that any one Federal agency providing funds may be designated to act for all participating agencies, whereas the Senate amendment required the administering agency to be the Federal agency principally involved. The House recedes.

The Senate amendment, but not the House bill, authorized joint funding to the extent consistent with other provisions of this Act. The House recedes.

The House bill, but not the Senate amendment, allowed a single non-Federal share requirement for projects being jointly funded. The Senate recedes.

The House bill, but not the Senate amendment, authorized a waiver of inconsistent technical grant or contract requirements where a project is being jointly funded. The conference report adopts a provision somewhat comparable to a House provision under which, when the principal agency involved is the Rehabilitation Services Administration, it may waive any grant or contract require-

ment, as defined by the presidential regulations, under any law other than this Act if the requirement is inconsistent with similar requirements of the administering agency under this Act.

Definitions

The Senate amendment defined the term "criminal act" and the term "public safety officer", which are terms used in the Senate amendment in provisions describing services to be provided under the State plan for vocational rehabilitation. The conference substitute includes these provisions of the Senate amendment.

The House bill contained a definition of "evaluation and work adjustment services". The Senate amendment contained a definition for "evaluation of rehabilitation potential" which was similar, except that a provision was added requiring that once in every 90-day period an assessment be made to determine if the individual undergoing evaluation is eligible to receive rehabilitation services as a handicapped individual.

Both the House bill and the Senate amendment provided the same Federal share for the basic program (80 percent) and for construction of rehabilitation facilities. Federal shares for other programs in the House bill were prescribed in individual sections. The Senate amendment defined the term "Federal share" for the entire act (meaning 85 percent, except where otherwise provided). The conference agreement provides for the 80 percent share for the basic program except that "Federal share" shall mean 90 percent for the purposes of part C (Innovation and Expansion Grants) of title I and for title II.

The term "rehabilitation facility" is similarly defined in both the House bill and the Senate amendment, except that the Senate amendment includes in the list of provisions to be provided in such facilities orientation and mobility services to the blind. The conference substitute retains this provision.

Both the House and the Senate amendment use the term "severely handicapped individual", but defined such term in different ways in the two versions. The conference substitute drops the use of this term entirely and refers instead to handicapped individuals with "the most severe handicaps". The term "severe handicap" is defined in the conference substitute to mean a disability which requires multiple services over an extended period of time resulting from blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, respiratory or pulmonary dysfunction, mental retardation, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, renal failure, and any other disability, specified by the Commissioner in regulations he shall prescribe. Individuals who are not handicapped are not eligible for services. Departmental regulations have allowed individuals without handicaps to receive services under this program by characterizing such individuals as having "behavioral disorders." The Conferees wish to make clear that such individuals in the absence of a physical or mental disability shall not be eligible for services under this Act.

The Senate amendement but not the House bill included Indian tribal organization under the definition of "local agency." The House receded.

The term "handicapped individual" was defined in the Senate amendment to mean an individual with physical or mental disability which *for such individual* constitutes *or results in a substantial* handicap to employment. The House definition did not contain the italicized words. The conference substitute retains the Senate provision with a modification to specify that eligibility for comprehensive rehabilitation services—for a non-vocational goal—is tied to services provided under titles other than title I.

Consolidated rehabilitation plan

The House bill provided that a State could submit a consolidated rehabilitation plan for its programs for vocational rehabilitation services, evaluation of rehabilitation potential, the severely handicapped and persons with developmental disabilities. There was no comparable Senate provision. The Senate recedes with amendments in conformance with agreements made in other parts of the Act, and with the following amendments:

(1) The agency administering the Developmental Disabilities Service and Facilities Construction Act must agree to the consolidated plan;

(2) The Secretary of Health, Education, and Welfare may reject any consolidated plan; and

(3) The 10 percent transferability of appropriated funds is deleted.

Audit

Section 8 of the Senate amendment required grant recipients to keep such records as the Secretary may prescribe, including amounts and disposition of funds received, and other records to facilitate an effective audit. The section authorized access by the Secretary and Comptroller General to any books or records pertaining to such grants. The House had no comparable provision. The House recedes.

Nonduplication

The House bill, with respect to comprehensive services, and the Senate amendment with respect to the basic program, required that in determining the amount of a State's Federal share there shall be disregarded any portion of such expenditures which are financed by Federal funds and the amount of non-Federal funds required as a condition of receipt of such Federal funds. The conference substitute adopts both provisions and adds a third provision taken from several other provisions of both the House bill and Senate amendment which provides that no payment may be made from funds provided under one provision of the Act relating to any cost with respect to which any payment is made under any other provision of the Act.

VOCATIONAL REHABILITATION SERVICES

General provisions

Declaration of purpose; authorization of appropriations

The House bill states that it is the purpose of the title to authorize grants to meet the needs of handicapped individuals, so that such individuals may prepare for and engage in gainful employment to the extent of their capabilities. The Senate recedes.

Under the conference substitute, there is authorized to be appropriated $800,000,000 for fiscal year 1973 and $975,000,000 for fiscal year 1974 to assist States in meeting the costs of vocational rehabilitation services and the cost of carrying out the State's plan for vocational rehabilitation services. The comparable authorizations in the House bill were $800,000,000 for fiscal year 1973, $950,000,000 for fiscal year 1974, and $1,100,000,000 for fiscal year 1975. The Senate amendment provided authorizations in one lump sum amount for both handicapped individuals and severely handicapped individuals (those for whom the provision of services is more costly and of longer duration) regardless of whether such individuals can have an employment objective. It provided that 15 percent of the amount appropriated must be used for services to the severely handicapped. The amount authorized to be appropriated by the Senate amendment was $900,000,000 for fiscal year 1973 and $1,150,000 for fiscal year 1974.

State plans

Both the House bill and the Senate amendment required as a condition for the receipt of funds that a State plan be submitted. Under the House bill the plan related to the provision of vocational rehabilitation services while the provision of comprehensive rehabilitation services for the severely handicapped was controlled by a separate State plan. Under the Senate amendment the State plan which was required to be submitted annually, controlled the provision of both vocational rehabilitation services and comprehensive rehabilitation services. The conference substitute adopts the approach of the Senate amendment.

The following are the particular differences between the State plan provisions in the two versions of the bill:

(1) The House bill would permit the required matching funds to be provided only by the State and its political subdivisions while the Senate amendment would permit matching funds to be provided by the State and by "local agencies," as defined in section 7(8).

(2) The Senate amendment required the State plan to show how it proposes to expand and improve services to severely handicapped individuals. It further provided that if vocational and comprehensive rehabilitation services could not be provided to all eligible persons, the plan must show the order to be followed in selecting those to whom such services will be provided and the outcome and service goals, and the time within which they may be achieved, for the rehabilitation of such individuals. The order of selection was required to place special emphasis on severely handicapped individuals, and could not be inconsistent with priorities for these matters established by regulations of the Secretary. The House bill contained no comparable provision. The conference substitute follows the Senate amendment, but with the following modifications: First, here and elsewhere in the report references to "severely handicapped individuals" is changed to "individuals with the most severe handicaps", thus conforming to the change in definition provided for in the definition section. Second, the requirement that an order of selection be shown is made to apply only to the provision of vocational rehabilitation services. Third, the requirement with respect to what must be included in the order of selection is modified to require that the order of selection be determined on the basis of serving first those individuals with the most severe handicaps and that such order must be consistent with priorities in such order of selection (which shall require serving first those with the most severe handicaps) established in regulations of the Commissioner. By providing that those with the most severe handicaps be first served, the conferees do not intend that handicapped individuals whose handicaps are not the most severe be excluded from receiving services.

(3) The Senate amendment required that the State plan provide assurances that no comprehensive rehabilitation services will be paid for unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such services. The House bill contained no comparable provision. The conference substitute remains in a different clause the provision of the Senate amendment.

(4) Both the House bill and the Senate amendment required the State plan to contain provisions relating to the establishment and maintenance of personnel standards. The Senate amendment, but not the House bill, required such standards to be consistent with State licensure laws and regulations. This requirement is retained in the conference substitute.

(5) The House bill required the State plan to provide for evaluation of rehabilitation potential, counseling and guidance, personnel and vocational adjustment, training, maintenance, physical restoration, placement, follow-up and follow-along services. The Senate amendment requirement that the plan provide, at a minimum, for the provision of the type of vocational rehabilitation services referred to in the first three

paragraphs of section 103(a) (relating to the scope of vocational rehabilitation services). The conference substitute adopts the provision of the Senate amendment.

(6) The House bill provided that services other than those referred to in the preceding paragraph may be provided only after full consideration of eligibility for any similar benefit by way of pension, compensation, and insurance. The comparable provision of the Senate amendment provided that services other than those referred to in the preceding paragraph may be provided only after full consideration of eligibility for similar benefits under any other program, but provides an exception in the case of services specified in clauses (4) and (5) of section 103(a) where such consideration would delay the provision of such services to any individual. The conference substitute adopts the Senate amendment provision.

(7) The Senate amendment required the inclusion in the State plan provisions relating to administration of a provision for the establishment of a client advocacy system as required by section 112. This provision of the Senate amendment is not included in the conference substitute.

(8) The Senate amendment provided that an individualized written rehabilitation program (required by section 102) must be developed for each handicapped individual and that vocational and comprehensive rehabilitation services be provided under the plan in accordance with such program. There was no comparable House provision. The conference report retains this provision with the addition of a requirement that records of the characteristics of each applicant will be kept specifying, as to those individuals who apply for services under this title or pursuant to title II and are determined not to be eligible therefor, the reasons for such determinations.

(9) Under the House bill State agencies were required to make such reports in such form and containing such information as the Secretary may require. The Senate amendment contained the same provision and also specified that the State agencies' reports must specifically include periodic estimates of the population of handicapped individuals eligible for services under the Act, specifications of the number of such individuals who will be served, and the outcome and service goals to be achieved for such individuals in each priority category established as required in the earlier provisions of this section, and the service costs for each category. The conference substitute adopts the Senate provision, and, in addition, the information required in the new provision referred to in the preceding paragraph must be included in such reports.

(10) Both versions of the bill required the State agency to enter into cooperative arrangements with other governmental agencies. The Senate amendment, unlike the House bill, made specific references to veterans' programs and to the Veterans' Administration. This provision of the Senate amendment is retained in the conference substitute.

(11) The Senate amendment required the plan to give assurances that in the provision of vocational rehabilitation services under the program maximum use will be made of public and other vocational or technical training facilities or other appropriate resources in the community. The House bill contained no comparable provision. The House recedes.

(12) The Senate amendment contained a requirement, which had no counterpart in the House bill, which required that special consideration be given to the rehabilitation of handicapped individuals whose handicapping conditions arose from a disability sustained in the line of duty while such individual was performing as a public safety officer and the proximate cause of such disability was an apparent criminal act or a hazardous condition resulting from the officer's performance of duty in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities. The conference substitute retains this provision.

(13) The Senate amendment required statewide studies of the needs of handicapped individuals and of how these needs may best be met, with a view toward the relative need for services to significant segments of the population of handicapped individuals. There was no House provision. The House recedes.

(14) The Senate amendment required the State plan to provide for periodic review and reevaluation of individuals placed in extended employment to determine the feasibility of their employment, or training for employment in the competitive labor market, and that maximum efforts be made to place such individuals in such employment or training. There was no comparable House provision. The conference report retains this requirement.

(15) The Senate amendment, unlike the House bill, contains in its provisions requiring consultation in the administration of the State plan the requirement that the views of groups, as well as of individuals and of parents and guardians of clients, be taken into account. This requirement is retained in the conference agreement.

(16) The House bill required the plan to provide for subsequent program evaluation, contain a clear statement of the goals of the services to be provided, and that these goals be listed in order of priority, and stated as much as possible in a form amenable to quantification. The comparable Senate provision required satisfactory assurances that such continuing studies, as well as annual evaluations of program effectiveness will form the basis for submission from time to time of appropriate amendments to the plan. The conference report follows the Senate provision.

Both versions require approval of the State plan, but the Senate amendment requires that before disapproving a plan the State shall be given notice and reasonable opportunity for a hearing. This provision is retained in the conference substitute.

The Senate amendment, unlike the House bill, permits the payments under the State plan to be reduced rather than discontinued where the plan is changed without compliance with the Act, or where there is a failure to comply with provisions of the plan. The conference substitute retains this provision.

Individualized written rehabilitation program

The Senate amendment required the Secretary to insure that the individualized written rehabilitation program required under section 101 be developed jointly by the handicapped individual and the vocational rehabilitation counselor or coordinator. This understanding should include a statement of goals and other stated requirements. The individual shall be afforded an opportunity to review his program annually and renegotiate its terms. Subsection (c) of section 102 required the written program to emphasize a vocational goal or objective for the individual, and where it is determined that no such goal can be met, safeguards are required to insure that such a determination is absolutely necessary. Such a determination must be reviewed at least once each year. There were no comparable House provisions. This provision is retained in the conference report.

Scope of vocational rehabilitation services

The House bill dealt with the type of services that can be provided under the title through a definition of "vocational rehabilitation services" which lists the services which may be provided. The Senate amendment in this section provided that vocational rehabilitation services provided under the Act are goods and services necessary to render a handicapped individual employable. It goes on to provide that such goods and services include, but are not limited to, goods and services subsequently described. The provision of the Senate amendment are adopted in the conference report.

The differences between the House description of the services to be provided and the Senate list (and the conferee actions) are the following:

(1) The Senate amendment includes in the description of evaluation services, examination, where appropriate, by a physician skilled in the diagnosis and treatment of emotional disorders, or by a licensed psychologist. The House recedes.

(2) The House bill and the Senate amendment both included counseling, guidance, and placement services. The Senate amendment also included referral and client advocacy services. Referral services are included in the conference substitute but client advocacy services were rejected.

(3) The House bill includes training services for handicapped individuals (including personal and vocational adjustment, books, and other training materials). The Senate amendment added services to the families of handicapped individuals which are necessary to the adjustment and rehabilitation of such individuals. It also provided that no training services could be provided in institutions of higher education unless maximum efforts have been made to secure grant assistance from other sources to pay for such training. The conference substitute adopts the Senate provisions.

(4) Both bills included restoration services. The House bill refers only to physical restoration services while the Senate amendment refers to both physical and mental restoration services. Further, the Senate amendment includes diagnosis and treatment for mental and emotional disorders by a physician or licensed psychologist. The Senate amendment unlike the House bill includes transplantation and dialysis among the special services which are available for renal diseases. In each of these respects the conference substitute includes the Senate provision.

(5) The Senate amendment lists rehabilitation teaching services and orientation and mobility services for the blind, and telecommunications, sensory and other technological aids and devices. These services are not referred to in the House bill. They are included in the conference substitute.

Title I—Basic Vocational Rehabilitation Services

State allotments

Both bills contain formulas for alloting funds for vocational rehabilitation services among the States. They differ in that the House bill would allot on the amounts authorized to be appropriated whereas the Senate amendment would allot on the amounts appropriated. On this point, the conference substitute adopts the provisions of the House bill.

The House bill provided for a minimum allotment of $2,000,000 whereas the Senate amendment provided a minimum allotment of $2,500,000. The House provision is retained in the conference substitute.

Payments to States

Both the House bill and the Senate amendment provided for reductions in allotments where the State reduces its expenditures from non-Federal sources. The House bill uses FY 1969 as the base year whereas the Senate amendment uses FY 1972 as the base year. The conference substitute adopts the Senate provision.

The Senate amendment provided a 1 percent set aside from its State allotment for establishing and maintaining a State advisory council. It limited the amount which could be expended for such purpose to not more

than $150,000 or less than $50,000. The Senate recedes.

Innovation and expansion grants

Allotments to States

Both the House bill and the Senate amendment provided programs for making innovation and expansion grants to States under a State allotment formula. The Senate amendment, unlike the House bill, provided that for FY 1973 and FY 1974 no State shall receive less under this provision than the amount necessary to cover 90 percent of the cost of continuing projects of this type assisted under section 4(a)(2)(A) of the Vocational Rehabilitation Act. This requirement is qualified in the Senate amendment by a provision that no such program may receive assistance under both this Act and the Vocational Rehabilitation Act for an aggregate period in excess of three years. The conference substitute retains this provision of the Senate amendment in a separate part C.

Payments to States

The Senate amendment, but not the House bill, authorized the Secretary to require that up to 50 percent of each State's allotment be expended only in connection with projects which he has first approved. This provision is retained in the conference substitute.

The Senate amendment, but not the House bill, specified that programs to initiate or expand services to severely handicapped individuals qualify for assistance under this program. The conference substitute adopts this provision except that, as is the case in other instances in this report, the reference to "severely handicapped individuals" is modified to refer to "individuals with the most severe handicaps". Further, the Senate amendment in describing the type of handicapped individuals who may be assisted provides that such services be made available particularly to handicapped individuals who are poor. The House bill did not contain this qualification. It is included in the conference substitute.

The House bill provided that funds appropriated for these grants shall remain available through June 30, 1976. The Senate amendment did not contain this provision. The Senate recedes.

Evaluation of rehabilitation potential

The Senate amendment provided special emphasis through part C of title I on the provision of vocational and comprehensive rehabilitation services to severely handicapped individuals by means of a 15-percent set aside of title I appropriations for supplementary funding for the provision of such services to severely handicapped individuals. The term "severely handicapped individuals" in the Senate amendment referred to those persons for whom services are appreciably more costly, and of appreciably greater duration than those provided to the average client. Supplementary funds under part C of title I would be "triggered" when the cost of providing services to a handicapped individual exceeded 200 percent of the average cost of services.

Part C of title I in the Senate amendment was dropped in favor of providing in the basic programs State plan that those with the most severe handicaps would be served first under the basic program of vocational rehabilitation services.

The House bill provided a separate title to authorize grants to States to assist them in evaluating the rehabilitation potential of handicapped and disadvantaged individuals, including the vocational evaluation and work adjustment of disadvantaged individuals. The Senate amendment incorporated the concept of evaluating rehabilitation potential into the basic State program for rehabilitation services as a mandatory service under that program, but did not authorize a special program for disadvantaged individuals. The House recedes.

Title II—comprehensive rehabilitation services

Purpose

The House bill authorized a new title III to provide grants, supplemental to title I grants, to assist States to develop plans for meeting the needs of the severely handicapped (defined as those for whom an employment objective is not feasible), including an assessment of the disability and of rehabilitation potential, training of specialized personnel, and research. There was no comparable Senate provision, although the Senate did provide for the provision of rehabilitation services to those for whom employment is not feasible, limited to no more than 10% of title I appropriations. The Senate recedes to the approach of the House contained in a new title II, as described below and includes the House declaration of purpose.

Authorizations

The House bill authorized the appropriation of $30 million for FY 1973, $50 million for FY 1974, and $80 million for FY 1975 to carry out the purposes listed above. The Senate amendment earmarked 15% of the title I appropriation for services to severely handicapped individuals (defined in the Senate amendment to mean those for whom the cost of providing services is more than double the average) or, if greater, $135 million for FY 1973 and $173 million for FY 1974.

(1) The House bill bases State allotments on population, adjusted to reflect relative per capita income, with a minimum of $50,000 per State. The conference agreement adopts a minimum of $150,000 per State which was the minimum in part C of title I in the Senate amendment.

(2) The Senate amendment provided that not more than 10% of the total funds allotted to a State under title I shall be expended for comprehensive rehabilitation services for non-vocational goals. The House bill did not open the basic title I program to non-employment objectives, but did allow the entire title III allotment to be used for that purpose.

(3) The conference agreement calls for a project grant program instead of a formula grant program in any fiscal year in which the appropriations for the program do not exceed $20,000,000.

State plan

The House bill stated as a condition for receiving grants under title III that the State must submit to the Secretary a State plan.

"The conference agreement provides that to receive funds for FY 1973 under this Act, a State must submit within 180 days after the date of enactment an amendment to its plan, submitted to the Secretary under section 101 or section 5 of the Vocational Rehabilitation Act, which includes a provision of comprehensive rehabilitation services, that such a program will be included in the section 101 plan submitted each subsequent year, and that services to homebound and institutional individuals be among the services that State must demonstrate it has considered."

The House recedes.

Federal share

The House bill and the conference report stipulate that the Federal share for this title will be 90%. The House bill included a provision that expenditures by a political subdivision shall, subject to limitations, and conditions as prescribed by regulations, be regarded as State expenditures. The Senate recedes.

Definition

The House bill defines "severely handicapped individuals" to mean any individual who has a disability so serious that it limits substantially his ability to function in his family and community and who can reasonably be expected to improve his ability to live independently if provided with comprehensive rehabilitation services.

The Senate amendment defines severely handicapped in terms of the cost and duration of the services required to enable to individual to engage in gainful employment, or his ability to function normally and independently in his family or community.

The conference report, as stated earlier in this statement, does not use the term "severely handicapped individual". Instead, for purposes of this title only, it defines the term "rehabilitation" to mean the goal of achieving, through the provision of comprehensive rehabilitation services, substantial ability to live independently or function normally with his family or community on the part of a handicapped individual who is not capable of achieving a vocational goal.

Special projects

The House bill but not the Senate amendment authorizes 10%, but not more than $500,000, of sums appropriated under title III to be used by the Secretary for special projects for research, demonstration, and training relating to the rehabilitation of severely handicapped individuals. The conference report adopts the House provision.

Special Federal responsibilities

Declaration of purpose

The House bill but not the Senate amendment contained a declaration of purposes which listed existing Federal responsibilities in research, training, demonstrations, and other projects and cited the new centers, commissions, and services authorized as new responsibilities. This provision is retained in the conference agreement as modified to reflect the contents of the title.

Grants for construction of rehabilitation facilities

Both the House bill and the Senate amendment contained provision for Federal grants for the construction and initial staffing of rehabilitation facilities. The provisions were substantially the same except that the amounts authorized to be appropriated by the House bill were $35,00,000 for FY 1973, $45,000,000 for FY 1974, and $55,000,000 for FY 1975, while the Senate authorized $35,000,000 for FY 1973, $40,000,000 for FY 1974, and $45,000,000 for FY 1975. The conference report adopts the authorization in the Senate amendment. The Senate amendment grouped in section 313 all grant and contract requirements including those applicable to construction. This pattern is followed in the conference agreement.

Vocational training services for handicapped individuals

The conference report authorizes appropriations for grants to provide vocational training services to handicapped individuals in the amounts of $30,000,000 for FY 1973; $35,000,000 for FY 1974; and $40,000,000 for FY 1975. This provision differs from the House bill in that the authorization for this purpose in the House bill was combined with the authorization for construction of facilities under rehabilitation facilities improvement; it is the same as the Senate provision.

The conference report authorizes the Commissioner to pay 90 percent of the cost of training services to handicapped, especially those with the most severe handicaps, in rehabilitation facilities, to include occupational skill training, work evaluation and testing, provision of tools and equipment, job tryouts, and payment of weekly allowances. Allowances may not be paid to an individual for more than two years and shall not exceed $30 per week plus $10 for each dependent, or $70, whichever is the lesser. Grants may be made only if the project's purpose is to prepare the handicapped individual for gainful employment; if those to be trained are deemed suitable for such purpose by the State agency; if the full range of training services is available to all; and if

the project meets other requirements the Commissioner may prescribe. This provision differs from the Senate amendment in that under the Senate amendment the Federal share would be 85 percent rather than 90 percent. It differs from the House bill in that (1) the projects must be designed to provide vocational training services especially to the severely handicapped, (2) under the House bill the allowance may not exceed $65 a week, and (3) the House phrase "fitness to engage in a remunerative occupation" is replaced by the phrase "capacity to engage in gainful and suitable employment".

The conference report also authorizes the Commissioner to make grants to rehabilitation facilities to improve management effectiveness and other assistance to improve the operation of such facilities, but prohibits grants being used for construction.

Mortgage insurance for rehabilitation facilities

Both the House bill and the Senate amendment contained provisions for mortgage insurance covering the construction of rehabilitation facilities. The House bill, but not the Senate amendment, stated it would be the purpose of the provision to assist and encourage the provision of urgently needed facilities for programs for the handicapped. The conference substitute contains the House declaration.

The Senate amendment authorized insurance for rehabilitation facilities whereas the House bill authorized insurance for multipurpose rehabilitation facilities. The conference agreement adopts the Senate provision.

The Senate amendments, but not the House bill, requires the Secretary to consult with the Secretary of Housing and Urban Development in carrying out this section. This provision is retained in the conference agreement.

The House bill authorized 100 percent of the mortgage to be insured, but provided that the mortgage may not involve a principal obligation in excess of $250,000 and may not exceed 90 percent of replacement costs. The Senate amendment, in contrast, authorized insurance of 90 percent of the mortgage. The conference agreement adopts the House provision, except that the amount of individual mortgages is limited to 100 percent of the replacement costs.

The conference report includes a provision from the Senate amendment, which had no counterpart in the House bill, allowing the Commissioner to delegate, pursuant to delegation agreement, to the Secretary of Housing and Urban Development authority to administer this mortgage insurance program, and the program of annual interest grants for mortgages for rehabilitation facilities which is provided for later in the report.

Both the House bill and the Senate amendment authorized appropriations for initial capital for the insurance fund, but the Senate amendment also provided that the total amount of outstanding mortgages insured may not exceed $250,000,000. The Senate limitation is retained in the conference agreement.

Annual interest grants for mortgages for rehabilitation facilities

Both the House bill and the Senate amendment authorized the Secretary to pay annual interest grants to States and public nonprofit agencies to reduce the cost of borrowing for construction of rehabilitation facilities. The conference report includes a provision from the Senate amendment, which had no counterpart in the House bill, which subjects this program to the general grant contract requirements which are described later in this statement. Under the House bill the grant would be not greater than the difference between the interest which would be paid on the loan if it were borrowed from other sources, and 3 percent. Under the Senate amendment the grant would be not greater than the difference between the interest which would be paid on the loan if it were borrowed from other sources, and 3 percent. Under the Senate amendment the grant would be an amount sufficient to reduce by 3 percent the interest rate otherwise payable on the loan. Under the conference report the grant will be sufficient to reduce by 4 percent the interest rate otherwise payable or be one-half of such rate, whichever is the lesser.

Both versions of the bill authorize necessary appropriations for these grants. They both provide that the amount payable for FY 1973 shall not exceed $1,000,000. The House bill provides that that amount will be increased by $3,000,000 for FY 1974, and by $5,000,000 for FY 1975. In contrast, the Senate amendment would increase such amount by $1,000,000 for FY 1974, and by $2,000,000 for FY 1975. The conference agreement adopts the Senate figures.

The House bill provided that no more than 12½ percent of the funds provided for interest grants may be used in any one State. The Senate amendment sets this figure at 15 percent. The conference agreement adopts the Senate figure.

Special Programs and Projects

Both the House bill and the Senate amendment authorize appropriations for special projects. The House bill authorizes $100,000,000 for FY 1973, $125,000,000 for FY 1974, and $150,000,000 for FY 1975. The Senate amendment authorizes $50,000,000 for FY 1973, $100,000,000 for FY 1974, and $150,000,000 for FY 1975. The conference agreement authorizes $50,000,000 for FY 1973, $125,000,000 for FY 1974, and $150,000,000 for FY 1975.

The House bill authorized, in addition, appropriations of $10,000,000 for each year for migrant programs and provided that, if funds were not sufficient to pay at least ⅔ of the total amounts to fund approved grants, the Secretary would allocate for grants under this section the funds appropriated for other activities under the Act. The Senate amendment made available for migrant programs 10% of the appropriations for special projects for each year, but also provided that no more than $10,000,000 shall be used for that purpose and authorized the appropriation of the amount necessary to raise the funds available for migrant programs to $10,000,000 where 10% of the appropriations for special projects is less than that amount. The conference substitute adopts the Senate provision.

The conference report authorizes the Commissioner to make grants to pay 90% of the cost of projects or demonstrations for the provision of vocational and comprehensive rehabilitation services to handicapped individuals who are migratory agricultural workers or seasonal farm workers, and their families. It differs from the Senate amendment in that only 90% of the cost of providing these services will be borne by the United States, instead of the full amount as under the Senate amendment.

The conference report authorizes the Commissioner to make grants for paying part of the cost of special projects and demonstrations for establishing facilities and providing services which hold promise for expanding or otherwise improving rehabilitation services for the handicapped, especially those with the most severe handicaps, and for applying new types or patterns of services or devices (including opportunities for new careers for handicapped individuals and other individuals in programs serving handicapped individuals).

The corresponding provision of the House bill differed from the conference report in that it did not contain specific references to persons who are severely handicapped, it provided for assistance to projects making a substantial contribution to the solution of rehabilitation problems, to all or several States, and problems related to the rehabilitation of individuals with developmental disabilities and other severe handicaps.

National Center for Deaf-Blind Youths and Adults

Both the House bill and the Senate amendment contained provisions for a National Center for Deaf-Blind Youths and Adults. The House bill had open ended authorizations for FY 1973, FY 1974, and FY 1975, for this provision. The Senate amendment authorized appropriations of $5,000,000 for FY 1973 for construction, and $800,000 for that year for its operation. $1,200,000 was authorized for FY 1974 and $200,000 for FY 1975, for the operation of the center. The conference agreement adopts the Senate authorization figures.

Rehabilitation Centers for Deaf Individuals

The House bill provided for rehabilitation centers for deaf youths and adults. The Senate amendment provided for such centers for deaf individuals, made certain changes in terminology, and specified, unlike the House bill, that no services under the section may be provided to individuals who have not attained age 16 and the State age for compulsory school attendance. The House recedes. The House bill authorizes unlimited appropriations for FY 1973, FY 1974, and FY 1975, for the centers. The Senate amendment authorizes the appropriation of $5,000,000 for FY 1973, $7,500,000 for FY 1974, and $10,000,000 for FY 1975, for the centers. The conference report would authorize the appropriation of $2,000,000 for FY 1973, $4,000,000 for FY 1974, and $7,000,000 for FY 1975.

National Centers for Spinal Cord Injuries

Both the House bill and the Senate amendment authorized the Secretary to enter into agreements with public and nonprofit agencies to pay part or all of the cost of establishing or operating National Center for Spinal Cord Injuries. The respective versions of the bill differ in the stated purposes of the program. Under the House bill, the purpose is to demonstrate methods of providing services to persons suffering from spinal cord injuries and the training of professional and allied personnel needed to staff these facilities, to conduct research on the problems of rehabilitating persons suffering from spinal cord injuries, and to aid in the conduct of related activities to expand and improve the services for or help improve public understanding of the problems of persons suffering from spinal cord injuries. Under the Senate amendment, the purposes of the provision are to help form a national network of centers with special competencies in providing complete rehabilitation services and acute medical care to individuals with spinal cord injuries, to assist in meeting the costs of such services to the individuals, to encourage and assist in the study and development of methods for the provision of such services, and to develop new means of achieving cooperation among concerned organizations. The conference agreement adopts the Senate provision except that the establishment of "national centers" is called for rather than a "national network of centers", and that where appropriate and desirable research and training related to the study and development of methods for the provision of these services may also be provided.

Grants for services for end-stage renal disease

Both the House bill and the Senate amendment authorized grants for projects for providing special services for individuals suffering from end-stage renal disease. The House bill authorized the appropriation of $25,000,000 for FY 1973 and each of the two succeeding fiscal years for this program. The Senate bill authorized the appropriation of $20,000,000 for FY 1973; $25,000,000 for FY 1974, and $30,000,000 for FY 1975. The conference agreement adopts the level of funding provided by the House, and includes a

Senate parenthetical which assures that transplantation and dialysis are included services.

Rehabilitation Services for Older Blind Individuals

The Senate amendment, which had no counterpart in the House bill, authorized a program of grants for older blind individuals. It authorized the apropriation of $10,000,000 for FY 1973, $20,000,000 for FY 1974, and $30,000,000 for FY 1975, for this program. Funds were allotted among the States on a formula based on population and relative per capita income. Older blind individuals were defined as those aged 55 and over whose visual impairment makes gainful employment difficult to obtain. Special provisions are required to be included in the State's rehabilitation plan if it is to participate in this program. The conference agreement retains this provision, but modified so that the program will be administered on a project basis. Thus, the provisions for State allotments and State plans are dropped.

National Policy and Performance Council

The House bill but not the Senate amendment established in the Department of HEW a National Policy and Performance Council, consisting of 12 members. The Council advises the Secretary with respect to policies and criteria for making grants for rehabilitation facility improvement; makes recommendations to the Secretary on workshop improvement and the extent of this section in carrying out its purposes, and performs other services as requested by the Secretary. The Senate amendment contained no comparable provision, but established a National Council on Rehabilitation of the Handicapped to replace and expand the authority of the National Advisory Council on Vocational Rehabilitation. The House recedes.

National Advisory Council on Rehabilitation of Handicapped Individuals

Both the House bill and the Senate amendment provided for the establishment in the Department of Health, Education, and Welfare of National Advisory Councils. The Councils created by the two versions of the bill differ in the following respects:

(1) In the Senate amendment, the Council consists of 20 members appointed by the Secretary. In the House bill the Council consists of the Secretary or his designee and 15 members appointed by the Secretary.

(2) The Senate amendment, but not the House bill, required that 10 of the 20 members must be selected from leading medical, educational, or scientific authorities with outstanding qualifications in the field of rehabilitation of handicapped individuals.

(3) The Senate amendment further required that eight of the 20 members of the Council must be persons who are themselves handicapped or have received rehabilitation services. The House bill requires that ⅓ of the members must be recipients of rehabilitation services, including those who are severely handicapped.

(4) The Senate amendment, but not the House bill, required the Council to meet not less than four times a year. The House bill authorized the Council to review applications for special projects and make recommendations with respect thereto. In the Senate amendment, the Council has a much broader mandate, including policy, advice, and consultation on the planning, conduct, and review of programs authorized under the Act reviewing the administration and operation of vocational rehabilitation programs under the Act, and advising the Secretary with respect to the conduct of individual evaluations and providing such other advisory services as may be requested.

(5) The Senate amendment, but not the House bill, authorized the appropriation of $100,000 for FY 1973, and $150,000 in each of FY 1974 and FY 1975 to provide technical assistance and staff support for the Council.

(6) The Senate amendment but not the House bill, required the Council to review the possible duplication among rehabilitation programs and make recommendations.

The conference agreement includes the provisions of the Senate amendment, but with changes to make its services available to the Commissioner as well as to the Secretary.

State Advisory Councils

The Senate amendment required each State to establish a State advisory council. Such councils were to advise the Governor or State agency on policy matters of administration of the State plan, to advise on long-range planning and studies, to evaluate programs assisted under the Act, and to submit to the Governors and the Council an annual report of its recommendations and comments. Councils must meet at least four times a year and have one public meeting each year. Under the Senate amendment the councils would have been funded from a 1% setaside from the State's title I allotment. There are no comparable House provisions.

The conference report follows the provisions of the Senate amendment, except that (1) funding is separately authorized at $2 million for each of FY 1973, 1974, and 1975, and (2) the States are not required to establish councils in order to receive funds under the Act.

General Grants and Contract Requirements

The Senate amendment provides in one section the requirements which must be met with respect to all projects assisted under the special Federal responsibilities title, including the following:

(1) Construction projects must be used as public and nonprofit facilities for not less than 20 years;

(2) Sufficient funds must be available to meet the non-Federal share;

(3) Annual reports must be submitted;

(4) Plans and specifications must give due consideration to excellence of architecture and works of art;

(5) Plans must comply with regulations concerning occupational safety and health and comply with the Architectural Barriers Act;

(6) Applications must meet Davis-Bacon requirements;

(7) The Federal Government shall be entitled to reimbursement for facilities used for other than what was intended within 20 years after date of completion;

(8) Completion of grants may be made in advance or by reimbursement;

(9) Authorizes construction of residential accommodations when necessary in connection with workshops;

(10) Prohibits use of funds for facilities which will be used for religious worship;

(11) Requires that funds be utilized consistent with State plans;

(12) Requires the Secretary to afford State agencies reasonable opportunity to comment on applications.

Comparable House provisions are for the most part authorized in individual sections. This section is adopted in the conference substitute.

Title IV—Research and training

Title IV of the Senate bill consolidated all research and training activity in a new title. There is no comparable consolidation in the House bill. Title IV of the Senate amendment provided specific authority as follows:

Declaration of purpose

The Senate amendment authorized assistance to the States to plan and conduct research, demonstration, and related activities in the rehabilitation of handicapped persons and to plan and conduct training courses to increase the number of and skills of rehabilitation personnel.

Authorization of appropriations

Fiscal year:	
1973	$75,000,000
1974	100,000,000
1975	150,000,000

The amount appropriated each fiscal year 15 per centum in FY 1973 and 25 per centum for each of the two subsequent fiscal years shall be for the priority research categories listed below.

Section 301(a)(2) of the Senate amendment authorized the following appropriations for section 303 (training):

Fiscal year:	
1973	$50,000,000
1974	75,000,000
1975	100,000,000

All funds appropriated pursuant to this section shall remain available until expended.

Research

The Senate amendment authorized grants to and contracts with States and other organizations to pay part of the cost of projects to plan and conduct research, demonstrations, and related activities to develop methods, procedures, and devices to provide vocational and comprehensive rehabilitation services to handicapped and severely handicapped individuals. Such projects may include medical, scientific and other investigations into the nature of disability, methods of analyzing it, and restorative techniques, studies and analyses of factors affecting the rehabilitation of handicapped individuals and special problems of homebound and institutionalized individuals, and related activities which hold promise of increasing knowledge and improving methods in rehabilitating handicapped individuals.

The Senate amendment established the following priority research categories:

(1) Authorizes grants to pay part or all of the costs of activities to establish and support Rehabilitation Research and Training Centers operated with institutions of higher education to coordinate and advance programs of research and training in rehabilitation.

(2) Authorizes grants for the establishment and support of Rehabilitation Engineering Research Centers to apply advanced technology and other knowledge in solving rehabilitation problems through research, including cooperative research with other organizations designed to produce new knowledge, equipment and devices. Also provides for cooperation with the Office for the Handicapped in developing information exchange systems and coordination to promote utilization of engineering and other research.

(3) Authorizes a program for spinal injury research in support of the National Centers for Spinal Cord Injuries. The purpose of such research is to insure dissemination of research findings among all spinal cord injury centers, provide encouragement and support for new approaches, and establish close working relationships with other organizations to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigators.

(4) Authorizes a program for international rehabilitation research, demonstration, and training to develop new knowledge in rehabilitating handicapped individuals. The purpose of such program also would be to cooperate with other nations in sharing and developing information in rehabilitation, and initiating a program to exchange experts and technical assistants with other nations.

The Senate amendment applies the general provisions of section 313, unless the context indicates to be the contrary; particularly noteworthy is the provision that funds used for direct services to handicapped individuals shall not be inconsistent with the State plan approved under section 101.

Training

The Senate amendment authorized the payment of part of the cost of training and related activities to increase the number and skills of trained rehabilitation personnel.

It is provided that funds under this section

will be utilized for projects in rehabilitation medicine, rehabilitation counseling, rehabilitation social work, physical therapy, occupational therapy, speech pathology, speech audiology, rehabilitation nursing, workshop and facility administration, prosthetics and orthotics, psychology, specialized personnel for deaf and blind persons, recreation for ill and handicapped individuals and other fields contributing to rehabilitation, including for homebound and institutionalized individuals. Education grants are limited to not more than 4 years.

Reports

The inclusion in the annual report, of a report with respect to research and training activities undertaken pursuant to this title, is required, with emphasis on the contribution of such activities to the improvement of vocational and comprehensive rehabilitation services.

The conference report retains the Senate research and training provisions with conforming amendments.

Administration and program and project evaluation

Administration

Both the House bill and the Senate amendment authorized the provision of training and instruction in technical matters relating to vocational rehabilitation services. Under the House bill training may not exceed a four-year period, whereas under the Senate bill it may not exceed a two-year period. The Senate recedes.

The House bill authorized the Secretary to make rules and regulations governing the administration of this Act. In the Senate amendment, the Secretary is authorized to make rules and regulations governing the administration of titles IV, V, and VI of the Act, and such rules and regulations and those prescribed by the Commissioner of the Rehabilitation Services Administration under titles I, II, and III are required to be published in the Federal Register on an interim basis within 90 days after enactment of the Act.

The Senate amendment, but not the House bill, required the Secretary to insure maximum coordination and consultation with the Administrator of Veterans' Affairs concerning programs for the rehabilitation of disabled veterans. This requirement is retained in the conference agreement.

Program and Project Evaluation

Both the House bill and the Senate amendment require the Secretary to evaluate all programs authorized under the Act and to determine their effectiveness. The Senate amendment, but not the House bill, requires that in the case of research and related activities, the Secretary is to reassess priorities for such research and related activities and to review existing research and related activities to determine the basis for their continuation, revision or termination. In this connection, under the Senate amendment, the Secretary is further required to submit an annual report to the appropriate Committees of the Congress on his review of research activities. The House recedes.

Both the House bill and the Senate amendment require that the Secretary consider the extent to which standards for evaluation have been met in deciding whether to renew or supplement financial assistance. Under the Senate amendment, but not the House bill, such decisions must be made in accordance with the procedural protection governing approval and disapproval of State plans under title I. The House recedes.

The House bill requires that the Secretary publish the results of evaluative research and evaluations of program and project impact and effectiveness no later than sixty days after the completion thereof. This is also required in the Senate amendment. However, in the Senate amendment, publication is required no later than 90 days rather than 60 days, and summaries of evaluations rather than evaluations themselves are to be published. In addition, the Senate amendments but not the House bill requires that copies of all such research studies and evaluation summaries be submitted to the appropriate committees of Congress. The House recedes.

The House bill authorizes the appropriation of such sums as the Secretary may require for evaluation, but not to exceed 1 per centum of the funds appropriated under title I or $2,000,000, whichever is greater. The Senate amendment authorizes to be appropriated such sums as the Secretary may require, but not to exceed an amount equal to one-half of 1 per centum of the funds appropriated under titles I, II, and III of the Act or $2,000,000, whichever is greater. The Senate provision is retained in the conference report with conforming modifications.

Both the House bill and the Senate amendment require that the annual report include statistical data reflecting vocational rehabilitation services provided handicapped individuals. The House bill requires statistical data reflecting services provided each handicapped individual, whereas the Senate amendment requires statistical data reflecting "with the maximum feasible detail" services provided handicapped individuals. The House recedes.

The Senate amendment, but not the House bill, specifically requires that the report include a detailed evaluation of services provided to severely handicapped individuals.

The conference report retains this provision with conforming amendments.

Sheltered Workshop Study

The House bill authorizes the Secretary to conduct a special study of sources of income and other financial support presently being received by handicapped persons employed in workshops. The Senate amendment contains similar provisions, but includes a study of the role of sheltered workshops in rehabilitation and employment of handicapped individuals. The study will incorporate guidelines in accordance with criteria in resolutions adopted by the Committee on Labor and Public Welfare, the Committee on Education and Labor, or both. The Senate amendment further requires site visits and interviews of handicapped trainees and clients and prohibits the awarding of contracts to individuals or groups with financial or direct interest in sheltered workshops. The report and recommendations will be due 24 months after enactment of the Act in the Senate amendment and not later than July 1, 1973, in the House bill. The conference report adopts the provisions of the Senate bill with an amendment that the study be "original".

The conferees generally approve the Senate committee resolution adopted September 22, 1972, which states as follows:

RESOLUTION OF THE U.S. SENATE, COMMITTEE ON LABOR AND PUBLIC WELFARE, ADOPTED SEPTEMBER 22, 1972

Whereas Section 405(a) of the Rehabilitation Act of 1972 directs the Secretary of Health, Education and Welfare to carry out a study of sheltered workshops under criteria set forth in resolutions by the Committee on Labor and Public Welfare;

Whereas the Committee finds that such study must be comprehensive in nature and has formulated a series of questions relating to the role of workshops, the number of individuals employed in workshops, the amount of funding provided to workshops under this Act, and the relationship between workshops and other programs for handicapped individuals, and programs for vocational training;

Whereas the Committee presents the following questions to be answered and by listing these questions does not intend to limit the scope of the study;

Be it resolved that the Committee on Labor and Public Welfare believes the following questions must be covered along with other pertinent information by the study:

1. What should be the role of sheltered workshops or rehabilitation facilities? To what degree does the present system of workshops fulfill this role? How does this role relate to the broader continuum of employment and day care settings?

2. How many sheltered employment settings (workshops, rehabilitation facilities, work activity centers, etc.) are now in existence? How many handicapped individuals do they employ? What is the nature and degree of their responsibilities? How many staff are employed?

What are their job functions and qualifications? Describe the work opportunities provided including a measure of the range of complexity of the jobs available in each workshop. How much money is paid by the State Vocational Rehabilitation agency to "workshops" on an individual basis by state?

3. What are the standards used by vocational rehabilitation agencies to determine that a sheltered workshop or other rehabilitation facility is the most suitable in the community or state for training or employing a handicapped individual? What alternatives are considered and what rights does a handicapped individual have in selecting the site and type of training or employment to be provided?

4. How many handicapped individuals are placed for training in workshops by state vocational rehabilitation agencies? How much money is paid by the state agency for these training services? What is the length of training? What type of training is provided? How many individuals are placed in competitive employment following training? How many handicapped individuals are placed in sheltered workshops for extended evaluation? How much money is paid by the state agency for these services? How many are placed in employment outside of a workshop, or unplaced of those evaluated? To what extent are handicapped individuals, placed in workshops by rehabilitation agencies for training purposes, integrated with extended evaluation clients and terminal employees of the workshop? What is the nature and degree of the handicaps of the individuals placed in workshops for training or extended evaluation purposes?

5. How many handicapped individuals are in extended employment in sheltered workshops? What is the nature and degree of their handicaps? What type of employment activities are provided? How many individuals are ultimately placed in competitive employment?

6. How many individuals in workshops are in terminal employment? What is the nature and degree of their handicaps? What are the standards used by rehabilitation agencies or workshop personnel for determining that these individuals are incapable of competitive employment? How might careers ladder opportunities within workshops be developed to enable handicapped individuals to move into competitive employment?

7. What are methods for the determination of wages for handicapped individuals in workshops? What distinctions are there between piece work and hourly employees? How many persons are receiving wage subsidies? What are the amounts of such subsidies and the sources of funding for such subsidies? What effect do wage payments have on the amount of public assistance received by handicapped individuals in workshops, since assistance payments vary from state to state? What is the relationship of the industrial efficiency of the workshop to the amount of wages paid? What is the relationship of the types of contract work performed by workshops to the amount of wages paid to employees? What is the relationship of the specific abilities of the employees to the

contract capability and wage payments? Do workshops for any particular type of handicapped individuals generally pay higher wages than those paid in other workshops? If this is true, is it because of their contract work or because they receive their contracts through a single source? How are contracts procured? Is the type of contract pursued by a workshop related to the needs of present workers, or are workers selected by jobs available? Are there any state, regional or national procurement and coordination processes available for obtaining contracts for sheltered workshops? What should such a process entail? Compare wage payments to handicapped workers in sheltered workshops to payments made for similar employment to workers in competitive employment in comparable labor markets or otherwise.

8. Has the Wage Hour and Public Contracts Division of the Department of Labor issued certifications of exemption from the prevailing minimum wage for individual handicapped workers within workshops or have they been issued on a blanket basis per workshop? How many sheltered workshops have been issued exemptions from the minimum wage under section 6 of the Fair Labor Standards Act as work activity centers? What is the nature and degree of handicaps of handicapped individuals in such centers? To what degree has the number of such exemptions increased annually since 1967? How often do officials of the Wage Hour and Public Contracts Division inspect sheltered workshops and work activity centers to determine compliance with minimum wage requirements? How often do officials of the Department of Health, Education and Welfare inspect sheltered workshops? Officials of State agencies?

9. What fringe benefits are provided to handicapped individuals in extended or terminal employment in sheltered workshops (e.g. coverage under the Old Age, Survivors and Disability Insurance Program and Medicare of Title II and Title XVII of the Social Security Act; unemployment compensation; health care and retirement plans to which other non-handicapped workshop employees are entitled; and collective bargaining)?

10. What is being done to coordinate the wide variety of vocational training programs administered by the Rehabilitation Services Admnistration, the Office of Education and the Department of Labor for severely handicapped individuals who appear to have a high chance of requiring sheltered employment for some period of time?

11. Discuss and analyze the possible forms of wage supplements, their advantages and disadvantages, and their effects where applied.

Office for the Handicapped

The Senate amendment establishes an Office for the Handicapped within the office of the Secretary to be headed by a Director. This Office is charged with the preparation of a five-year planning document for the provision of services to handicapped individuals, the analysis and review of program operation and budgeting to assure progress toward implementation of such a plan, providing assistance to advisory committees and programs which serve the Secretary, the coordination and encouragement of cooperative planning among programs for handicapped individuals, taking steps to assure the prompt utilization of engineering and other research planning among programs for handicapped individuals, and the evaluation of existing information systems in order to develop a coordinated system of information retrieval and dissemination. For this purpose, there is $1,000,000 authorized for FY 1973, $2,000,000 for FY 1974, and $2,000,000 for FY 1975. There are no comparable House provisions.

The conference report includes these provisions with several amendments to make clear the relationship of this Office to existing operating programs.

The Conference agreement directs the Office to prepare, with the assistance of and in consultation with agencies of the Department of Health, Education, and Welfare and other departments and agencies, handicapped individuals and public and private agencies and organizations, a long-range projection for the provision of comprehensive services to handicapped individuals, with the understanding that such projection shall relate individual agency plans to one another in order to provide maximum effectiveness, sensitivity and continuity in the provision of services to handicapped individuals. It should be clear that this long-range projection for services shall represent the direction toward which the Department intends to proceed in providing services to handicapped individuals and shall include a plan for implementation, including costs of such plans. Under no circumstances do the Conferees intend that this projection be implemented without opportunity for Congressional review and enactment of any necessary authorizing legislation.

The Conference agreement further deletes all reference to budgeting and provides language to make clear that such Office shall be vested only with advisory functions and that no authority has been provided to this Office for budgetary, policy, or program control by the Office over any program, except as such authority relates to a central clearinghouse for information and resource availability. The conferees intend that no operating program shall report to, or through such office to the Secretary.

The House bill established a National Information and Resource Center under title IV of the House bill to collect, review, organize, publish and disseminate information and data related to problems caused by handicapping conditions in title IV.

The Senate bill and the Conference agreement direct the Office for the Handicapped to serve as a clearinghouse for information and resources through the evaluation of existing information and data systems in order to develop within the Department of Health, Education and Welfare a coordinated system of data and information retrieval and dissemination. It is the intent of the Conference agreement that maximum utilization should be made of existing information and data systems and that, as a priority, this Office will identify data, information and statistical needs. The Conferees emphasize that where data, information and statistics do not exist or are not currently available, the Office will take immediate action to ensure that such data, information and statistics are collected and will be made available for use by the Congress, the Secretary, operating programs, and interested individuals and organizations.

TITLE VII.—MISCELLANEOUS

Effect on existing laws

The Senate amendment but not the House bill repealed the Vocational Rehabilitation Act 90 days after the date of enactment of the new Act, and further provided that references to such Act in any other provisions of law shall 90 days after enactment, be deemed to be references to the Rehabilitation Act of 1972. There were no comparable House provisions. The House recedes.

Federal Interagency Committee on Handicapped Employees

The Senate amendment established the Federal Interagency Committee on Handicapped Employees, comprised of the heads of the Civil Service Commission, the Veterans Administration, and the Departments of Labor and Health, Education, and Welfare. The Chairmen of the President's Committee on Employment of the Handicapped and of the President's Committee on Mental Retardation are ex officio members; the Commissioner of the Rehabilitation Services Administration serves as the Executive Director, and the Secretary of Health, Education, and Welfare as chairman of the Committee. The various departments and agencies in the Executive Branch are required to submit an affirmative action program concerning the hiring, placement and advancement of handicapped individuals; the Committee is to develop and recommend to the Secretary of Health, Education, and Welfare procedures for hiring the handicapped individuals. The Committee shall report to the Congress on June 30, 1973, regarding the status of the handicapped employed by the Federal Government, along with its recommendations. This section also prohibits volunteer work in a government from being considered Federal employment for certain purposes; and authorizes appropriations of $1 million for FY 1973 and $1,250,000 for FY 1974. There were no comparable House provisions. The House recedes.

National Commission on Transportation and Housing for Handicapped Individuals

The House bill established a National Commission on Transportation and Housing for the Handicapped headed by the Secretary of Health, Education, and Welfare or his designee.

The membership of the Commission is not to exceed 15 members, with the Secretary of Housing and Urban Development, the Secretary of Transportation, and the Secretary of the Treasury (or their designees) serving as ex officio members. The purpose of the Commission shall be to study problems and make recommendations with respect to transportation and housing for the handicapped. There was no comparable Senate provision.

The conference agreement retains the essential elements of the House bill by establishing a National Commission on Transportation and Housing for Handicapped Individuals and requiring the coordination of such Commission with the Architectural and Transportation Compliance Board.

Architectural and Transportation Barriers Compliance Board

The Senate amendment established the Architectural and Transportation Barriers Compliance Board composed of the heads of the Departments of Health, Education, and Welfare, Transportation, Housing and Urban Development, General Services Administration, the Department of the Interior, the U.S. Postal Services, the Veterans Administration, and the Department of Labor. The function of the Board is to insure compliance with standards prescribed by GSA, The Department of Defense, and HUD pursuant to the Architectural Barriers Act of 1968, and make appropriate investigations, and issue necessary orders. The Board is authorized to appoint necessary hearing examiners and receive administrative assistance for the Board by involved agencies. An annual report to Congress and an authorization of $1 million for FY 1973, $1,250,000 for FY 1974, and $1,500,000 for FY 1975 are provided for. There were no comparable House provisions. The House recedes with a conforming amendment requiring coordination between the Board and the National Commission on Transportation and Housing of Handicapped Individuals.

Employment under Federal contracts

The Senate amendment required that any Federal procurement contract contain a provision requiring Federal contractors and subcontractors to take affirmative action to employ qualified handicapped individuals. These provisions shall be implemented 90 days after enactment. A complaint may be filed by any aggrieved handicapped individual with the Department of Labor, which shall investigate and take appropriate actions. There was no comparable House provision. The House recedes.

Nondiscrimination under Federal grants

The Senate amendment provided that no otherwise qualified individual shall be discriminated against or excluded from participation in or benefits of any program or activity receiving Federal assistance. There was no comparable House provisions. The House recedes.

RANDOLPH-SHEPPARD ACT FOR THE BLIND AMENDMENTS

The conference report does not include title VII from the Senate amendment, relating to the Randolph-Sheppard Act for the blind. Under the Rules of the House of Representatives, and pursuant to the Legislative Reorganization Act of 1970, such title would not be considered germane and would thus be subject to a point of order in the House.

The conferees stress that exclusion of title VII is not due to any lack of concern for, or disregard of the need for, strong and forward-looking amendments to the Randolph-Sheppard Act. The conferees expect that both committees will consider these matters in depth after the 93d Congress convenes.

The conferees are deeply concerned that the Congress has not been able to obtain any definitive information concerning legitimate uses of vending machine income on federally-controlled property. In view of this concern, the conferees urge that the General Accounting Office conclude, at the earliest possible date, its audit and study of such funds and their legitimate uses made pursuant to resolution of the Subcommittee on the Handicapped of the Senate Committee on Labor and Public Welfare; and that any recommendations of the General Accounting Office include recommendations with respect to procedures to insure full public disclosure and accountability with respect to the use of such funds.

CARL D. PERKINS,
JOHN BRADEMAS,
PATSY T. MINK,
ALBERT H. QUIE,
ORVAL HANSEN,
Managers on the Part of the House.

ALAN CRANSTON,
JENNINGS RANDOLPH,
HARRISON WILLIAMS,
CLAIBORNE PELL,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
ADLAI E. STEVENSON,
ROBERT T. STAFFORD,
ROBERT TAFT,
J. JAVITS,
RICHARD S. SCHWEIKER,
J. GLENN BEALL, JR.,
Managers on the Part of the Senate.

REHABILITATION ACT OF 1972

Mr. CRANSTON. Mr. President, as chairman of the Senate conferees and of the committee on conference on H.R. 8395, I am privileged to speak in support of the conference report I filed yesterday morning. The Congress can well be proud of the compromise this report represents. In my opinion, the resulting measure is a stronger piece of legislation, with a few exceptions, than the provisions of either version separately.

At the outset, let me say that the conference report includes in the introductory sections and titles III through VII almost all of the provisions contained in the introductory sections and titles II, III, IV, and V of the Senate amendment. These include:

First. The Rehabilitation Services Administration—RSA—provisions regarding the independent status of that administration and the independent authority of the RSA Commissioner over all the basic grant, and research and training programs, including the Senate provision to expand the staff of the RSA and to establish within RSA a new Division of Research, Training, and Evaluation and within that Division a new center for Technology Assessment and Application;

Second. Individualized written rehabilitation program;

Third. Construction grants—no substantive difference from House bill;

Fourth. Vocational training services—no difference in operative provisions from House bill;

Fifth. Mortgage insurance with a compromise with the House on the maximum amount of the mortgage—90 percent of replacement cost—and the percent insured—100 percent;

Sixth. Annual interest grants, with a compromise with the House on the rate of interest subsidy—four interest points or one-half of the annual interest rate, whichever is the lesser;

Seventh. Special projects and demonstration;

Eighth. National Center for Deaf-Blind Youths and Adults—no difference in operative provisions from House bill;

Ninth. Rehabilitation Centers for Deaf Individuals;

Tenth. Spinal Cord Injuries Centers, with a compromise with the House to include necessary and appropriate related research and training activities and deleting reference to a network of such centers;

Eleventh. Grants for end-stage renal disease—accepting the House authorization figure of $25 million for each of the next 3 fiscal years;

Twelfth. Rehabilitation services for older blind individuals, with a compromise with the House to make the program one of project grants rather than State formula grants;

Thirteenth. National Advisory Council on Rehabilitation of Handicapped Individuals;

Fourteenth. State advisory councils with a compromise with the House to make the establishment of such councils discretionary and to authorize the appropriation of $2 million rather than set aside funds from basic State grant appropriations; and

Fifteenth. General grant and contract requirements.

Title III of the Senate amendment, on research and training, is retained in title IV of the committee report. This title includes special emphasis on the development of rehabilitation engineering research centers which would seek to apply the most advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems, including the design, development, and production of suitable equipment and devices. It is a crime, in my judgment, Mr. President, that this country so wealthy in technology and so rich in scientific achievement has made only the most minimal use of this science and technology for the benefit of handicapped individuals.

Many European countries have developed and made available to handicapped individuals far more sophisticated orthotic and prosthetic devices, as well as other mechanisms and devices for handicapped individuals, than are generally available here. Moreover, although there may be isolated instances where certain rather sophisticated mechanisms have been produced and made available to enhance the living and employability of handicapped individuals, these advances are generally available only to a few and there is no central agency charged with responsibility for developing, producing, and disseminating these devices throughout the country.

I believe that our science and technology belong to all Americans. That is one of the reasons I strongly support the space program. I believe that our science and technology should not be withheld from those less fortunate who because of their handicaps cannot take full advantage of much of the technology we take for granted. There are millions and millions of such Americans—perhaps 30 million—and I think that simple justice requires that we give them the benefit of a more independent, self-sufficient, and remunerative existence.

That is what the conference report provisions seek to do by establishing the new Center for Technology Assessment and Application and earmarking 15 percent in fiscal year 1973 and 25 percent in fiscal years 1974 and 1975 for the establishment of Rehabilitation Engineering Research Centers to be coordinated by the Center for Technology Assessment and Application.

Title IV of the Senate amendment, on administration and program and project evaluation, is also maintained, virtually intact, in title V of the conference report, including endorsement by the conferees of the Senate provision directing an original study of sheltered workshops and the Senate committee resolution setting forth the scope of that study.

Title V of the Senate amendment, on the Office for the Handicapped, also is basically retained in the conference report as title VI. Certain modifications, explained in detail in the joint explanatory statement of managers, were made to make clear that the Office would carry out coordinating and recommending functions, not line or sign-off responsibilities, except for the information clearinghouse functions assigned to it.

Title VI of the Senate amendment was also retained—in title VII—and adds as a section 702 the House provision—section 413 of the House bill—establishing a National Commission on Transportation and Housing for Handicapped Individuals, which is to operate in coordination with the Architectural and Transportation Barriers Compliance Board established in section 703 of the conference report. Thus, the report includes the Senate provisions on the Federal Interagency Committee on Handicapped Employees, the Architectural and Transportation Compliance Board, employment under Federal contract, and nondiscrimination under Federal grants.

Essentially, Mr. President, the basic compromises made by the Senate were as follows:

First. We receded from the more equi-

table allotment for 15 percent of the funds—for severely handicapped individuals—under part C of title I of the Senate amendment.

Second. We receded from the cost/durational model for providing services to such individuals in the Senate amendment and particularly the definition of "severely handicapped."

Third. We receded from the higher authorization of appropriations figures for the title I basic grant program in the Senate amendment, to the House figure—$800 million—for fiscal year 1973, and to a compromise—$975 million—for fiscal year 1974.

Fourth. We adopted the basic provisions of the separate title III in the House bill—title II in the conference report—for services for handicapped individuals without a vocational goal.

Fifth. We were unable to retain the full client advocacy system which the Senate amendment required be established to serve clients in every geographical area—citywide, countrywide or statewide.

Sixth. The Senate also receded from the experimental appeals provision which the House would not accept, but the Commissioner has general authority to carry out such experimental programs under innovative and expansion grants, special project and demonstrations, or research.

Seventh. The Senate reluctantly receded from its title VII amendments to the Randolph-Shepard Act because they were considered nongermane under the rules of the other body.

Eighth. We accepted a joint compromise to allow a single non-Federal share requirement for projects being jointly funded, but provided for such joint funding only when the administering agency is the Federal agency principally involved and that when the principal agency is the Rehabilitation Services Administration that inconsistent grant or contract requirements may be waived for laws other than this act.

Ninth. The Senate accepted the House provision for the submission by a State of a consolidated rehabilitation plan with amendments to preclude transfer of funds and to provide a veto over such plan to the State administrator for the Developmental Disabilities and Facilities Construction Act, and the Secretary of Health, Education, and Welfare.

With respect to the title I part C formula in the Senate amendment—population multiplied by per capita income—the House conferees were adamant in their opposition. They did accept, however, the 2-year authorization—through fiscal year 1974—in the Senate amendment for the basic title I State formula grant program. This will mean that the question of developing a more equitable allotment formula will be taken up again in the first session of the next Congress. I spoke at some length when the Senate amendment was adopted on the inequity for the more populous States entailed by the present Hill-Burton type formula, and I thus will not discuss this further at this time except to note that we were most disappointed that a more just formula could not be agreed to.

With respect to the basic question of how to achieve a far greater stress on serving those with the most severe handicaps, and accommodation between the two bills was reached in line with the State plan requirements in the Senate amendment, but with substantially more responsibility granted to the Federal Government.

The House was convinced that the Senate plan to trigger extra funds for supplementary funds for serving severely handicapped individuals—a term dropped entirely in the conference report—to be available after double the average case cost was expended—would not have the desired effect. On the Senate side, we were convinced that a strong statutory provision had to be included, rather than relying on committee report language, in order to bring about a dramatic reordering of service priorities. The result is section 101(a)(5)(A) in the conference report which provides that the State plan must—

Contain the plans, policies, and methods to be followed in carrying out the State plan and in its administration and supervision, including a description of the method to be used to expand and improve services to handicapped individuals with the most severe handicaps; and, in the event that vocational rehabilitation services cnnot be provided to all eligible handicapped individuals who apply for such services, show (i) the order to be followed in selecting individuals to whom vocational rehabilitation services will be provided, and show the order to be followed in selecting individuals to whom, comprehensive rehabilitation services will be provided, and (ii) the outcomes and service goals, and the time within which they may be achieved, for the rehabilitation of such individuals, which order of selection for the provision of vocational rehabilitation services shall be determined on the basis of serving first those individuals with the most severe handicaps and shall be consistent with priorities in such order of selection so determined, and outcome and service goals for serving handicapped individuals, established in regulations prescribed by the Commissioner.

The conference report thus requires a dramatic reorientation for the vocational rehabilitation program carried out by the Rehabilitation Services Administration in HEW. Under the conference report, for the first time in the law, maximum emphasis is given to providing rehabilitation services to handicapped individuals with the most severe handicaps. This direction to serve first those with the most severe handicaps arose from findings in both the House and Senate hearings that this program was serving basically those with the least severe handicaps and that the most severe handicapped individuals were receiving the very least services, if any at all.

The Senate also agreed to accept the basic concept of a separate authorization of appropriations for services to those handicapped individuals for whom a nonvocational goal is not possible or feasible, rather than serving these individuals with up to 10 percent of the basic grant title I funds as in the Senate amendment. This provision is contained in title II of the conference report and is modeled on title III of the House bill with the following exceptions: The conference provision: First, includes the Senate provision that alternate funding sources must be sought; second, includes the Senate concept that this program must be carried out in general compliance with—and as part of—the basic State plan—except for the first service priority for those with the most severe handicaps; third, as in the Senate amendment, requires that individuals shall be served for nonvocational goals only after the individualized written rehabilitation program procedures are fully carried out with maximum emphasis on achieving a vocational goal; fourth, distributes funds as project grants until appropriations exceed $20,000,000 at which point the State formula allotment is used in the House bill; fifth, increases the State minimum from $50,000 to $150,000 and sixth, drops all reference to severely handicapped individuals.

I personally was convinced that this was a preferable approach to the Senate amendment approach in so far as nonvocational goal rehabilitation is concerned.

The greatest single disappointment to me in the conference report is the alterations which were made in the client advocacy provisions in section 112 of the Senate amendment, also section 112 in the conference report. This issue consumed more time in the conference than any other. The belief of the Senate conferees was that a client advocacy system was needed to serve all vocational rehabilitation projects and programs in order to provide clients and client applicants with the opportunity to achieve a fair shake from the system.

After a great deal of consideration, the House finally receded to the Senate provision with an amendment under which the title of the program was changed to "Client assistance" and the number of projects would be carried out were limited to between 10 and 20 with up to $2.5 million in fiscal year 1973 and up to $5 million in fiscal year 1974 from special projects and demonstrations appropriations under section 305 of the conference report. Most significantly, however, the conference report provisions do earmark no less than $1 million in each of these fiscal years for the purpose of establishing these client assistance projects.

It was made quite clear within the conference that if these client assistance projects prove themselves to be useful and effective in improving the sensitivity and responsiveness of projects, programs and facilities, the House members would be willing to give sympathetic consideration to the expansion of such projects to a system of client assistance to serve all programs under the State plan, as was provided in the Senate amendment.

We intend to watch very closely the administration of these new projects and expect the Rehabilitation Services Agency to devote substantial time and energy to designing the most appropriate and effective client assistance projects possible and to consult with and keep closely advised the appropriate congressional committees.

Mr. President, the crucial thrust of the conference report title I program is to eliminate the creaming and shift the

focus to harder cases in order to serve individuals with more severe handicaps. Because it seemed clear to us that, generally, in order to carry out this new priority for serving those with the most severe handicaps, more funds would be required if we are not going to experience a severe cutback in the numbers of handicapped individuals helped by this program, and because the estimates of the total number of handicapped individuals requiring VR services range from 7 million to 30 million, for these two reasons, we authorized $800 million for the basic State program. Pursuant to that authorization, last night during consideration of the Supplemental Appropriations bill, I indicated my interest, along with other Senate conferees, Senators WILLIAMS, RANDOLPH, and STAFFORD in offering an amendment to increase the appropriations for the basic State grant program by approximately 20 percent over the level of appropriations for fiscal year 1972—that is, from $560 million to $672 million, of which $50 million had already been recommended in the committee bill and was approved by the House.

With respect to the innovation and expansion grants, special projects, research and training, and program and project evaluation, we planned to propose a $38 million increase.

On October 9, 1972, Senators WILLIAMS, RANDOLPH, STAFFORD, and I had written to the distinguished subcommittee chairman requesting full funding of the authorization figures, and I ask unanimous consent that the text of that letter be included in the RECORD at this point.

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

U.S. SENATE,
COMMITTEE ON LABOR AND
PUBLIC WELFARE,
Washington, D.C., October 9, 1972.

HON. WARREN G. MAGNUSON,
Chairman, Subcommittee on Labor-HEW Appropriations, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As Senate conferees on H.R. 8395, the Rehabilitation Act of 1972, we would like to recommend that you place emphasis on several important aspects of the vocational rehabilitation program appropriations which you are currently considering for Supplemental Appropriations. We are aware of the fact that you are considering the Administration's budget request which was sent to the Congress in January of this session, but believe that important changes have been made in the authorizing legislation which will soon be reported from the Committee on Conference and necessitate a reassessment in the figures which were recommended by the Administration earlier this year.

Both the Senate and the House Committees in reviewing this legislation found that important changes were needed in the authorizing legislation in order to ensure that the vocational rehabilitation program might better meet its stated goal of providing counselling, evaluation and vocational training services to handicapped individuals. Most prominent in these changes, which have been agreed upon by the Senate and House conferees, are: (1) that a greater emphasis be placed on providing services to those individuals with the most severe handicaps who have the greatest need for vocational rehabilitation services, and (2) that the Rehabilitation Services Administration place greater emphasis on rehabilitation research and training which has a direct relevance to improving services, so that advances in rehabilitation methods and techniques can be translated into services for handicapped individuals.

We would, therefore, recommend that you now reevaluate administration requests for the following categories: basic grants to States, grants for innovation and expansion, and research, training and special project authority under Special Projects.

1. We believe that expanded funding will be needed by the States in order to carry out the directive, in the conference report, to place emphasis on serving those individuals with the most severe handicaps in the State vocational rehabilitation program. Both Committees found during hearings that State programs tended to concentrate on the easier cases because, being less costly and taking less time, this emphasis resulted in higher "closure" statistics and "success" rules. We, therefore, recommend that your Committee recommend appropriation of $800 million (which is the full authorization agreed to in conference) for basic grants to States.

2. The conferees recognize that States will have to undertake an expansion of services in order to serve those with the more severe handicaps, and we, therefore, recommend that you approve funding at the full authorization for expansion and innovation grants to States—$50 million.

3. Both the Senate and House Committees were disturbed to find during hearings that little coordinated emphasis was being placed on research and the translation of research into technology for methods, techniques and devices which would enable many handicapped individuals to ameliorate their handicapping conditions, and to make full use of their skills. The Committees found that much of this technology development and research has been or can be done, but that the effects were not being integrated into the vocational rehabilitation service program. The conferees have placed great emphasis on this area within the Conference report, and we believe that an early appropriation is necessary to render these vital, redirected, research programs operative as soon as possible. We, therefore, request that you approve $60 million specifically to carry out the new research authority contained in the Conference report.

4. The Committees found that in recent years the Social and Rehabilitation Services Administration has cut back drastically on the training of rehabilitation personnel, thus producing gaps in the fields where advances are being made, and placing great stress on rehabilitation programs, facilities and specialized services as to which an increase in personnel is badly needed. If this additional personnel is not available, there will be no advances in research and programs will have to cut back on services and the number of handicapped individuals served, and we, therefore, recommend that you provide an appropriation of $50 million, specifically to be used for such personnel training.

5. One of the important methods of producing new techniques and methods in the field of rehabilitation has been to award grants for special projects and demonstrations to develop and demonstrate innovative methods of delivery of services and application of devices for the benefit of handicapped individuals. The Committees found during hearings that there was a great need for new emphasis on such projects, and we, therefore, request your approval of $50 million for special projects and demonstrations.

The Rehabilitation Act of 1972 totally revises the Vocational Rehabilitation Act, and, in doing so, authorizes many new programs for specific disability groups.

These programs and authorities include: non-vocational services for handicapped individuals, services to individuals with spinal cord injury; services to individuals with end-stage renal disease; services for older blind individuals; rehabilitation centers for deaf individuals; mortgage insurance and annual interest grants for construction of rehabilitation facilities; the establishment of an Office for the Handicapped; and an important study of the role of sheltered workshops.

Although we believe that appropriations for these new programs will be needed very soon, we also recognize that it will take some time for the Administration to implement these new programs, and that there will be time, at the beginning of the next Congress, to request appropriations for this new authority in the Second Supplemental Appropriations bill. We do believe however, that efforts must begin now toward the revision of this program in the direction of services to individuals with the most severe handicaps, and toward a greater emphasis on relevant research, training and demonstration projects, and strongly urge your inclusion of the amounts recommended above for these areas in the Supplemental Appropriations bill.

With warm regards,
Sincerely,

HARRISON A. WILLIAMS, Jr.
JENNINGS RANDOLPH.
ROBERT STAFFORD.
ALAN CRANSTON.

Mr. CRANSTON. However, I decided not to offer that amendment after talking to the distinguished chairman of the Labor-HEW Appropriations Subcommittee (Mr. MAGNUSON) who suggested that we wait until early next Congress and assured me that he would then work with us to increase these appropriations.

Mr. President, the authorizations for appropriations in the conference report for fiscal year 1973, just for the basic vocational rehabilitation program—apart from the new programs—are $800 million for the basic State grant program under section 110; $50 million for innovation and expansion grants under section 111; $50 million for special projects and demonstrations under section 305; $75 million for research and $50 million for training under title IV; and up to one-half of 1 percent of the funds appropriated under titles I, II, III, and IV of that act or $2 million, whichever is greater, for program and project evaluation under section 501.

The authorization figures contained in the conference report were arrived at after the most painstaking consideration by the authorizing committees in the two bodies.

In the Senate, I was privileged to chair extensive hearings of the subcommittee on the handicapped covering 5 full days on this legislation. Those hearings documented in the most forceful and poignant way the inadequacies of our efforts in trying to provide an equitable program of services in order to achieve the greatest employment potential for handicapped individuals. Despite estimates of the total of handicapped individuals in the United States who could benefit from services of up to 30 million, in fiscal year 1972 the vocational rehabilitation program provided some services to only 1,100,000 individuals of whom 326,138 individuals were considered rehabilitated. These figures, no matter how much they may represent in terms of in-

dividual success stories, are pitifully low in terms of the enormous universe of need for these services.

I believe we can and must do more, and I know we can count on Senator MAGNUSON to do all possible to provide a more realistic level of basic program appropriations to met the enormous universe of need for vocational rehabilitation services.

Mr. President, the joint explanatory statement of managers on the conference report—House Report 92–1581—already printed in the RECORD, sets forth in more detail on the accommodations between the House and Senate versions of the bill.

In closing, I want to express my appreciation to my fellow Senate conferees, especially Senator WILLIAMS, chairman of the full Committee on Labor and Public Welfare, Senator RANDOLPH, chairman of the Subcommittee on the Handicapped, and Senators STAFFORD and JAVITS, the ranking minority members of the subcommittee and full committee, respectively. They most ably represented the Senate position at the conference. Also, I wish to thank the distinguished chairman of the House conferees, Mr. PERKINS, and of the House subcommittee, Mr. BRADEMAS, for their great spirit of compromise and accommodation. Their leadership and the cooperation of the other House and Senate conferees has produced what I believe is a truly important piece of legislation to help America's millions of handicapped persons.

Mr. RANDOLPH. Mr. President, adoption of the conference report on H.R. 8395, The Rehabilitation Act of 1972, is the culmination of months of effort on the part of a number of Senators and their staffs.

It is also the beginning of the realization of the hopes and dreams of thousands of handicapped individuals throughout the country.

H.R. 8395 is a thoughtful, forward-looking measure which, if it is fully implemented, will drastically expand services, research and training in the field of vocational rehabilitation. In addition to the basic program for provision of rehabilitation services, authorized at a level of $800 million for the first year, and $975 million for the second year, H.R. 8395 provides a number of special programs to emphasize services to groups of handicapped persons who have in the past been inadequately served.

For the first time, strong emphasis is placed on serving those with the most severe handicaps. This is a change in the direction of the rehabilitation program, and in my view it is a needed and progressive change.

The Rehabilitation Services Administration has, under H.R. 8395, responsibility to administer the programs under the act.

New emphasis is placed on research and training through a separate title on these subjects. Research and technology in the field of rehabilitation have lagged far behind in their application to the problems and the needs of handicapped individuals. In fact, technology in other countries has surpassed technology in this country, and to make matters worse, such technology is not being transferred for use in the United States. It is hoped and expected that this situation will be altered when H.R. 8395 begins to take effect.

I would like to bring to the attention of my colleagues a number of provisions in my bill, S. 3987, which were retained in conference. These are matters which I sponsored and which I believe are most important to the increased provision of services to handicapped individuals.

First, I have proposed, and the conferees have accepted, a new Architectural and Transportation Barriers Compliance Board. Handicapped persons each day of their lives struggle with physical and attitudinal barriers which do not affect those of us who are not handicapped. Flights of stairs and narrow doorways may be minor inconveniences to most of us, but to the person in a wheelchair they are real, and often insurmountable, obstructions. It is the purpose of the Board to assure that Federal facilities, as well as facilities which are constructed with Federal assistance, are as fully accessible to the handicapped as possible.

Public transportation, too, and housing, are not generally provided with the needs of handicapped individuals in mind. The Board is expected to make legislative and other recommendations as to the need for improving accessibility by the handicapped with respect to these and other areas of everyday life.

I also sponsored the Federal interagency Committee on Handicapped Employees which will insure that all Federal departments, agencies, and instrumentalities make every effort to hire, place, advance in employment, and recognize the special needs, of handicapped persons in Federal service. This committee will help make the employment environment easier for those handicapped individuals who wish to enter, or have entered, Federal employment.

I also sponsored a provision to bring additional personnel into the Rehabilitation Services Administration to help that agency cope with its new responsibilities, as well as one to raise the authorization ceiling for the President's Committee on Employment of the Handicapped and to require the Department of Labor and Health, Education, and Welfare to cooperate with that committee in carrying out its functions.

I sponsored a special provision for rehabilitation services to older blind individuals, which I introduced last year as S. 1030. That provision is in the conference bill.

To my deep regret, my Randolph-Sheppard Act for the blind amendments were not adopted in conference because of a rule of the House of Representatives that would result in those amendments being considered nongermane to the Rehabilitation Act, and thus subject to a point of order on the House floor. The conferees, both House and Senate, did agree, however, that the Comptroller General should complete his audit and study of the sources and uses of vending machine income on federally controlled property, as quickly as possible, and that upon review of such audit and study, the House Committee on Education and Labor and the Senate Committee on Labor and Public Welfare should and will consider and propose early in the first session of the 93d Congress such legislative action as they determine to be appropriate in light of the results of such study and audit.

I strongly believe that improvements to the Randolph-Sheppard Act are urgently needed and long overdue. I pledge to do my utmost to see that such improvements are enacted.

As chairman of the Subcommittee on the Handicapped, and as chief sponsor of the legislation, S. 3987, that was approved in the Senate, I am gratified with the results of the conference report. I want to thank the House conferees, particularly Chairman PERKINS and Congressman BRADEMAS for the fine effort and cooperation they provided.

Special mention must be made of the outstanding contribution to the success of this legislation of Senator ALAN CRANSTON. As he chaired the hearings on H.R. 8395 at my request, as he provided leadership as manager of the bill on the Senate floor and as chairman of the House-Senate Conference, the Senator from California performed yeoman service in an efficient, strong, and humanitarian manner. I also want to thank Senator WILLIAMS, Senator JAVITS, Senator STAFFORD, Senator BEALL, and Senator TAFT for their able and valued assistance.

Finally, Mr. President, I want to say to the handicapped Americans who will benefit so greatly from this legislation, that a new day is dawning for many of you. The Congress has awakened to your needs. We do now, and will continue to do so in the future, protect and expand your horizons, and with your help, bring a new dimension of dignity, hope, and self-sufficiency to all handicapped individuals.

Mr. JAVITS. Mr. President, the Vocational Rehabilitation Act of 1972, the conference report now before us, both continues and improves the longstanding and successful vocational rehabilitation program. The bill also continues unchanged State allotment formula in the State programs—programs being funded at the $600 million level. While the bill—except for this provision—runs through fiscal year 1975, this particular provision covers only through the next fiscal year. This will give the Congress next year an opportunity to review carefully the existing formula with a view to modifying its provisions so that it will not be discriminatory against the urbanized States and the handicapped citizens of the Nation living in the great metropolitan areas.

Mr. STAFFORD. Mr. President, during the final days of this session, most of the news headlines focus on issues like welfare reform, revenue sharing, school busing, and other partisan political subjects. Less attention has been given to the bill stated in the conference report which is now before us and that, I believe, will

help millions of handicapped Americans to live fuller and better lives.

Simply stated, the goal of this new law is to help handicapped individuals to achieve their full potential of participation within our society. The Senate-House Conference Committee, I think, has worked out a significant step forward in our vocational-rehabilitation programs that are well worthy of becoming law during the closing days of the 92d Congress.

There are an estimated 7 to 12 million handicapped individuals in our Nation who have not realized their full potential in performing at some job. In the most recent fiscal year, more than 1.1 million disabled persons were served by State vocational rehabilitation agencies, and more than 300,000 of those individuals were reported to have been rehabilitated.

It is clear that we still have a long way to go, just as it is clear that this new law and the funds authorized by it will not meet all of our national needs.

But, this new law can guarantee that many more individuals with severe handicaps will be served than at present. The new law provides particular emphasis on a method of making available services that will be responsive to individual needs. It will also insure that no one will be excluded from the program simply because his or her handicap is too severe.

During extensive hearings on the bill, I became convinced that this Nation could improve the effectiveness of our vocational rehabilitation programs by giving our handicapped citizens the power to help shape their own future in the program.

With that conviction in mind, I proposed a method by which the handicapped client would be guaranteed the right to participate in planning his own rehabilitation program. I am pleased to report that idea was accepted by the conference committee.

The idea is called the individualized written rehabilitation program, and it insures the protection of the individual rights of the handicapped person in the system. It offers both the system and the handicapped person the opportunity to work together in developing a program designed for the rehabilitation of the individual.

In short, the written program represents an understanding between the vocational rehabilitation agency and the handicapped individual. It is expected that the terms of the understanding will be carried out unless circumstances convince both parties that the original goal should be renegotiated.

I am convinced that this new approach will bring more dignity and greater achievement to our rehabilitation efforts. It will also help us to better evaluate our system at all stages of its operation.

In keeping with the belief that the handicapped should have a greater voice in the shaping of their own future, the Congress also adopted my proposal that requires special consideration be given to hiring handicapped individuals to fill all positions in the new Office of the Handicapped and on the President's Committee on Employment of the Handicapped. The Federal Government is asked to match its words with deeds.

The law breaks new ground in other areas of vocational rehabilitation, and it will bring new hope, dignity, and fulfillment to thousands of handicapped citizens of our Nation.

Mr. President, I can assure you that the many long, hard and arduous hours that went into developing the bill in both the House and Senate were well spent when we look at the end product. This conference report and bill deserves unanimous support of all the Congress and the American people.

Thank you, Mr. President.

Mr. CRANSTON. Mr. President, I move adoption of the conference report.

The motion was agreed to.

RESTRICTION ON DUMPING OF MATERIAL IN OCEANS, COASTAL, AND OTHER WATERS—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on H.R. 9727, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

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

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 9, 1972, at pages 34378–34382.)

Mr. HOLLINGS. Mr. President, the conferees on this bill were in conference for quite some time, but the report submitted today was ultimately agreed to without dissent. Three issues occupied most of our time in conference: The matter of permits for the discharge of dredge spoil into the oceans, the geographical coverage of the bill, and the question of marine sanctuaries. On the dredging question, the Senate had given primary authority to the Environmental Protection Agency to regulate dredge spoil discharges, while the House bill conferred lead agency authority on the Corps of Engineers. After considerable discussion the conferees reached agreement that the corps would issue the permits but subject to a veto from the Environmental Protection Agency in the case of each and every permit. We regard this compromise as essentially favorable to the Senate position since in the event of disagreement between the two agencies, the Environmental Protection Agency will prevail.

On the two other issues, the Senate yielded as the price necessary to get a bill out of conference. The two Houses had differed on the geographical coverage of the statute, with the House favoring control of discharges into all ocean waters and the Senate covering only those discharges 3 miles from the coast and beyond. On the question of marine sanctuaries, the House had adopted a provision authorizing the Secretary of Commerce to create sanctuaries for the purpose of preserving such areas for their ecological or recreational values, while the Senate was silent on the subject. In the case of each of these provisions, the Senate position was based less on substantive considerations than on a reluctance to impinge upon jurisdictional relationships among Senate committees. Having agreed to the House provisions on these matters, I think the record should show that it was not our intention to disturb existing jurisdictional divisions of labor now or in the future.

Mr. President, what has emerged from the conference in my view is a fine bill which I believe will prove adequate to deal with the immediate and long-range problems of ocean pollution. Too long we have allowed indiscriminate ocean dumping of pollutants without examining the harmful consequences that may result. This bill will give us reason to breathe easier with respect to the future of our precious ocean resources.

It was the intent of the framers of this legislation that the kinds of dumping which are now going on be prohibited, except under criteria to be established by the Administrator of the Environmental Protection Agency. Present dumping activities, except as expressly provided for in the legislation, must come under new permit requirements as set forth by the Administrator. Any existing permits, once the law takes effect, shall be superseded by new permits which may be issued by the Administrator.

Much credit is due the administration, of course, for its efforts in promoting this legislation. Thanks should also go to the very able conferees and committee members who participated in the development of the bill. What we have is a good report which I would hope my colleagues would adopt quickly and without reservation. The health and welfare of our oceans demands no less.

Mr. JACKSON. Mr. President, I want to compliment the distinguished Senator from South Carolina for the important work he has done on the Marine Protection, Research, and Sanctuaries Act of 1972. This important measure establishes new Federal policies designed to protect the marine environment and to improve the Nation's management of our ocean resources.

Title III of the conference report deals with the designation of marine sanctuaries by the Secretary of Commerce. This title did not appear in the Senate-passed bill which was considered in the

Senate on November 24, 1971. During debate on the measure on the Senate floor there was discussion of the Interior and Insular Affairs Committee's legislative jurisdiction and interest in any changes which were proposed for the management of the resources of the Outer Continental Shelf.

Mr. President, I have worked closely with the Senator from South Carolina on this matter and he has kept me advised of developments in the conference committee. We are in agreement that adoption of the conference report will not in any way affect the present legislative jurisdiction of either the Senate Commerce Committee or the Senate Committee on Interior and Insular Affairs over the ocean resources and the Outer Continental Shelf. I understand that the Senator from South Carolina has acknowledged that this is the case in his statement on the conference report.

Mr. HOLLINGS. Mr. President, I want to confirm the statement of the Senator from Washington (Mr. JACKSON) and his understanding with relation to the jurisdiction of the Committee on Interior and Insular Affairs and the Committee on Commerce, that he is correct.

Mr. STEVENS. Mr. President, H.R. 9727, the antiocean dumping bill, is a major piece of environmental legislation. It involves intensive effort by both the Senate and the House. This will prohibit the transportation from the United States of any radiological, chemical, or biological warfare agent or any high level radioactive wastes or any other material for dumping except under permit. It will prohibit the dumping of any such warfare agent or radioactive wastes or any other material except under permit transported from any location outside the United States into either the territorial sea or the contiguous zone which extends 12 miles seaward from shore. Additionally, it prohibits Federal Agencies from transporting any such warfare agent or radioactive wastes or other material except under permit for the purpose of ocean dumping. This is a major step forward to insure the cleanliness of our ocean.

Jacques Cousteau, Thor Heyerdahl, and other ocean explorers have commented extensively upon the pollution problem of the world's oceans. Material dumped offshore thousands of miles away across the Pacific can within a matter of weeks find its way onto our beaches. No nation is safe. The oceans are everyone's concern.

This bill will significantly advance the cleanup of the world's oceans. Marine life will directly benefit. So will those people around the world who depend upon marine resources for their livelihoods. People far inland who journey to the sea for recreation or travel will similarly reap the benefits of this massive cleanup.

I hope other countries will take heed and enact similar legislation. I hope this country takes the lead internationally in cleaning up the world's oceans. This country must work together with other nations around the world. No nation is safe from pollution which travels by water. The Convention for the Prevention of Marine Pollution by Dumping From Ships and Aircrafts signed at Oslo, Sweden, in February of this year was a major step in the right direction.

When William Ruckelshaus, Administrator of the Environmental Protection Agency, testified before the Senate on this subject, he recommended—

> The creation of the farthest reaching and strongest authority that law and technology will allow.

Mr. Ruckelshaus and all citizens genuinely concerned about this problem can be proud of H.R. 9727.

I am particularly pleased that the conference committee has exempted organic fish wastes in areas of tidal flushing. This provision in section 102(b) will permit the return of natural fish wastes to the oceans where they form a vital source of food for the other animals in the oceanic food chain. This provision will mean much to fishermen on both coasts and will also positively assist the sea creatures themselves.

As the Senate committee stated in its report on this bill:

> We have treated the oceans as enormous and indestructible—145 million square miles of surface—the universal sewer of mankind. Previously we thought that the legendary immensity of the ocean was such that man could do nothing against such a gigantic force. But the real volume of the ocean is very small when compared to the volume of the earth and to the volume of toxic wastes that man can produce with his technological capacity. And, again, as Captain Cousteau has said:
>
> "The cycle of life is intricately tied with the cycle of water. Anything done against the water is a crime against life. The water system has to remain alive if we are to remain alive on this earth."

I am extremely pleased that Congress has taken strong steps to preserve the oceans and to prevent the continuation of this "crime against life."

Mr. HOLLINGS. Mr. President, I move adoption of the conference report.

The motion was agreed to.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1973—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on H.R. 16593, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GAMBRELL). The report will be stated by title.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

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

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today.)

Mr. McCLELLAN. Mr. President, this report represents the results of three long meetings of the conference committee which were well attended by the conferees on the part of both Houses. While the total money differences between the House and Senate versions of the bill were small, there were many major differences with respect to various programs and activities. The conference committee considered and resolved approximately 250 separate areas of disagreement between the two Houses. This conference was typical of conferences on major appropriation bills in that there were strong feelings on the part of the conferees on many of the issues, but these differences were compromised in the spirit of give and take which must prevail in order for the legislative process to function.

As the bill passed the other body, it provided for appropriations totaling $74,577,548,000 for the programs and activities of the Department of Defense, the Army, Navy, Marine Corps, and Air Force. The Senate bill provided $74,571,698,000 for these programs and activities—$5,850,000 less than the House bill.

The conference committee agreed to appropriations totaling $74,372,976,000 which is under the budget requests of $79,594,184,000 by $5,221,208,000; under the House allowances by $204,572,000; and under the Senate allowances by $198,722,000.

When I presented this bill to the Senate, I called attention to the fact that the committee's recommendations for reductions in the budget requests totaling $4,989,486,000 reflected reductions resulting from the transfer to appropriations in the bill of $1,315,900,000 from other accounts and funds available to the Department of Defense. The conference committee adopted the Senate proposals for these transfers of funds which exceed the transfers proposed in the House bill by $666.4 million. When you compare the conference committee's recommendation for new appropriations and transfers providing a total availability of $75,688,876,000, it is under the budget program by $3,905,308,000; over the House program by $461,828,000; and under the Senate program by $198,722,000.

Mr. President, I ask unanimous consent to have included in the RECORD at this point in my remarks a summary tabulation reflecting the action of the conference committee on the basis of new appropriations and total availability.

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

DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1973, H.R. 16593, SUMMARY

	Budget	House	Senate	Conference	Conference compared to— Budget	House	Senate
New obligational authority	$79,594,184,000	$74,577,548,000	$74,571,698,000	$74,372,976,000	−$5,221,208,000	−$204,572,000	−$198,722,000
Use of funds other than new obligational authority	None	649,500,000	1,315,900,000	1,315,900,000	+1,315,900,000	+666,400,000	
Total availability	79,594,814,000	75,227,048,000	75,887,598,000	75,688,876,000	−3,905,308,000	+461,828,000	−198,722,000

Mr. McCLELLAN. Mr. President, the action of the conference committee is explained in detail in the joint explanatory statement of the committee of conference which is included in the conference report. However, at this time, I want to comment briefly on the action of the conference on a few of the major issues.

NAVY'S NEW S–3A ASW AIRCRAFT

The budget included $519.9 million for the procurement of 42 of the Navy's new S–3A Viking ASW aircraft. The House bill provided $387.7 million for the procurement of only 23. The conference agreed on $472.4 million for the procurement of 35. However, the conference committee provided that these funds are not to be obligated until the Secretary of Defense assures the committees that the continuation of this program is fully justified after reviewing such matters as cost effectiveness and requirements.

MARINE CORPS' HARRIER AIRCRAFT

The budget included a request of $7,100,000 for advance procurement to support the procurement of 24 AV–8A Harrier vertical take-off and landing aircraft in fiscal year 1974. These funds were allowed by the House and disallowed by the Senate. The conference agreed to the restoration of these funds. The Senate conferees were convinced that these 24 aircraft—the last of the planned procurement of 114—should be funded as planned.

AIR FORCE'S F–15 AIR SUPERIORITY FIGHTER

The budget request included $421.6 million for the initial procurement of 30 F–15 air superiority fighter aircraft. The House bill provided only $320.6 million for the procurement of 15 of these aircraft. It was the view of the Senate committee, concurred in by the Senate, that it was not in the interest of the Government to slow down the planned production of this aircraft, and the allowance of the full request of $421.6 million for 30 aircraft was recommended. The conference adopted the Senate position on this aircraft.

AIR FORCE'S A–7D ATTACK AIRCRAFT

The budget request did not include any funds for the continuation of procurement of the Air Force's A–7D attack aircraft. However, the Department of Defense Authorization Act, 1973, included $83.2 million for the procurement of 24 of these aircraft, and the House bill included these funds. The Senate bill did not include any funds for the procurement of A–7D's.

It was the view of the House conferees that the production of this aircraft should be continued and that there is a valid requirement for additional A–7's primarily to provide the Air Force Reserve components with more modern aircraft. While the Senate conferees agreed with the House conferees on this point. It was our view that 12 of these aircraft were adequate, however, the House insisted on 24, and the conference committee agreed on $83.2 million for 24 aircraft.

ADVANCED AIRBORNE NATIONAL COMMAND POST AIRCRAFT

I think the most difficult issue before the conference was the number of advanced airborne national command post aircraft to be funded. It will be recalled that the budget request included $249.6 million for the procurement of six Boeing 747 aircraft to be configured for this mission. The Department of Defense Authorization Act included $127 million for the procurement of four of these aircraft. The House bill included only $28.7 million for the procurement of one aircraft to serve as the "test-bed" for the new electronics and communications equipment being developed. The Senate bill included the $127 million for the four aircraft, as authorized. During the consideration of the bill in the Senate, an amendment to return to the House position of one aircraft was rejected by a vote of 62 to 14, and the Senate conferees felt strongly that the Senate position should prevail. However, the purpose of a conference is to compromise differences, and the conference agreed on three aircraft—one to be funded with $28.7 million included in the "Research, Development, Test, and Evaluation" appropriation and two to be funded with $69 million included in the "Aircraft Procurement" appropriation.

ARMY'S HEAVY-LIFT HELICOPTER PROGRAM

The House bill and the Senate bill included $38 million for the continuation of the Army's heavy-lift helicopter program. However, the House directed that the current Army program for the development of a prototype by one contractor be terminated and that the program proceed on the basis of a competitive component development program. It was the view of the Senate committee that this program should proceed in accordance with the Army's current plans. The committee took this position after being advised by the Army and Department of Defense:

The House Appropriations Committee instruction would increase the cost of the component development phase by more than $100,000,000 for no commensurate return (in the judgment of the technical evaluators and responsible decision authorities) and delay the prototype phase by 18–24 months.

The conference adopted the Senate position on this matter.

The action of the Senate committee in this instance does not reflect any opposition to competitive development. On this point, the Senate committee stated in its report:

While the Committee strongly favors the competitive development approach as a general rule, it feels that it offers no advantage with respect to the Heavy-Lift Helicopter.

Mr. President, in order that there be no misunderstanding of the position of the committee on this matter, I ask unanimous consent to have included at this point in the RECORD the statement in the committee report on the heavy-lift helicopter program.

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

[Excerpt from Senate Report No. 92–1243]

Heavy lift helicopter program.—The committee recommends concurrence in the House reduction of $15,000,000 in the budget request of $53,000,000 for the continuation of the development of the Army's new heavy lift helicopter. In recommending this reduction of $15,000,000, the House committee stated in his report:

"The Committee, in denying the request for funds for the prototype directs that the Army Heavy Lift Helicopter program be conducted as a competitive component development program. . . ."

The Army's original plan for this program was basically a competitive component development program as directed by the House committee. However, this plan was discarded following a detailed technical evaluation of contractor proposals. On May 7, 1971, then Deputy Secretary of Defense David Packard advised the committee:

". . ., we have received and evaluated proposals from five separate contractors. As a result of our evaluation some reorientation of our program is necessary.

"The evaluation clearly disclosed that the Boeing Company submitted the best HLH design proposal with a configuration using tandem rotors and transmissions not greatly larger than systems with which we have experience. The result is a lower technical risk than was initially expected, as well as lower costs for development and production. Hence, an investment in a parallel and directly competitive HLH Advanced Technology Component program as we originally proposed does not appear warranted. . . ."

The Army and the Department of Defense has advised the committee:

"The House Appropriations Committee instruction would increase the cost of the component development phase by more than $100,000,000 for no commensurate return (In the judgment of the technical evaluators and responsible decision authorities) and delay the prototype phase by 18–24 months."

While the committee strongly favors the competitive development approach as a general rule, it feels that it offers no advantage with respect to the heavy lift helicopter program and recommends that the Army should continue the program in accordance with its current plans.

AIR FORCE'S MEDIUM STOL AIRCRAFT PROGRAM

Mr. McCLELLAN. Mr. President, the budget request, and authorization act, included $51.8 million for the Air Force's medium short takeoff-and-landing aircraft, of which $35.8 million was for the continuation of the competitive airframe development program, and $16 million was for the development of the advanced turbofan engine. The House allowed only the $16 million requested for the engine development. The Senate allowed the to-

tal requested, and authorized, of $51.8 million. The conference committee concluded that work should proceed on the development of the airframe and allowed $25 million for this effort. However, the conference committee determined that the development of the advanced turbofan engine could be deferred, and no funds are provided for this program.

RESEARCH AND DEVELOPMENT—GENERAL REDUCTIONS

The House allowances for the various "research, development, test, and evaluation" appropriations were based on general unallocated reductions totaling $457.2 million ($457,204,000). The Senate restored $250.5 million of this reduction, and the conference committee agreed to accept $125.3 million ($125,250,000) of the Senate's restoration. Therefore, the conference committee's allowances for the various "research, development, test, and evaluation" appropriations are based on general unallocated reductions as follows:

Army, $72.5 million ($72,516,000);

Navy, $99.6 million ($99,589,000);

Air Force, $135.3 million ($135,349,000); and

Defense agencies, $24.5 million.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE

During the consideration of the bill in the Senate, an amendment offered by the senior Senator from Massachusetts (Mr. KENNEDY), deleting section 729 of the House bill was adopted. This provision authorizes the Secretary of Defense to make certain ammunition available to the National Board for the Promotion of Rifle Practice for distribution to rifle clubs, and the use of funds for travel expenses of military and naval personnel attending regional, national, and international rifle matches.

With respect to the transfer of ammunition authorized by this section, I have been advised that the total involved is about $85,000 per year used to provide .22-caliber ammunition to eligible junior rifle clubs. With respect to travel expenses, I have been advised that no specific figures are available because each of the military services provide for this cost as a part of their normal operating cost. However, based on the number of military personnel participating in the 1972 National Rifle Matches, it is estimated that the annual cost of travel expenses associated with various rifle team competitions is in the range of $2 to $2.5 million.

Mr. President, the House conferees were insistent on their position on this matter, and after considerable discussion, it was apparent to the Senate conferees that we could not maintain the Senate position on this amendment and we had to recede.

SECTION 724: BUY AMERICAN—SPECIALTY METALS

In acting on the bill, the House added "specialty metals" to the list of items protected under the "buy American" provision of the bill. In recommending the deletion of "specialty metals" from the list of protected items, the Senate committee stated in its report:

. . . this matter was not considered by the committee during its hearings on the bill and the committee is not in a position to recommend the addition of "specialty metals" to those items in Section 724. Accordingly, its deletion is recommended.

This matter was considered in the second meeting of the conference late Monday afternoon, and after discussion, the Senate conferees receded. On Tuesday morning, I received a letter from the Acting Secretary of State, the Honorable John N. Irwin on this matter. The Secretary stated:

. . . European and Japanese steel producers have agreed to limit their exports of steel, including specialty steel products, to the United States. This arrangement is, however, conditioned upon the absence of any new restrictions on imports of steel products into the United States. . . .

I would be grateful if you could take this factor into consideration in making the judgment on this matter.

Mr. President, I ask unanimous consent that Secretary Irwin's letter of October 10 be included in the RECORD at this point in my remarks.

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

DEPARTMENT OF STATE,
Washington, D.C., October 10, 1972.

Hon. JOHN L. MCCLELLAN,
Chairman on Appropriations,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I understand that the Conference Committee on the Department of Defense Appropriations Act will reconvene shortly. We are concerned about a House amendment which would subject certain alloy steels to the Buy-America provisions of the Act.

As you may know, European and Japanese steel producers have agreed to limit their exports of steel, including specialty steel products, to the United States. This arrangement is, however, conditioned upon the absence of any new restrictions on imports of steel products into the United States. We are concerned therefore that adoption of the Buy-America provisions could jeopardize the continuation of the voluntary restraint arrangement which is of benefit and interest to the entire domestic steel industry of the United States.

I would be grateful if you could take this factor into consideration in making the judgment on this matter.

Sincerely yours,

JOHN N. IRWIN,
Acting Secretary.

Mr. McCLELLAN. Mr. President, I want to emphasize that I did not receive this letter until after the matter had been considered in the conference committee and the Senate conferees had receded.

When the conference committee met at 5 p.m. on Tuesday, I brought this matter to the attention of the committee and read Secretary Irwin's letter. The Senate conferees voted unanimously to reconsider the matter along with Senate amendment No. 86 dealing with foreign research and development contracts on which the House had receded. However, the House conferees would not agree to a reconsideration of the previous action of the conference on these amendments.

INVOLUNTARY RESEARCH ON HUMAN BEINGS

The conference committee adopted the amendment offered by the senior Senator from Massachusetts (Mr. KENNEDY) prohibiting the use of funds provided in this bill for "any research involving uninformed or nonvoluntary human beings as experimental subjects."

TERMINATION OF HOSTILITIES IN INDOCHINA

The Senate adopted an amendment offered by the senior Senator from Maryland (Mr. MATHIAS), the effect of which was to repeat the statement of policy with respect to the termination of hostilities in Indochina set out in section 601a of Public Law 92–156. It was the view of the conferees that the existing section is permanent law and that there was no purpose to be gained through amendment No. 87, and the Senate receded.

Mr. President, I will be glad to respond now to any questions following the report by my distinguished colleague and ranking member of the Appropriations Committee. I yield to the distinguished Senator from North Dakota (Mr. YOUNG).

Mr. YOUNG. Mr. President, I thank the distinguished chairman of the committee, Mr. MCCLELLAN, for reviewing the total availability of funds and figures contained in the bill that he has just made. He covered the major points very accurately.

The cut in the appropriations is still more impressive, however, when we use the new obligational authority figures, which I would like to give.

The budget request was $79,594,184,000.

The total cut in the conference report with the new obligational authority requested by the Bureau of the Budget was $5,221,208,000, or nearly five and a quarter billion dollars.

The conference report, which the distinguished chairman just mentioned, the figure was $198,722,000 below the amount of the appropriations bill as it passed the Senate bill, and $204,572,000 below the total amount appropriated by the House bill.

It is a rather unusual situation this year, Mr. President, in that the conference report is both below the House figure and the Senate figure.

I realize that those who believe in a strong national defense will say that this is too much of a cut.

I believe that if we were to continue budget cuts of this size, it is entirely possible that Russia could exceed us in military capability in 2 or 3 years.

Others will contend that the budget should have been cut $5, $10, or even $30 billion more.

Mr. President, I do believe that the actions of the Senate and the House of Representatives is about the best compromise that could be reached for the funds of the Defense Department and they can live with these funds for the next coming year.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have included in the RECORD at this point a summary tabulation of the Department of Defense appropriation bill, 1973, giving the budget request, House allowance, Senate allowance, and conference agreement on each appropriation included in the bill.

Mr. President, I move that the Senate concur in the amendments of the House to Senate amendments numbered 3, 7, 19, 24, 30, 34, 55, and 89.

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

DEPARTMENT OF DEFENSE APPROPRIATION, 1973—BILL (H.R. 16593)

Appropriations (by functional titles)	Revised fiscal 1973 budget request	House allowance	Senate allowance	Conference agreement	Conference compared with— Budget estimate	House allowance	Senate allowance
TITLE I—MILITARY PERSONNEL							
Military Personnel, Army	$7,708,063,000	$7,488,461,000	$7,533,063,000	$7,528,000,000	−$180,063,000	+$39,539,000	−$5,063,000
Military Personnel, Navy	5,381,749,000	5,260,081,000	5,306,749,000	5,306,749,000	−75,000,000	+46,668,000	
Military Personnel, Marine Corps	1,537,792,000	1,536,436,000	1,536,436,000	1,536,436,000	−1,356,000		
Military Personnel, Air Force	7,275,575,000	7,122,703,000	7,150,575,000	7,150,575,000	−125,000,000	+27,872,000	
Reserve Personnel, Army	529,534,000	498,734,000	453,734,000	453,734,000	−75,800,000	−45,000,000	
Reserve Personnel, Navy	230,640,000	228,960,000	228,960,000	228,960,000	−1,680,000		
Reserve Personnel, Marine Corps	78,155,000	76,806,000	76,806,000	76,806,000	−1,349,000		
Reserve Personnel, Air Force	131,442,000	123,542,000	123,542,000	123,542,000	−7,900,000		
National Guard Personnel, Army	616,250,000	578,179,000	568,179,000	568,179,000	−48,071,000	−10,000,000	
National Guard Personnel, Air Force	169,359,000	167,919,000	167,919,000	167,919,000	−1,440,000		
Total Title I—Military Personnel	23,658,559,000	23,081,821,000	23,145,963,000	23,140,900,000	−517,659,000	+59,079,000	−5,063,000
TITLE II—RETIRED MILITARY PERSONNEL							
Retired pay, Defense	4,358,684,000	4,358,684,000	4,358,684,000	4,358,684,000			
TITLE III—OPERATION AND MAINTENANCE							
Operation and maintenance, Army	7,142,914,000	6,587,250,000	6,866,619,000	6,636,570,000	−506,344,000	+49,320,000	−230,049,000
Transfer from other accounts		(100,000,000)	(100,000,000)	(100,000,000)	(+100,000,000)		
Operation and maintenance, Navy	5,353,968,000	5,134,779,000	5,287,798,000	5,145,754,000	−208,214,000	+10,975,000	−142,044,000
Transfer from other accounts		(50,000,000)	(50,000,000)	(50,000,000)	(+50,000,000)		
Operation and maintenance, Marine Corps	383,263,000	372,429,000	381,823,000	373,729,000	−9,534,000	+1,300,000	−8,094,000
Operation and maintenance, Air Force	6,460,505,000	6,173,680,000	6,424,705,000	6,200,372,000	−260,133,000	+26,692,000	−224,333,000
Transfer from other accounts		(50,000,000)	(50,000,000)	(50,000,000)	(+50,000,000)		
Operation and maintenance, Defense agencies	1,305,101,000	1,267,644,000	1,273,244,000	1,270,444,000	−34,657,000	+2,800,000	−2,800,000
Operation and maintenance, Army Reserves [1]		199,299,000		199,299,000	+199,299,000		+199,299,000
Operation and maintenance, Navy Reserves [1]		136,119,000		136,119,000	+136,119,000		+136,119,000
Operation and Maintenance, Marine Corps Res.[1]		8,094,000		8,094,000	+8,094,000		+8,094,000
Operation and Maintenance, Air Force Reserves [1]		189,250,000		189,250,000	+189,250,000		+189,250,000
Operation and Maintenance, Army National Guard	468,510,000	433,120,000	453,267,000	443,194,000	−25,316,000	+10,074,000	−10,073,000
Operation and Maintenance, Air National Guard	461,743,000	448,508,000	460,143,000	456,726,000	−5,017,000	+8,218,000	−3,417,000
National Board for the Promotion of Rifle Practice	126,000	159,000	100,000	159,000	+33,000		+59,000
Claims, Defense	52,900,000	45,000,000	45,000,000	45,000,000	−7,900,000		
Contingencies, Defense	5,000,000	5,000,000	5,000,000	5,000,000			
Court of Military Appeals, Defense	914,000	914,000	914,000	914,000			
Total, Title III—Operations and Maintenance	21,634,944,000	21,001,245,000	21,198,613,000	21,110,624,000	−524,320,000	+109,379,000	−87,989,000
Transfers from other accounts		(200,000,000)	(200,000,000)	(200,000,000)	(+200,000,000)		
TITLE IV—PROCUREMENT							
Aircraft Procurement, Army	162,900,000	43,500,000	38,800,000	33,500,000	−129,400,000	−10,000,000	−5,300,000
Transfer from other accounts		(85,000,000)	(95,000,000)	(95,000,000)	(+95,000,000)	(+10,000,000)	
Missile Procurement, Army	896,700,000	691,100,000	663,900,000	668,200,000	−228,500,000	−22,900,000	+4,300,000
Transfer from other accounts		(13,600,000)	(36,500,000)	(36,500,000)	(+36,500,000)	(+22,900,000)	
Procurement of weapons and Tracked Combat Vehicles, Army	375,100,000	279,200,000	190,400,000	186,800,000	−188,300,000	−92,400,000	−3,600,000
Transfer from other accounts			(56,000,000)	(56,000,000)	(+56,000,000)	(+56,000,000)	
Procurement of Ammunition, Army	1,350,400,000	1,318,800,000	1,262,800,000	1,262,800,000	−87,600,000	−56,000,000	
Transfer from other accounts			(56,000,000)	(56,000,000)	(+56,000,000)	(+56,000,000)	
Other Procurement, Army	654,000,000	597,500,000	592,700,000	592,700,000	−61,300,000	−4,800,000	
Transfer from other accounts		(25,000,000)	(37,500,000)	(37,500,000)	(+37,500,000)	(+12,500,000)	
Procurement of Aircraft and Missiles, Navy	4,118,600,000	3,682,140,000	3,578,040,000	3,541,340,000	−577,260,000	−140,800,000	−36,700,000
Transfer from other accounts		(40,000,000)	(155,000,000)	(155,000,000)	(+155,000,000)	(+115,000,000)	
Shipbuilding and Conversion, Navy	3,564,300,000	3,017,600,000	2,970,600,000	2,970,600,000	−593,700,000	−47,000,000	
Other Procurement, Navy	2,501,200,000	2,328,400,000	2,316,400,000	2,310,900,000	−190,300,000	−17,500,000	−5,500,000
Transfer from other accounts		(25,000,000)	(90,000,000)	(90,000,000)	(+90,000,000)	(+65,000,000)	
Procurement, Marine Corps	191,100,000	173,400,000	162,400,000	162,400,000	−28,700,000	−11,000,000	
Transfer from other accounts		(10,000,000)	(21,000,000)	(21,000,000)	(+21,000,000)	(+11,000,000)	
Aircraft Procurement, Air Force	3,255,700,000	2,368,000,000	2,152,100,000	2,239,300,000	−1,016,400,000	−128,700,000	+87,200,000
Transfer from other accounts		(135,000,000)	(443,000,000)	(443,000,000)	(+443,000,000)	(+308,000,000)	
Missile Procurement, Air Force	1,816,800,000	1,637,500,000	1,670,000,000	1,670,000,000	−146,800,000	+32,500,000	
Transfer from other accounts		(25,000,000)	(35,000,000)	(35,000,000)	(+35,000,000)	(+10,000,000)	
Other Procurement, Air Force	2,210,300,000	2,139,300,000	2,099,300,000	2,099,300,000	−111,000,000	−40,000,000	
Transfer from other accounts		(23,200,000)	(23,200,000)	(23,200,000)	(+23,200,000)		
Procurement, Defense Agencies	72,730,000	62,030,000	62,030,000	62,030,000	−10,700,000		
Transfer from other accounts		(7,700,000)	(7,700,000)	(7,700,000)	(+7,700,000)		
Total, Title IV, Procurement	21,169,830,000	18,338,470,000	17,759,470,000	17,799,870,000	−3,369,960,000	−538,600,000	+40,400,000
Transfer from other accounts		389,500,000	1,055,900,000	1,055,900,000	(+1,055,900,000)	(+666,400,000)	
TITLE V—RESEARCH, DEVELOPMENT, TEST AND EVALUATION							
Research, Development, Test and Evaluation, Army	2,122,716,000	1,746,132,000	1,879,002,000	1,829,032,000	−293,684,000	+82,900,000	−49,970,000
Transfers from other accounts		(60,000,000)	(60,000,000)	(60,000,000)	(+60,000,000)		
Research, Development, Test and Evaluation, Navy	2,813,787,000	2,504,343,000	2,598,213,000	2,545,213,000	−268,574,000	+40,870,000	−53,000,000
Research, Development, Test and Evaluation, Air Force	3,262,177,000	3,080,940,000	3,161,040,000	3,122,940,000	−139,237,000	+42,000,000	−38,100,000
Research, Development, Test and Evaluation, Defense Agencies [2]	[2] 520,087,000	435,513,000	467,313,000	435,313,000	−84,774,000	−200,000	−32,000,000
Director of Test and Evaluation, Defense [2]		27,000,000		27,000,000	+27,000,000		+27,000,000
Emergency Fund, Defense	50,000,000				−50,000,000		
Transfer authority	(50,000,000)				(−50,000,000)		
Total, Title V, R.D.T. & E	8,768,767,000	7,793,928,000	8,105,568,000	7,959,498,000	−809,269,000	+165,570,000	−146,070,000
Transfers from other accounts		(60,000,000)	(60,000,000)	(60,000,000)	(+60,000,000)		
Transfer authority	(50,000,000)				(−50,000,000)		
TITLE VI—SPECIAL FOREIGN CURRENCY PROGRAM							
Special Foreign Currency Program	3,400,000	3,400,000	3,400,000	3,400,000			
TITLE VII—GENERAL PROVISIONS							
Additional transfer authority, Sec. 735	(1,000,000,000)	(750,000,000)	(850,000,000)	(750,000,000)	(−250,000,000)		(−100,000,000)
Total, Titles I-VII:							
New obligational authority	79,594,184,000	74,577,548,000	74,571,698,000	74,372,976,000	−5,221,208,000	−204,572,000	−198,722,000
Transfers from other accounts		(649,500,000)	(1,315,900,000)	(1,315,900,000)	(+1,315,900,000)	(+666,400,000)	
Total funding available	79,594,184,000	75,227,048,000	75,887,598,000	75,688,876,000	−3,905,308,000	+461,828,000	−198,722,000
Transfer authority	(1,050,000,000)	(750,000,000)	(850,000,000)	(750,000,000)	(−300,000,000)		(−100,000,000)

[1] Operation and maintenance funds provided for the Reserves in fiscal year 1972 and budgeted for them in the parent appropriations were provided by the House for fiscal year 1973 in separate appropriations. The Senate committee recommended that they be returned to the parent appropriations. The Conference agreed to the House action.

[2] Funds for the Director of Test and Evaluation, Defense, were provided in fiscal year 1972 and budgeted for fiscal year 1973 in the appropriation "Research, Development, Test, and Evaluation, Defense Agencies." The House provided these funds in a separate appropriation. The Senate committee recommended that they be returned to the previous appropriation. The Conference agreed to the House action.

THE SPECIALTY METALS AMENDMENT

Mr. JAVITS. Mr. President, it is my understanding that the Senate accepted a provision of the House in the conference report on the Department of Defense appropriations bill, H.R. 16593, which would add "specialty metals" to the "Buy America" provision which prohibits the use of funds provided in the Defense Appropriation for the procurement of certain items not produced in the United States.

I further understand that the Department of Defense requested that this item not be accepted on the grounds that—First, the administrative task of implementing this provision would be an onerous one and very expensive and, second, the provision would not substantially aid the specialty metals industry since the Department of Defense consumption accounts for less than 5 percent of total U.S. consumption.

To my knowledge, there was little testimony during the hearings in either House which might have pointed up problems which could arise in the administration of this provision both by the Department of Defense and by Government contractors. As an example, I would certainly hope that the Department of Defense in administering this provision would take into consideration the fact that it would be a virtual impossibility for a company participating in a defense contract to try to ascertain for itself, let alone for the myriad of suppliers of small component metal parts, that there was no small amount of metal used which would come within the definition of specialty metals. I would hope that the Department of Defense in the administration of this provision, while seeking to carry out the broad intent of protecting the special metal industry, would have sufficient flexibility and discretion under this provision so that they would not be required to go to ridiculous extremes which would result in an almost impossible administrative burden placed upon Government contractors, and the addition of needless expenses to the Government in carrying out its procurement practices.

In addition to the severe administrative burden that the specialty metal amendment imposes on the Department of Defense and on contractors to it, the amendment could be used by foreign signatories to the voluntary steel arrangements as a way to seek to cancel either part or all of their commitment to restrain steel exports to the United States. The foreign steel producers agreed to limit their exports to the United States on the conditions that the United States would:

Take no further unilateral actions to restrict the quantity of steel mill products to be imported by the United States . . . or to raise the tariffs thereon, including the imposition of a surcharge, or to impose any other measure of similar effect.

In short, Mr. President, in a conference report of such a very major proportion coming before us in the very last hours of this Congress, we have adopted a provision which could be very mischievous and very difficult, and which people would suddenly discover to be disastrous. I call that to the attention of all Senators, as well as to the attention of the Department of Defense.

A realistic administration of this provision might result in its not having any particularly harmful effect. But I urge all Senators to examine very carefully what I have said, so that they may be aware of what could occur, and help to avoid the worst results of that.

I thank the Chair and yield the floor.

Mr. HART. Mr. President, on final passage of this appropriation bill I voted aye, the "no money to be used in Indochina" amendment of Senator MATHIAS having been added. That amendment has been lost in the conference.

The vote now is on $74.3 billion for the military functions of this country, and much of it should be funded—to pay men in the service, to house and service them. But I record my vote against the report as protest—futile though it is—at our role in continued destruction of the people and land of Indochina. That destruction will be funded, in large part, from this appropriation.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

The report was agreed to.

Mr. McCLELLAN. Mr. President, on the amendments in disagreement, I move that the Senate concur in the amendments of the House, to Senate amendments numbered 3, 7, 19, 24, 30, 34, 55, and 89.

The motion was agreed to.

The amendments are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment, as follows:

In Senate amendment number 3, after "appropriation", insert: "*Provided further*, That these funds shall not be available until a report has been submitted as required by Revised Statute 3679 (31 U.S.C. 665)."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted, insert:

"For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, including administration; medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment), and other measures necessary to protect the health of the Army; care of the dead; chaplains' activities; awards and medals; welfare and recreation; recruiting expenses; transportation services; communications services; maps and similar data for military purposes; military surveys and engineering planning; repair of facilities; hire of passenger motor vehicles; tuition and fees incident to training of military personnel at maneuvers; expenses for the Reserve Officers' Training Corps and other units at educational institutions, as authorized by law; and not to exceed $3,453,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; $6,636,570,000, and in addition, $100,000,000 which shall be derived by transfer from the Army Stock Fund, of which not less than $231,000,000 shall be available only for the maintenance of real property facilities: *Provided*, That the budget estimates for this fiscal year ending June 30, 1974 for the appropriations "Operation and Maintenance, Army", "Operation and Maintenance, Navy", "Operation and Maintenance, Marine Corps", and "Operation and Maintenance, Air Force" shall be submitted on a basis providing for the appropriation of specific sums for the various budget programs and activities, generally in accord with the structure included in H.R. 16593, 92d Congress, as passed by the House of Representatives."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 19 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: "$33,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: "$186,800,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: "$3,541,340,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: "$2,310,900,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 55 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: "$435,313,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 89 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter proposed, insert:

"Sec. 801. In addition to any other funds authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for procurement, there is hereby authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, and other weapons, as authorized by law, in amounts as follows:

"Aircraft

"For aircraft:	
For the Navy and Marine Corps	$134,400,000
For the Air Force	397,500,000
Missiles	
"For missiles:	
For the Army	4,300,000
For the Navy	65,300,000
For the Air Force	39,800,000
Other Weapons	
"For other weapons:	
For the Army	3,600,000"

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

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

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

The PRESIDING OFFICER. The nominations on the Executive Calendar will be stated.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Coast Guard and the Diplomatic and Foreign Service, placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

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

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

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

AUTHORIZATION FOR SELECT COMMITTEE ON SMALL BUSINESS TO HAVE REPORTS ON COMMITTEE ACTIVITIES PRINTED DURING ADJOURNMENT OF CONGRESS

Mr. BIBLE. Mr. President, I ask unanimous consent that the Select Committee on Small Business may be permitted to print, during adjournment of Congress, several committee reports dealing with committee activities.

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 second assistant legislative clerk proceeded to call the roll.

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

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

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES, 1973—CONFERENCE REPORT

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on H.R. 14989, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

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

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 12, 1972.)

Mr. PASTORE. Mr. President, I have but a few brief remarks to make in connection with the conference report making appropriations for the Departments of State, Justice, Commerce, the judiciary, and related agencies for fiscal year 1973. The report was signed by all members of the conference committee.

The total of the bill, as agreed to by the conference committee was $4,681,017,850. This sum is $23,308,750 below the total budget estimates of new obligational authority for fiscal 1973; $139,699,919 below the sum recommended in the bill as passed by the Senate but $93,913,500 more than the sum recommended by the House. Such increase over the House bill includes the following major items that I consider of importance to Members of the Senate. Namely:

First, $24,070,500 for full payment of U.S. assessment at going rate for the United Nations and affiliate agencies;

Second, $4,184,000 for the educational and cultural exchange program;

Third, $30 million for EDA development facilities;

Fourth, $2,600,000 for the Regional Action Planning Committee; and

Fifth, $13,067,000 for the National Oceanic and Atmospheric Administration.

In addition, $19 million is available by transfer for a total of $32,067,000 for OAA.

Sixth, $7 million for the National Bureau of Standards;

Seventh, $1,655,000 for the judiciary branch;

Eighth, $6,890,000 for the Equal Employment Opportunity Commission; and

Ninth, $1,552,000 for USIA special international exhibits in the U.S.S.R.

This is a very involved bill. We have had a serious conference. While what was arrived at does not completely please everyone, I want to say as emphatically and as unequivocally as I can that we worked long and hard and did the best we could, and I think we did produce before the Senate a conference report that not only makes sense but justifies the position of the Senate and also that of the House. It was a unanimous conference report. Realizing the fact that in these conferences you participate in the tactics of give and take. I think we came back with a lot more than the conferees of the House were able to take back to their own branch. This is no reflection on them. This is not bragging on our part. The fact still remains that I think the conferees who participated with me deserve gratitude for their diligence and effective work from all the Members of the Senate.

If there are any questions, I shall be glad to answer them.

Mr. ERVIN. Mr. President, I would like to ask the distinguished Senator from Rhode Island several questions.

When this bill was before the Senate Appropriations Committee, the Senate Appropriations Committee adopted an amendment which I suggested. This amendment had the effect of providing that none of the appropriations for the Subversive Activities Control Board could be used to implement the executive order by which the President undertook to expand the powers of the board beyond its statutory powers. As I understand it, the conference committee retained this amendment.

Mr. PASTORE. It certainly did.

Mr. ERVIN. There was also an amendment offered by the Senator from Wisconsin (Mr. PROXMIRE) and myself which eliminated from the bill when it was before the Senate the entire appropriation for the Subversive Activities Control Board. As I understand the conference report, this amendment was deleted in conference with a reduction in the amount of the appropriation, so that the appropriation was reduced approximately $100,000, but the Subversive Activities Control Board is still permitted to exercise any statutory powers it might have if its powers are constitutional.

Mr. PASTORE. The point is that even if all its money were eliminated, the Board would still have statutory authority, because the jobs would not be eliminated. It would merely make it possible for those working at the job not to be paid. These men were appointed by the President, and they were confirmed by the Senate. The only way we can get rid of the agency, of course, is by legislative action. I would hope that would occur.

I want the Senator to know that I was one of those who joined in voting against the appropriation because, while we could not hit the nail directly, we would do it indirectly, and I think the blow we struck in the Senate had its effect in the conference, and I think it will have made its effect felt downtown. The original budget estimate on the part of the administration was $706,000. The House reduced it to $450,000, which, of course, was a big cut to begin with.

When we went to the conference, we worked hard and long, but after all, the House is adamant on keeping the Board

and the Senate is adamant on eliminating the Board. I think the Senate vote was in the neighborhood of 42 to 25, if I remember correctly. So there is a strong feeling in the Senate that the Board should be abolished.

We tried to do it in the Senate, the matter went to the House, and it just remained there. I would hope that, in view of that, the House now realizes the strong position the Senate has taken. When we sliced the appropriation again by $100,000, it leaves just about enough to pay the salaries of the Commissioners—there is a vacancy which I hope they will never fill—and it might take care of a secretary or two. But the fact remains that that was the best that we could possibly achieve at this juncture.

I was one of those who joined with the Senator, but the fact remains that they have a right to their opinion as we have a right to ours, and when two positive poles meet, you do not get a contact.

That is about the size of it.

Mr. ERVIN. Is it not correct that the Senate conferees were unable to have a meeting with the House conferees prior to the last part of the session, owing to the fact that one of the House Members was involved in a campaign for reelection, and necessarily they had to postpone the actual meeting of the conferees?

Mr. PASTORE. Yes, these hearings were completed a long time ago. The bill was marked up on June 15, I am told. As Senators well know, Mr. ROONEY, a Member of the other body and a very fine gentleman, was at that particular time involved in fighting for his political future, and we could not meet. Then, of course, the Supreme Court decreed a new primary, and that took some more of his time, and then the gentleman took ill. As a matter of fact, he was still feeling the effects of the illness when he appeared before our committee, and was under terrific strain.

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

Mr. ERVIN. The Senator from Rhode Island has the floor.

Mr. HRUSKA. Will the Senator yield for a brief question on this point?

Mr. PASTORE. I yield.

Mr. HRUSKA. Is it not also true, however, that an additional reason for not taking up this conference sooner was the pendency of certain authorizing legislation, particularly on the Department of Commerce?

Mr. PASTORE. That is correct; and, of course, that is an item that has plagued us from the beginning. Unless we resolve that in the Senate somehow, I think we will meet this dilemma every year. We are getting now to where we have the cart before the horse. Sometimes we have to write into the bills "subject to an authorization." I think that is bad business, and that authorizations ought to precede appropriations, because then we would be in a better position to know just what the guidelines are.

But that has happened. And I am sure we will run up against the same problem again.

I hope that in the future legislative committees will be more alert and report out their bills. Senator ELLENDER did a fine job along that line; he more or less instituted a policy that unless they reported out their bills before a certain day in June, they would have to go on a supplemental.

That did not work out, either, because we have a defense bill that runs into billions of dollars. The Armed Services Committee has to work long and hard on that; it takes a long time, and they cannot meet the deadline.

Then we run up against another proposition: These appropriation bills have to originate in the House of Representatives, and by the time we get them we are right in the heat of the summer, and that is a problem, because we cannot move or report out a bill until they pass a bill. So there you are.

Mr. ERVIN. I have one or two further questions.

The appropriation bill that we have under consideration is a bill which, in part, covers several months that have already expired, is it not?

Mr. PASTORE. That is right.

Mr. ERVIN. Another thing is that if the conference report were rejected, the matter would have to go back to a conference, and the Senate might not fare as well in its positions in a further conference as in the previous one?

Mr. PASTORE. I would not say that, exactly. I think you always fare pretty well if you work hard enough at it.

Frankly, I do not want to shower any bouquets on myself, but I tip my hat to no one when it comes to operating in a conference.

Mr. ERVIN. To put that question in another way——

Mr. PASTORE. The Senator from Nebraska says he agrees with that statement. He was there.

Mr. ERVIN. Yes. But in the closing days of this session, it would impede what we think is our drive toward adjournment if the conference report were rejected, would it not?

Mr. PASTORE. It would be an exercise in futility, and I would hope I would not be pressed in that regard, because my heart and my sympathies go along the lines expressed by the Senator from North Carolina. The fact remains, however, that if we did go back, it would be the same thing all over again. The House taken a strong position. I say we were lucky to reduce the appropriation to $350,000. As a matter of fact, if I were a member of that Board, after the action we took, I would resign in humiliation.

Mr. ERVIN. I cannot see that there is much that the members of the Board can do during this fiscal year except to draw their breaths and their salaries.

Mr. PASTORE. Or resign.

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

Mr. PASTORE. I yield.

Mr. PROXMIRE. I am one of those who have been fighting for years against the Subversive Activities Control Board. Finally, this year, we thought that we had killed the Subversive Activities Control Board, by deleting all the funds for it in the Senate.

MUST WE CONTINUE THE SACB?

Mr. President, I cannot support the conference report on H.R. 14989, the State-Justice-Commerce appropriations bill for fiscal 1973. The conference report would continue funding for the Subversive Activities Control Board, in direct contravention of the Senate's decision earlier this year to cut off all funds for the Board.

The original budget request for the Board was $706,000. The House Appropriations Committee cut this to $450,000, last year's funding level. Now the conference committee has cut this still further—to $350,000—and provided that none of this money may be used to carry out the Executive order which would otherwise empower the Board to compile the so-called Attorney General's list.

Mr. President, this is no solution at all. The apparent intention of the conferees was to provide just enough money to allow the Board members and their staffs to draw their salaries. No money for hearings. No money for travel. No money for investigations. In fact, no money for any activity whatsoever, except to make sure that the Board members and their staffs do not have to go out and hunt for new jobs.

Is it hoped that new cases will be coming before the Board? Then why was not money provided to handle them? Is it hoped that new groups—potentially subversive—will be uncovered? Then why was not money provided to uncover them?

It is clear, Mr. President, that what the conference committee contemplated was a holding action with respect to the SACB—that enough would be provided to enable the Board to continue to exist, but absolutely nothing more.

Mr. President, if there is anything more wasteful than this, I am hard pressed to think of it. The President has asked us to impose a ceiling on expenditures at $250 billion. In order to do so, many vital programs will have to be trimmed, or cut altogether. Spending will have to be held to the absolute minimum. In light of this, it is the height of folly to throw money down the drain on the SACB, simply so that a group of benchwarmers do not have to give up their sinecures.

This is hardly the first time we have faced this issue. Nor is this the first time we have been asked to fund the SACB for just one more year to give the agency an opportunity to prove itself.

The Subversive Activities Control Board was originally established pursuant to the Internal Security Act of 1950. The act was passed by Congress over the veto of President Truman, who recognized the inherent dangers to liberty the act represented.

By the terms of the act, the Board was to identify "Communist action," "Communist front," and "Communist infiltrated" groups. It was to require both the groups and their members to register their existence. But the Board has been in existence for 22 years now, and it has never—repeat never—successfully carried its procedures to completion in any case.

There have been occasions when the

Board heard cases. And there have been some groups that the Board has sought to register. But today the registry remains a complete blank sheet. The reason is simple: The Board's basic function—to chastise groups and individuals for the ideas they hold, rather than their actions—is an unconstitutional infringement on the first and fifth amendment freedoms.

This has repeatedly been the view of the courts. In 1965, in Albertson against SACB, the Supreme Court ruled on the question whether subversives could be compelled to come forward and register themselves, as required by the original act. The Court held that to impose such a requirement, with the Smith Act on the books, was tantamount to self-incrimination, and thus a violation of the fifth amendment.

For 2½ years following the Albertson decision, the Board was totally paralyzed. It held no hearings. It received no new cases. It did nothing whatsoever, except issue paychecks to its staff.

Then in 1967 Congress amended the law. It provided for the Attorney General to cite individuals and groups to the Board, rather than requiring potential subversives to come forward themselves. It provided that the Board would then hold hearings to determine if the individuals or groups cited by the Attorney General were in fact subversives, within the definition of the act.

In view of its then blank record—at that time of 17 years' duration—Congress also stipulated that the Board be given a limited time to prove itself. The 1967 amendments provided that if no new cases came before the Board by the end of 1968 the Board would cease to exist. In other words, the Board was to be given one last chance.

At the 11th hour the Justice Department submitted seven new cases to the SACB, and the Board was saved from extinction. But the seven cases suffered exactly the same fate as every previous case—indeed, as every subsequent case, too—nothing ever came of them.

In 1969 the U.S. Court of Appeals for the District of Columbia found the new provisions as unconstitutional as the original ones. In Boorda against SACB, the court held that penalizing membership in an association, without requiring any finding that the member knew of the group's purposes, or participated actively in them, violates the freedom-of-association guarantees of the first amendment.

Again, the Board was stalemated. And again, it was back to the drawing boards for those who would perpetuate the agency. In the meantime, another 2 years passed with no activity.

In 1971 the administration came up with another device. This one called for the Board to take over from the Justice Department the function of compiling the Attorney General's list. Under Executive Order 11605, the Board would determine whether an organization is "totalitarian, Fascist, Communist, or subversive," and whether an organization "has adopted a policy of the commission of acts of force or violence to deny others their rights under the Constitution of the laws of the United States or any State."

Last year we were again told that this would revitalize the Board, and that it should again be given still one more chance to prove itself. Never mind that the Executive order was unconstitutionally vague. Never mind that it represented an unconstitutional usurpation of the congressional power to enact and amend legislation. Let us give the Board another chance.

Well, the Board has had another chance. It has had another chance ad infinitum. It has operated under the Executive order for the past year, and Congress has now decided to adopt the Ervin rider which will preclude the SACB from taking any action with respect to the Attorney General's list.

Mr. President, if we give the Board $350,000 more, it is with the tacit understanding that this money will go for no purpose at all, other than to save Congress from having to make a final decision on the SACB. This Board has no useful function. We all know it. Let us own up to it. Let us relegate this agency to the history books, which is the place where it belongs.

I know the problem in conference. It is late. And since this is a very important appropriation for three departments, under the circumstances I think I cannot responsibly oppose the conference report on the grounds that they did not kill this agency, although I feel very strongly about it.

I would like to reaffirm what the Senator from North Carolina has said, and I serve notice that certainly next year I intend to fight as strongly as I can to kill this agency once and for all. As the Senator from North Carolina points out, they are now drawing $350,000 a year for nothing. There is no money for investigations, nothing for hearings, nothing for travel expenses, nothing except funds for them to draw their salaries and maybe play bridge with each other. It is a disgrace.

Mr. PASTORE. The point that the Senator from Rhode Island made is that this agency should be killed. I voted to cut out the appropriation in its entirety, and we worked hard for that position in conference. But the fact remains that by eliminating the money, we would not eliminate the job. They would still have a claim in Claims Court. They would still have their jobs, and at some time would be entitled to be paid, if they stayed there.

All I am saying is that this agency should be killed the proper way. The way to do it is legislatively. When we do that, one of the fellows who will be in the vanguard, side by side, shoulder to shoulder with the Senator from Wisconsin, and the Senator from North Carolina will be the senior Senator from Rhode Island.

I thank the Senator.

Several Senators addressed the Chair.

Mr. PASTORE. I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, this Senator was one of those who took a stand opposite to those who favored the abolition of this board. However, when it came to the negotiations in conference, I spoke up for the amendment of the Senator from North Carolina which would not permit the expenditure of any of these funds for the purpose of implementing the executive order of the President creating in the board certain additional powers. I made the point that if we did not include that amendment, a great effort would be made, and in great likelihood it would be successful, to reject the conference report and insist upon its being done. I did so out of deference to the will of the Senate, as expressed here in no uncertain terms, both in this bill and a year ago when we considered the same point.

I fully agree with the sentiment expressed by the Senator from Rhode Island that this is a legislative matter, and should be decided on that basis. Personally, this Senator will try to see to it that some mechanism, some agency, will be charged with this particular effort, which is based upon personnel security. In more recent years the Subversive Activities Control Board has, because of the limited scope of its activities and the decisions of the Supreme Court, accumulated a rather undesirable connotation and reputation. I do believe, however, that this Government is so large and it has so many activities that must necessarily be discharged by people that one of our big jobs is to assure and guarantee that personnel security will remain an active item on the agenda.

How that can be done, I am not prepared to say. The Executive order, if it were implemented, would change the name of the board—it would no longer be Subversive Activities Control Board; I believe it was Internal Security Board, or something of that kind—and assign to it different duties and responsibilities. But that is something we can get at, and I hope we do get at it early next session, because the other body has already passed a bill which will accomplish what I have just indicated.

I do hope that the Committee on the Judiciary will take up this bill or its equivalent early next session and hammer it out, either accept it and report it to the floor for consideration or reject it, and thus determine that issue on the legislative basis to which the Senator referred.

I want to say that I fully agree with what the Senator from Rhode Island has said: This is the best we could do in light of the adamant situation in the House on one point and the adamance of the Senate on another point. This is just about halfway between those two places, where the dissatisfaction is fairly equitably distributed.

Mr. ERVIN. I should like to make the further observation that I think the Senate conferees have done the very best they could under the circumstances to sustain the Senate's viewpoint.

I say to my good friend the Senator from Nebraska that it is said a rose by any other name would smell as sweet, but a crushed gentian weed by any other name would smell just as bad.

Mr. PASTORE. The Senator from

Rhode Island answers by saying, "Touche." [Laughter.]

Mr. ERVIN. So in the next session I hope to join the Senator from Wisconsin and other Senators in a bill which would eliminate this agency, which has no rightful place in a free society, from further existence on this earth, and let the hiring of people be left up to the departments and agencies, with investigations by the FBI and other investigatory agencies, instead of having an agency whose sole function is to brand certain Americans, by reason of their organizational membership, as undesirable citizens or as citizens who are intellectually or politically dangerous to the established order. Such an agency has no place in a free society.

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

Mr. PASTORE. I yield.

Mr. JAVITS. On that point, I should like to associate myself with what I consider to be a most eloquent statement by Senator ERVIN on this matter, involving, as it does, the liberties of all Americans. I congratulate him on making it.

Mr. President, I should like to raise the issue of the Equal Employment Opportunities Commission, which has suffered a considerable cut from the Senate figure and which believes it really is going to be very much curtailed in its operation.

I know where we stand in this Congress, and I know Senator PASTORE, and if anything could have been done, he was the man to do it. But I did wish to make the reservation of record. If a case can be proved that their responsibilities really are being curtailed and that they find it impossible to operate with the limited appropriation which has been made, I will try, with others, to see what can be done for them in the January supplemental.

Mr. PASTORE. I say to the distinguished Senator that, of course, he knows where my sympathies lie with respect to this matter.

Mr. JAVITS. Of course.

Mr. PASTORE. While we did not get everything we wanted, we are about $9 million over last year, but we have assigned new duties to them. There is no question about it. They need new personnel, and I think the money we have provided will provide for 400 or 500 additional jobs.

That is not completely the amount sought by the administration. As a matter of fact, the budget estimate was $46,434,000. The House cut it considerably, as the Senator knows. They cut it down to $25,110,000. We lifted it in the Appropriations Committee of the Senate to $42,896,000. So in conference the best we could do was to come out with $32 million.

Mr. JAVITS. There is no question about the Senator's feeling in this regard and the feeling of the Senate committee. I am not challenging that for a minute.

I only say this: We gave them new duties; we gave them the right to sue. We expected, because of that, that they would do a more effective job on a cost-benefit ratio. Righting the lack of opportunity in respect of employment is probably the best thing we can do for minorities, especially the black minority; and the cost-benefit ratio, considering the fact that we are paying only for costs of administering the law, is very high.

I appreciate the situation; and I was just recording now the fact that if we find in the next month or so that they really cannot do what we want them to do, I reserve the privilege of coming back and seeking added help in the supplemental. I did not want in any way to indicate other than my knowledge that, so far as the Senator managing the bill is concerned, he would give them every penny for which the administration asked.

Mr. PASTORE. That is correct.

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

Mr. PASTORE. I yield.

Mr. MANSFIELD. I note that the budget request for the National Oceanic and Atmospheric Administration, research, development, and facilities was for $144,721,000, but the House had allowed only $127 million. Within the House reduction was the weather modification program and the Western Great States weather modification project. Would the manager of the bill advise me as to the amount appropriated by the conference committee?

Mr. PASTORE. We went the full estimate, and the Senator has recited the figure—$144,721,000. The project that he mentions is in.

Mr. MANSFIELD. Fine. Therefore, if I understand correctly, the full amount was restored to the budget request, and this conference report reflects total funding as requested and as enunciated by the distinguished manager of the bill.

Mr. PASTORE. That is correct.

Mr. MANSFIELD. Which means, of course, that a State such as Montana would have a better chance now to be considered in this program.

Mr. PASTORE. As long as our distinguished majority leader represents Montana, it will always have an advantage.

Mr. MANSFIELD. Just like Rhode Island.

I am advised that invitations to bid have been issued on a study to recommend six possible sites for the location of the headquarters facility for the Western Great States weather modification project. The cost of this study is approximately $500,000. These invitations to bid are subject to the availability of appropriations. In view of the action by the conferees, is there any reason why the Agency should not proceed with this important study, and, in doing so, give the utmost consideration to the State of Montana?

Mr. PASTORE. The Senator can rest assured that tonight he can have a good sleep.

Mr. MANSFIELD. One more question: Would the manager of the bill agree with me that it is clearly the intent of Congress that by appropriating this money, the National Oceanic and Atmospheric Administration should proceed without delay to conduct the study on this important weather modification project?

Mr. PASTORE. I would hope that they would do that, of course.

Mr. MANSFIELD. Mr. President, I should like to comment on another sub- Rhode Island, indicated that the conference report showed a net reduction of ject. I note that the distinguished manager of the bill, the senior Senator from $23,308,000 below the budget request of the President. Is that correct?

Mr. PASTORE. That is correct.

Mr. MANSFIELD. I should like to point out that we have considered three conference bills in a row. Last night it was the military construction bill, which showed a saving below the President's budget request—a saving of $337,981,000. Before the distinguished chairman took up the present bill, the defense appropriation bill was considered, and that showed a saving, below the President's budget request, of $5,221,208,000.

So that as a result of the last three conference reports, covering State, Commerce, and Justice, covering military construction, covering defense, the total figure below the President's budget requests in these three areas is $5,572,-597,000, and I think that is something to crow about.

Mr. PASTORE. Mr. President, if the Senator will permit, the Senator from Rhode Island is not prone to making political speeches on the floor of the Senate. But I think one of the biggest hoaxes being perpetrated on the American people is the propaganda that is afloat today, that unless we give the President a ceiling on spending we will have an increase in taxes next year.

If we will but look at the record, this is the game being played downtown: They send up their regular request. We cut it—and as the Senator from Montana has already pointed out, by almost $5 billion out of the defense budget and $23 million out of this one. What happens? Before we turn around, they send up a supplemental request, either for a new program that they ask for, or to replenish by reclaimer the cuts that we made.

Mr. President, you should sit in the hearings and look at the fellows from the administration marching along, saying, "Put it back. Put it back. Put it back." The President should tell them to stay away from the committee and not ask for their reclaimers and he would not have to be asking for this legislation.

But, you know, Mr. President, this is the political season. They have got to make the Congress of the United States look bad.

But if we look at the record we find that Congress has done a good job. Many amendments have been inserted on the floor. Many times they have been inserted on the floor, as happened here yesterday. Of course, we have to go to conference and many times they knock them out.

But I want to give notice to the administration: Let them stop asking for reclaimers and they will not need a ceiling on expenditures.

Mr. MANSFIELD. Let me reiterate, on the basis of the last three conference reports, what Congress has done: It has reduced by $5,572,597,000 the amount

below the budget request of the President of the United States.

Mr. PASTORE. That is correct. And, let the record show that the Senator from Rhode Island was not making a political speech. [Laughter.]

Mr. MAGNUSON. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. MAGNUSON. Mr. President, the President vetoed the original HEW bill on the ground that it was too high. But then they sent up another supplemental appropriation for $5 billion.

Mr. PASTORE. That is correct.

Mr. MAGNUSON. But they did not like the $1.7 billion for HEW in the original bill.

What kind of thing is that? Five billion dollars.

Mr. PASTORE. We can take that one step further. On June 30, about 6 weeks before the President vetoed the bill the Senator is talking about, they sent a request up here for $2 billion for Vietnam. Two more billion dollars for Vietnam and no one downtown uttered a word about what that would do to inflation.

But when we took care of the health and welfare of our people, they began to wave the flag of inflation. Well, if they want to stop inflation, then get out of Vietnam and we will get back to our senses.

Mr. MANSFIELD. One more thing, if my memory serves me correctly, when the 4th year of the present administration is concluded, it will have piled up deficits, I believe, covering the years, in the amount of $110 billion.

Mr. PASTORE. The largest deficits in the history of any particular President no matter how long he served.

Mr. MANSFIELD. Did Congress do it?

Mr. PASTORE. We did not do that. That was the gimmick they used for deficit spending and to create jobs. So they did create deficit spending, but they did not create the jobs. They met themselves coming down the hill.

Mr. ERVIN. Mr. President, will the Senator from Rhode Island yield for a nonpolitical question?

Mr. PASTORE. This is a nonpolitical answer, because I usually do not do that until much later in the morning. I like to do it around noontime.

Mr. ERVIN. Is it not true that under our Constitution, Congress cannot authorize the expenditure of a single penny of public funds without the consent of the President, unless Congress overrides the President's veto of an appropriation bill by a two-thirds majority of both Houses?

Mr. PASTORE. That is absolutely correct. That is in the Constitution.

Mr. ERVIN. Does the Senator from Rhode Island recall any time that Congress has overridden a presidential veto of an appropriation bill during the present administration?

Mr. PASTORE. I doubt it. I do not recall it.

Mr. MAGNUSON. The education bill in the last session.

Mr. MANSFIELD. One.

Mr. ERVIN. Will the Senator permit me to ask the distinguished Senator from Washington (Mr. MAGNUSON), how much Congress exceeded the budget in that particular bill?

Mr. MANSFIELD. How much?

Mr. ERVIN. How much did it exceed the budget request where the President's veto was overridden?

Mr. MAGNUSON. I will get the figures and put them in the RECORD.

Mr. ERVIN. Anyway, it is not large enough to account for any substantial part of the $110 billion deficit during the present administration.

Mr. MAGNUSON. That is right.

Mr. ERVIN. I thank the Senator.

Mr. MAGNUSON. Mr. President, could I ask the distinguished Senator from Rhode Island a question to clarify a part of the bill? There is $30 million in maritime appropriations for the acquisition of vessels for the reserve fleet. Part of that is to be available for the purchase of the SS *United States*, in accordance with the provisions of Public Law 92–296. Under the bill as it now stands, they could purchase the SS *United States*, is that correct?

Mr. PASTORE. Well, the question was raised as to the ambiguity of the language, as to whether they could. The language has been changed. When the head of the administration appeared before our committee on supplemental requests, I brought that matter up. Of course, that is feasible. I think myself that, unless they do it, I do not know what else they will do with the $30 million.

Mr. MAGNUSON. In other words, it is permissible.

Mr. PASTORE. If they want to take it up with the General Accounting Office, let them do it, but let us get an answer.

Mr. MAGNUSON. All right—all right.

Mr. PASTORE. Mr. President, I yield the floor.

Mr. HRUSKA. Mr. President, there has been a little bit of discussion here which probably would be more in order following 8 to 10 a.m., but inasmuch as there have been some political overtones in it, I rise to invite attention to some facts which I think should be brought out so that the entire picture will be clear to Members of the Senate and to those who might have the temptation to read the CONGRESSIONAL RECORD at any later time.

It is said here, for example, that the President, after complaining about a bill that is too high in appropriations—HEW, I believe it was—then sent down a supplemental request for $5 billion.

To be sure, he did; but let us remember that it is not in the field only of appropriations that we are operating when it comes to the authorizing of expenditures of money but, likewise, in acts, in bills other than appropriations which make it mandatory for the President to come here and ask for money in order to discharge the obligations imposed upon him.

For example, a social security benefit increase or the example of $1 billion for the black lung, that is not in the budget. That is not something the President asked for. That is something that Congress imposed on him and he must, in order to obey that legislative mandate, come here and ask for the money.

Mr. PASTORE. Mr. President, will the Senator from Nebraska yield at that point?

Mr. HRUSKA. Let me finish my little statement first——

Mr. PASTORE. On that black lung, he sent that request up——

Mr. HRUSKA. Indeed he did——

Mr. PASTORE. He asked for the money.

Mr. HRUSKA. Indeed he did, but not in that amount.

Mr. COTTON. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. I yield.

Mr. COTTON. I think it should be borne in mind—and I say this as the ranking minority member of the HEW Appropriations Subcommittee—that, along with my distinguished chairman, the Senator from Washington, we marched up the hill and down again. It is perfectly true that the President vetoed the bill which I believe was $1.8 billion over the budget.

This $5 billion that came up for the OEO, higher education, vocational rehabilitation, the aging, et cetera, in the supplemental was already provided for in the budget when we passed the bill. However, we could not include it because the authorizing legislation had not been reported by the legislative committees.

Mr. HRUSKA. The Senator is correct.

Mr. COTTON. So, in justice to the President, it cannot be said that when he vetoed the bill, he reached into the air and pulled out $5 billion more and dropped it in our laps. It was in the budget at the time the main bill passed. However, we could not handle it in the main bill, because it had not been authorized, and it had to go over until the supplemental.

It was just as the Senator said. Much of it was mandatory obligation that the Congress had theretofore authorized and required that the formulas and matching funds be met.

We always go through this. My mind runs back to my early days in the Congress when President Truman called the 80th session back into session and had a field day. However, I do not think this administration is trying to have a field day with us. I think the administration would be happy if we wended our way back to our respective homes.

I voted against the supplemental because I thought it was too much. However, in justice to the President, that $5 billion was not an afterthought that he threw at us. It was in the budget all the time.

Mr. HRUSKA. Mr. President, I thank the Senator from New Hampshire for bringing that matter to our attention. That had been included in a mental note of this Senator, because that is a fact. The $5 billion in the supplemental was included in the budget. These are some items that are not included in the President's budget.

Mr. President, I refer to the statement of Caspar Weinberger, Director of the Office of Management and Budget in the White House, in his reply to Senator

HUMPHREY published in the Washington Post of October 10, 1972. Among other things, he said:

It is simply not true that Congress has been cutting spending. When all actions are taken into account, the Congress has not, as Sen. Humphrey suggested, cut spending by $16 billion since this administration took office; in fact, it has not cut spending at all. The increases in spending—not appropriations, and not authority to spend, but the spending increases forced in the past four years—total more than $13 billion. Coincidentally—or is it deliberate?—most of this increase is taking place in the current fiscal year.

What does that consist of? It consists in round figures of $9.5 billion of the President's budget, added to the deficit and not contained in an appropriation bill, but what is often referred as backdoor spending. It is mandatory spending. It is never processed by the Appropriations Committee. We are shortchanged in that respect as a committee.

Mr. PASTORE. Mr. President, that was the complaint of the Senator from Rhode Island when we were confronted with the recommendations made by the administration on revenue sharing. All we are trying to do here is to say, "We will give you the money for 18 months. But beyond that, we want the matter to come before the Appropriations Committee so that we can be a watchdog."

We had a fight on the Senate floor over that measure, and all we were trying to do was to protect ourselves. We were giving away $30 billion without any supervision on the part of the Congress of the United States.

Mr. President, the Senator talked about the 20-percent increase in social security. Was that the $13 billion that the Senator was talking about? Did not the President sign it? After he said, "I can only give you 5 percent," he signed the bill for a 20-percent increase. And now he is taking credit for it.

Mr. HRUSKA. Mr. President, in all fairness, it should be said that the 20-percent increase in social security was attached to a measure that had to be signed by the President because in a matter of hours, a fraction of a day, we would run out of spending authority. And that matter had to do with the debt limitation. Had it not been that way, we cannot speculate on whether he would have signed the 20-percent increase. That was not in his budget or in his message to the Congress on that score.

Insofar as the revenue sharing is concerned, I say to the Senator from Rhode Island that this Senator shared the same belief and same view the Senator expressed. It will be my hope that somewhere along the line we will subject that spending to the process of the Appropriations Committee, and we should have in accordance with the Budget Act of 1921. That is where it belongs.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the article published in the Washington Post on October 10, 1972, by Caspar Weinberger. The title is "Roles Reversed on Spending Restraint."

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

ROLES REVERSED ON SPENDING RESTRAINT

(By Caspar W. Weinberger)

There once was a time, as Sen. Humphrey indicated in a recent article in The Washington Post, when the Congress was a potent force for spending restraint, and the President was the big spender. Certainly, this was true during the 1960's. But that era ended on Jan. 20, 1969. Now the roles are reversed.

So when Sen. Humphrey persists in measuring Congressional action in terms of Congressional changes to the President's appropriation requests, he overlooks the fact that actions on bills other than appropriations often force spending increases which appropriations acts (and the President's proposals for appropriations) then have to accommodate. Following is a table which shows our estimate of the effect of Congressional actions on spending in the current fiscal year:

EFFECT OF CONGRESSIONAL ACTION ON THE 1973 BUDGET DEFICIT, AS OF OCT. 2, 1972

[In billions of dollars]

	House	Senate	Enacted
Appropriation bills:			
Agriculture, EPA, etc.	+0.2	+0.4	+0.3
HUD, Space, Science	+(1)	+.1	+.1
Labor-HEW (vetoed)	(+0.6)	(+1.1)	(+.7)
Labor-HEW (new bill)	+.2	(2)	(3)
Defense and military construction	−2.0	−1.6	(3)
Foreign assistance	−.1	+.7	(4)
Other (net changes)	−.2	−.7	+.2
Total, appropriation bills	−1.9	−1.0	+.7
Other actions and inactions:			
Social security program:			
Debt limit bill:			
Revenue loss	+1.6	+1.6	+1.6
Benefit increase	+4.1	+2.1	+2.1
Further liberalizations		(2)	(3)
Total, social security	+5.7	+3.7	+3.7
Railroad retirement benefit	+.4	+.4	5 +.4
Black lung benefits	+1.0	+1.0	+1.0
General revenue sharing	+3.1	+3.1	6 +3.3
Housing Act of 1972	(2)	+.5	(3)
Urban special revenue sharing	−.5	−.5	−.5
Water Quality Control Act amendments	+.7	+.7	(4)
Rural Development Act	+.3	+.6	+.3
Vocational Rehabilitation Act	+.3	+.4	(4)
Economic Opportunity Act amendments	+.5	+.8	5 +.2
Federal-aid highways	(3)	+.2	(3)
Veterans benefits	+.3	+1.1	+.1
School Lunch Act amendments	+.2	+.2	+.2
Other actions affecting the deficit (mandatory if enacted)	+1.7	+.7	+.2
Total effect on budget deficit	+11.7	+11.9	+9.5

1 Less than $50,000,000. Detail may not add to total because of rounding.
2 Reported.
3 No action.
4 Conference.
5 Enrolled.
6 Based on report on conferees.

The Congress may reduce the President's appropriation requests (although at the moment it is $700 million above them). But other acts during this session, nearly all of them mandatory, have caused significant increases. In fact, there have been bills in each house adding nearly $12 billion to the deficit in the President's budget, and $9.5 billion of these have been enacted this session. Many of these legislative actions require the President to request additional appropriations. For example, the bill providing additional benefits for coal miners with black lung disease required the President to send up an appropriation request for nearly $1 billion.

The Congress also has raised social security benefits by more than $2 billion this year over the social-security budget proposals of the President. That increase never appears in Sen. Humphrey's figures because it does not affect any appropriation bill or serve his argument. Nevertheless, the increase must be included in the President's budget in all future years. Next year, the 1972 social security increase will add $6 billion to 1974 spending over the level contemplated by the President.

It is simply not true that Congress has been cutting spending. When all actions are taken into account, the Congress has not, as Sen. Humphrey suggested, cut spending by $16 billion since this administration took office; in fact, it has not cut spending at all. The increases in spending—not appropriations, and not authority to spend, but the spending increases forced in the past four years—total more than $13 billion. Coincidentally—or is it deliberately?—most of this increase is taking place in the current fiscal year. As the table shows, actions of this Congress have already added more than $9 billion to the 1973 deficit estimated by the President last January. Even taking account of the prospective decrease in the appropriations for the military functions of the Department of Defense, the final result threatens to be higher. This is because Congress has not completed action on civilian bills either. For example, it is considering further social security, Medicare and adult assistance liberalizations for which the Senate Finance Committee proposals would add almost $9 billion annually.

The proposed spending ceiling is absolutely essential to the nation's economic well-being. We must not repeat the fiscal mistakes of 1965 to 1968. This Congress has proved beyond any reasonable doubt that it has been incapable of exercising effective control over total spending. It takes a year (or longer in the past two fiscal years) to complete action on appropriation bills, and requires the President to transmit a budget for the coming year without knowing the action of Congress for the current year. The Congress pays excessive attention to details and virtually no attention to overall totals or to the effect of individual separate acts of spending on the budget totals. This is the very antithesis of fiscal responsibility.

In his 1973 budget message, the President observed that: "The American people deserve, and our government requires, a more orderly and more rational budget process." A year earlier, in his 1972 budget message, the President had invited the cooperation of the Congress in making the budget an efficient and effective instrument for coordinated management of federal programs and finances. Congress has not yet responded, and the weaknesses of the present process have compounded. For this reason, the Ullman amendment, now contained in the spending ceiling proposal, is doubly welcome. It offers the hope of a vastly better system.

Unless Congress now—with the fiscal year almost half over—approves the proposed spending ceiling, we face the very real prospect of higher taxes in the future, write to each other."

Mr. HRUSKA. Mr. President, the article that I have just had printed in the RECORD contains a tabulation of the effect of the congressional action on the 1973 budget deficit as of October 2, 1972.

These discussions of whether Congress passed more or less in the appropriations bill will even themselves out after awhile. In fairness to both sides, we ought to wait until after all the appropriation bills are passed, together with the supplemental. We should then make an assessment. However, that is not all of it. Those bills passed by the Congress imposed mandatory spending on the Executive.

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

Mr. HRUSKA. I yield.

Mr. MAGNUSON. Mr. President, Congress voted for these things practically unanimously. There were very few votes against them. The HEW appropriation bill passed 75 to 1. We in the Congress will be the judge of these things. After we go to conference, we uphold the Senate's position.

Mr. President, I do not know why the blame is thrown up here because we do these things. If we are against them, we ought to vote against them. However, we do not. Everyone votes for his own program or project. And when we got to the social security increase, the White House wanted a 5-percent increase. Maybe they had some good reasons. We voted for a 20-percent increase.

The President sent out a message in an envelope saying: "The President of the United States is happy to announce that your social security is being increased 20 percent." That is like Scrooge taking credit for Christmas.

Let us get this thing in perspective.

Mr. HRUSKA. The Senator is correct. I agree with the Senator from Washington that it ought to be in perspective.

Mr. MAGNUSON. In perspective, this Congress has been fiscally responsible and consistent with what the President has sent up in the budget requests.

When we add it all up, we will give the Senator the figures. The Washington Post article does not mean anything. The only instance in which we are going above it is the one that we all come to agreement on, the health, education, and welfare. All the other appropriation bills are under. And that is a question of priority. That is a question of whether we want to spend billions chasing little people in black pajamas all around Southeast Asia or whether we want to spend it at home on health, education, and welfare. It is as simple as that.

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

Mr. HRUSKA. I yield.

Mr. COTTON. Mr. President, there is no one that I admire more and to whom I owe more than the distinguished Senator from Washington. I call his attention to the fact, however, that when the vetoed version of HEW bill passed the Senate, I did not look at the vote after that, but the Senator from New Hampshire was one of those who cast negative votes.

I felt constrained to do so after we had worked so hard during many, many months on the HEW bill. The additions in the bill finally caused the President to veto it. Those matters were added on the floor of the House and on the floor of the Senate by Members of Congress who were very sincerely interested in various projects. All the while we knew that when the authorizations were through, we would still have the $5 billion to deal with. And so, I could not in good conscience vote for the passage of that bill with all that was loaded upon it.

I had hoped that after the reductions we were able to bring about in conference that the President would not veto it, because although we are all statesmen, we are also political animals. I felt it was unfortunate to have a veto on that particular bill.

Now as far as the little black pajamaed people running around Southeast Asia are concerned, they are still running around. But there are a half million American boys who were running around after them under the previous administration, and they have been brought home. The President is entitled to some credit for that.

Mr. MAGNUSON. Yes. I do not say we should not be doing what we are doing. I say if we are going to have a ceiling about our capabilities, we have to establish priorities. This is what this amendment is about—priorities.

We have only certain capabilities in the Federal Government, fiscal and otherwise, and we have only so much money. It is almost like a household budget. What do you do here, and what do you do there?

The whole argument with the President, especially as to HEW, is priorities.

The Senator from New Hampshire and I tried to hold this amount down. On the supplemental, we did. People wanted us to move right into higher education with $2 billion.

Mr. COTTON. That is right.

Mr. MAGNUSON. We said no; let us see how this program goes. But that is what this is all about. Within our capabilities, how far do we go?

Mr. COTTON. That is what I said. The Senator from Washington, the chairmain of the subcommittee, is not the man who puffed up that bill.

Mr. MAGNUSON. That is right. The Senator from New Hampshire and I were the ones who were trying to keep it down. We were the first ones to take on social services at $2.5 billion, and we lost.

We could talk about some other things in this bill, such as impacted aid. I know the Senator's proposition, and it is good. Nobody wants to change that. Everybody votes for it, and it is one of the big parts of this bill.

The Senator from New York (Mr. JAVITS) has his programs in New York. I guess they are good. We try to accommodate everybody.

I think we arrived at a pretty good solution yesterday, when we said that we cannot take one program and cut it out, as against another one. But we could cut the HEW budget now by 13 percent, this is the fight, if we want it.

Some programs, in my opinion and in the opinion of the Senator from New Hampshire, ought to be cut. Is that right?

Mr. COTTON. That is right.

Mr. PASTORE. I would hope that the Senators would let us adopt the conference report.

Mr. MAGNUSON. This has been a healthy discussion.

Mr. President, I yield the floor.

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed in the RECORD the editorial entitled "Congress' Responsibility," published in the New York Times today.

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

CONGRESS' RESPONSIBILITY

Senate Majority Leader Mansfield's warning that "you might as well abolish Congress" if it gave the President power to enforce a spending ceiling was obvious hyperbole—but it touched an important issue. In all democratic states, the power to determine how much the Government spends and what it spends it for has been an ultimate weapon, jealously guarded and defended by legislators. The 221-to-163 vote of the House of Representatives to surrender a major part of that power to President Nixon represents a serious flight from responsibility. It is bound to injure and diminish the prestige of Congress even if, as we hope, the Senate refuses to go along.

What the House has voted is not in the real sense an "item veto" of the kind that has long been advocated by many political scientists. Nor is the House action a grant of limited flexibility, such as this newspaper has in the past urged that the executive branch be given in fiscal matters. Rather, the House has voted a blanket grant of power to the President to make any and all budgetary cuts he deems necessary to reduce the total of Federal spending in this fiscal year to $250 billion. There is no provision for Congressional consultation or review, merely the gift of a budgetary ax to be used wherever Mr. Nixon wishes.

In effect, the House has announced to the country that it knows budgetary cuts are necessary, but that it is unwilling to pay the political price implicit in making them. Instead, it is willing to turn its power over to the President and let him harvest whatever political assets and liabilities accrue from the cuts he makes.

This action would be wrong no matter who was President. The American constitutional system is one of defined powers distributed among three branches of government. The House has no right to default in exercise of the powers specifically reserved to Congress. Since it has elected to duck the responsibility for determining what appropriations should be cut, it now becomes the duty of the Senate to save the prestige and power of Congress by frustrating the flight from constitutional obligation.

Mr. PASTORE. Mr. President, I submit a summary of the bill and ask unanimous consent that it be printed in the RECORD.

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

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1972 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1973

TITLE I—DEPARTMENT OF STATE

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

Item	New budget (obligational) authority, fiscal year 1972 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action
(1)	(2)	(3)	(4)	(5)	(6)
Administration of Foreign Affairs:					
Salaries and expenses	$249,368,000	$261,744,000	$260,500,000	$261,200,000	$260,800,000
Representation allowances	993,000	993,000	993,000	993,000	993,000
Acquisition, operation, and maintenance of buildings abroad	18,750,000	28,814,000	27,000,000	27,000,000	27,000,000
Acquisition, operation, and maintenance of buildings abroad (special foreign currency program)	6,850,000	6,485,000	6,485,000	6,485,000	6,485,000
Emergencies in the diplomatic and consular service	2,100,000	2,100,000	2,100,000	2,100,000	2,100,000
Payment to Foreign Service retirement and disability fund	2,972,000	2,972,000	2,972,000	2,972,000	2,972,000
Total, administration of foreign affairs	281,033,000	303,108,000	300,050,000	300,750,000	300,350,000
International Organizations and Conferences:					
Contributions to international organizations	162,172,360	180,900,000	152,120,250	184,808,169	176,190,750
Missions to international organizations	4,843,000	5,119,000	5,097,000	5,097,000	5,097,000
International conferences and contingencies	2,177,000	2,611,000	2,400,000	2,400,000	2,400,000
Total, international organizations and conferences	169,192,360	188,630,000	159,617,250	192,305,169	183,687,750
International Commissions:					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	1,161,000	1,182,000	1,182,000	1,182,000	1,182,000
Operation and maintenance	2,838,000	2,945,000	2,945,000	2,945,000	2,945,000
Construction	6,280,000	10,246,000	10,246,000	10,246,000	10,246,000
American sections, international commissions	738,000	750,000	735,000	735,000	735,000
International fisheries commissions	3,114,000	3,327,000	3,234,500	3,327,000	3,276,000
Total, international commissions	14,131,000	18,450,000	18,342,500	18,435,500	18,384,000
Educational Exchange:					
Mutual educational and cultural exchange activities	40,816,000	52,860,000	40,816,000	52,860,000	45,000,000
Center for cultural and technical interchange between East and West	5,630,000	6,800,000	6,000,000	6,320,000	6,200,000
Total, educational exchange	46,446,000	59,660,000	46,816,000	59,180,000	51,200,000
Total, title I, Department of State	510,802,360	569,848,000	524,825,750	570,670,169	553,621,750

TITLE II—DEPARTMENT OF JUSTICE

Legal Activities and General Administration:					
Salaries and expenses, general administration	$10,509,000	$12,498,000	$12,000,000	$12,000,000	$12,000,000
Salaries and expenses, general legal activities	40,669,000	47,415,000	46,000,000	46,000,000	46,000,000
Salaries and expenses, Antitrust Division	12,340,000	12,836,000	12,836,000	12,836,000	12,836,000
Salaries and expenses, U.S. attorneys and marshals	85,240,000	91,487,000	91,000,000	91,000,000	91,000,000
Fees and expenses of witnesses	8,900,000	11,250,000	10,500,000	10,500,000	10,500,000
Salaries and expenses, Community Relations Service	5,944,000	6,924,000	6,800,000	6,800,000	6,800,000
Total, legal activities and general administration	163,602,000	182,410,000	179,136,000	179,136,000	179,136,000
Federal Bureau of Investigation: Salaries and expenses	336,116,000	351,675,000	351,675,000	351,675,000	351,675,000
Immigration and Naturalization Service: Salaries and expenses	130,944,000	135,084,000	135,084,000	135,084,000	135,084,000
Federal Prison System:					
Salaries and expenses, Bureau of Prisons	104,863,000	115,417,000	115,417,000	115,417,000	115,417,000
Buildings and facilities	59,801,000	48,899,000	42,616,000	42,616,000	42,616,000
Support of U.S. prisoners	14,545,000	18,090,000	17,000,000	17,000,000	17,000,000
Total, Federal prison system	179,209,000	182,406,000	175,033,000	175,033,000	175,033,000
Law Enforcement Assistance Administration: Salaries and expenses	699,919,000	850,597,000	850,597,000	850,597,000	850,597,000
Bureau of Narcotics and Dangerous Drugs: Salaries and expenses	65,812,000	74,053,000	74,053,000	74,053,000	74,053,000
Total, title II, Department of Justice	1,574,602,000	1,776,225,000	1,765,578,000	1,765,578,000	1,765,578,000

TITLE III—DEPARTMENT OF COMMERCE

General Administration: Salaries and expenses	$7,462,000	$8,015,000	$7,900,000	$7,900,000	$7,900,000
Social and Economic Statistics Administration:					
Salaries and expenses	28,685,000	38,828,000	34,300,000	35,872,000	34,800,000
1972 census of governments	1,472,000	1,446,000	1,446,000	1,446,000	1,446,000
1972 economic censuses	3,842,000	11,857,000	10,500,000	11,857,000	11,178,500
1974 census of agriculture		1,360,000	1,360,000	1,360,000	1,360,000
19th decennial census	13,618,000	(1)	(1)	(1)	(1)
Total, Social and Economic Statistics Administration	47,617,000	53,491,000	47,606,000	50,535,000	48,784,500
Economic Development Administration:					
Development facilities	190,000,000	160,000,000	160,000,000	190,000,000	190,000,000
Industrial development loans and guarantees	50,000,000	40,000,000	50,000,000	50,000,000	50,000,000
Planning, technical assistance, and research	20,855,000	22,368,000	22,368,000	22,368,000	22,368,000
Operations and administration	23,615,000	23,363,000	23,363,000	23,363,000	23,363,000
Total, Economic Development Administration	284,470,000	245,731,000	255,731,000	285,731,000	285,731,000
Regional action planning commissions: Regional development programs	39,054,000	39,072,000	39,072,000	62,672,000	41,672,000
Domestic business activities: Salaries and expenses	15,445,000	16,364,000	16,364,000	16,364,000	16,364,000
Trade adjustment assistance: Financial and technical assistance	65,000,000	(1)	(1)	(1)	(1)
International activities:					
Salaries and expenses	23,262,000	24,898,000	24,200,000	24,200,000	24,200,000
Salaries and expenses (special foreign currency program)	200,000	400,000	400,000	400,000	400,000
Export control	6,138,000	5,802,000	5,802,000	5,802,000	5,802,000
Total, international activities	29,600,000	31,100,000	30,402,000	30,402,000	30,402,000
Foreign direct investment regulation:					
Salaries and expenses	2,572,000	2,600,000	2,300,000	2,300,000	2,300,000
(By transfer)				(300,000)	(300,000)

Footnotes at end of table.

Item	New budget (obligational) authority, fiscal year 1972 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action
(1)	(2)	(3)	(4)	(5)	(6)
Minority business enterprise: Minority business development	$43,668,000	$63,934,000	$63,934,000	$63,934,000	$63,934,000
U.S. Travel Service: Salaries and expenses	6,480,000	12,081,000	8,500,000	10,000,000	9,000,000
National Oceanic and Atmospheric Administration:					
Salaries and expenses	185,167,000	205,026,000	197,000,000	215,265,000	199,026,000
(By transfer)				(6,000,000)	(6,000,000)
Research, development and facilities	108,697,000	144,721,000	127,000,000	184,612,000	131,721,000
(By transfer)				(13,000,000)	(13,000,000)
Research and development (special foreign currency program)	500,000				
Satellite operations	33,120,000	36,320,000	30,000,000	43,036,000	36,320,000
Administration of Pribilof Islands	2,966,000	3,232,000	3,232,000	3,432,000	3,232,000
Limitation on administrative expenses, fisheries loan fund	(425,200)	(435,000)	(435,000)	(435,000)	(435,000)
Fishermen's protective fund	61,000	61,000	61,000	61,000	61,000
Total, National Oceanic and Atmospheric Administration	330,511,000	389,360,000	357,293,000	446,406,000	370,360,000
Patent Office: Salaries and expenses	62,372,000	69,191,000	67,000,000	68,000,000	67,500,000
National Bureau of Standards:					
Research and technical services	48,000,000	78,089,000	62,100,000	76,100,000	69,100,000
Research and technical services (special foreign currency program)	500,000	1,000,000	1,000,000	1,000,000	1,000,000
Plant and facilities	2,325,000	1,970,000	1,850,000	1,850,000	1,850,000
Total, National Bureau of Standards	50,885,000	81,059,000	64,950,000	78,950,000	71,950,000
Office of Telecommunications:					
Research, engineering, analysis, and technical services	4,986,000	7,705,000	5,800,000	7,005,000	5,800,000
(By transfer)				(700,000)	(700,000)
Maritime Administration:					
Ship construction	229,687,000	250,000,000	280,000,000	280,000,000	280,000,000
Operating-differential subsidies (appropriation to liquidate contract authority)	(239,145,000)	(232,000,000)	(232,000,000)	(232,000,000)	(232,000,000)
Research and development	23,750,000	30,000,000	29,000,000	29,000,000	29,000,000
Salaries and expenses	22,647,000	24,390,000	24,390,000	24,390,000	24,390,000
Maritime training	7,602,000	7,854,000	7,854,000	7,854,000	7,854,000
State marine schools	801,000	978,000	978,000	978,000	978,000
(Appropriation to liquidate contract authority)	(1,399,000)	(1,312,000)	(1,312,000)	(1,312,000)	(1,312,000)
Total, Maritime Administration	284,487,000	313,222,000	342,222,000	342,222,000	342,222,000
Total, title III, Department of Commerce	1,274,609,000	1,332,925,000	1,309,074,000	1,472,421,000	1,363,919,500
(By transfer)				(20,000,000)	(20,000,000)
TITLE IV—THE JUDICIARY					
Supreme Court of the United States:					
Salaries	$3,482,000	$3,834,000	$3,770,000	$3,784,000	$3,784,000
Printing and binding Supreme Court reports	317,000	355,000	355,000	355,000	355,000
Miscellaneous expenses	318,750	534,000	423,000	423,000	423,000
Automobile for the Chief Justice	13,400	14,600	14,600	14,600	14,600
Books for the Supreme Court	49,000	55,000	55,000	55,000	55,000
Care of the building and grounds	560,600	1,090,000	1,000,000	1,000,000	1,000,000
Total, Supreme Court of the United States	4,740,750	5,882,600	5,617,600	5,631,600	5,631,600
Court of Customs and Patent Appeals: Salaries and expenses	664,000	684,000	684,000	684,000	684,000
Customs Court: Salaries and expenses	2,355,000	2,455,000	2,241,000	2,341,000	2,341,000
Court of Claims: Salaries and expenses	2,087,000	2,139,000	2,139,000	2,139,000	2,139,000
Courts of appeals, district courts, and other judicial services:					
Salaries of judges	26,143,000	26,500,000	26,500,000	26,500,000	26,500,000
Salaries of supporting personnel	69,854,000	84,153,000	75,663,000	78,518,000	76,008,000
Representation by court-appointed counsel and operation of defender organizations	14,500,000	15,083,000	13,500,000	15,083,000	14,500,000
Fees of jurors	18,130,000	18,830,000	18,500,000	18,500,000	18,500,000
Travel and miscellaneous expenses	9,600,000	11,668,000	10,506,000	10,959,000	10,626,000
Administrative Office of the U.S. Courts	3,165,000	3,862,000	3,600,000	3,600,000	3,600,000
Salaries and expenses of U.S. magistrates	5,700,000	6,258,000	6,258,000	6,258,000	6,258,000
Salaries of referees (special fund)	6,416,000	7,062,000	6,991,000	6,656,000	6,991,000
Expenses of referees (special fund)	11,495,000	12,985,000	12,660,000	12,660,000	12,660,000
Total, courts of appeals, district courts, and other judicial services	165,003,000	186,401,000	174,178,000	178,734,000	175,643,000
Federal Judicial Center: Salaries and expenses	1,255,000	1,544,000	1,544,000	1,544,000	1,544,000
Commission on Bankruptcy Laws of the United States: Salaries and expenses (special fund)		426,000	350,000	426,000	426,000
Total, title IV, the judiciary	176,104,750	199,531,600	186,753,600	191,499,600	188,408,600
TITLE V—RELATED AGENCIES					
American Battle Monuments Commission: Salaries and expenses	$3,367,000	$3,370,000	$3,370,000	$3,370,000	$3,370,000
Arms Control and Disarmament Agency: Arms control and disarmament activities	9,116,000	10,253,000	10,000,000	10,253,000	10,000,000
Commission on American Shipbuilding: Salaries and expenses	450,000	579,000	550,000	550,000	550,000
Commission on Civil Rights: Salaries and expenses	3,816,000	4,820,000	4,820,000	4,820,000	4,820,000
Commission on International Radio Broadcasting: International radio broadcasting activities	32,225,000	38,795,000	38,795,000	38,795,000	38,795,000
Equal Employment Opportunity Commission: Salaries and expenses	23,000,000	[1] 46,434,000	25,110,000	42,896,000	32,000,000
Federal Maritime Commission: Salaries and expenses	5,300,000	5,679,000	5,679,000	5,679,000	5,679,000
Foreign Claims Settlement Commission:					
Salaries and expenses	750,000	793,000	743,000	743,000	743,000
Payment of Vietnam and U.S.S. Pueblo prisoner of war claims	100,000				
Total, Foreign Claims Settlement Commission	850,000	793,000	743,000	743,000	743,000
National Commission on Fire Prevention and Control: Salaries and expenses	300,000	476,000	450,000	450,000	450,000
National Tourism Resources Review Commission: Salaries and expenses	300,000	400,000	400,000	400,000	400,000
Small Business Administration:					
Salaries and expenses:					
Appropriation	23,000,000	22,800,000	22,560,000	22,560,000	22,560,000
Transfer from revolving funds	(61,650,000)	(67,440,000)	(67,440,000)	(67,440,000)	(67,440,000)
Payment of participation sales insufficiencies	1,487,000	970,000	970,000	970,000	970,000
Business loan and investment fund	275,000,000	395,000,000	395,000,000	395,000,000	395,000,000
Disaster loan fund	170,000,000	80,000,000	80,000,000	80,000,000	80,000,000
Total, Small Business Administration	469,487,000	498,770,000	498,530,000	498,530,000	498,530,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1972 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1973—Continued

TITLE V—RELATED AGENCIES—Continued

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

Item	New budget (obligational) authority, fiscal year 1972 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action
(1)	(2)	(3)	(4)	(5)	(6)
Special Representative for Trade Negotiations: Salaries and expenses	$814,000	$1,160,000	$925,000	$1,100,000	$1,000,000
Subversive Activities Control Board: Salaries and expenses	450,000	706,000	450,000	----------	350,000
Tariff Commission: Salaries and expenses	5,299,000	6,353,000	5,800,000	6,160,000	6,000,000
U.S. Information Agency:					
Salaries and expenses	181,173,000	188,406,000	188,000,000	188,000,000	188,000,000
Salaries and expenses (special foreign currency program)	13,000,000	12,500,000	12,500,000	12,500,000	12,500,000
Special international exhibitions	3,519,000	[3] 4,946,000	3,394,000	4,946,000	4,946,000
Special international exhibitions (special foreign currency program)	306,000	357,000	357,000	357,000	357,000
Acquisition and construction of radio facilities	1,100,000	1,000,000	1,000,000	1,000,000	1,000,000
Total, U.S. Information Agency	199,098,000	207,209,000	205,251,000	206,803,000	206,803,000
Total, title V, related agencies	753,872,000	825,797,000	800,873,000	820,549,000	809,490,000
Total, titles I, II, III, IV, and V, new budget (obligational) authority—appropriations	4,289,990,110	4,704,326,600	4,587,104,350	4,820,717,769	4,681,017,850
(By transfer)				(20,000,000)	(20,000,000)
Memoranda:					
Appropriations to liquidate contract authorizations	(240,544,000)	(233,312,000)	(233,312,000)	(233,312,000)	[1](233,312,000)
Total appropriations, including appropriations to liquidate contract authorizations	(4,530,534,110)	(4,937,638,600)	(4,820,416,350)	(5,054,029,769)	(4,914,329,850)

[1] Language only.
[2] Includes $14,786,000 contained in H. Doc. 92-300 not considered by House.
[3] Includes $1,552,000 contained in H. Doc. 92-286 not considered by House.

A WASTE OF $350,000

Mr. ERVIN. Mr. President, the conference committee report on H.R. 14989, the appropriations bill for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies is disturbing to me for two reasons.

First, the appropriation of $350,000 for the Subversive Activities Control Board is an outright waste.

Second, the conference committee has eliminated language from the bill which would have prevented the Justice Department from distributing arrest records on innocent citizens.

THE SACB

The expenditure of $350,000 on the Subversive Activities Control Board amounts to little more than unemployment benefits for five bureaucrats, for the Board members have no functions whatever except to meet, draw salaries, and prepare next year's budget. The Board has had nothing to do because the courts have found most of its original functions under the Internal Security Act of 1950 to be unconstitutional.

Such waste is especially inexcusable in this fiscal year when the administration has asked Congress to increase the national debt and to place a ceiling on Federal spending. With our Government in a state of heavy deficit financing, it can be said that this appropriation puts us another $350,000 in debt.

Until 1971, the Attorney General had brought only 25 petitions alleging organizations to be "Communist action," "Communist front," or "Communist infiltrated" as defined in the Internal Security Act. On these 25 petitions, the Board issued only eight final orders determining that the organizations fell within the definitions of the act. Only one organization was designated a "Communist action" organization, and seven groups were found to be "Communist front" organizations.

The majority of the remaining cases were dropped either because the Board found that the organizations did not fall within the provisions of the act, or because the Board's orders were vacated pursuant to a Federal court decision.

In an attempt to revive the moribund Board, President Nixon issued Executive Order No. 11605 on July 2, 1971. The order purports to amend Executive Order No. 10450, which was issued by President Eisenhower on April 27, 1953, to establish loyalty and security requirements for Government employment.

President Eisenhower's Executive order applies only to persons presently enjoying or presently seeking employment in Federal executive departments and agencies, and requires the Civil Service Commission, the employing department or agency, or the FBI to investigate matters relating to them as individuals, including their individual memberships in subversive organizations, which are relevant to the determination of whether the employment or retention in employment of each of them is clearly consistent with the interests of national security.

Hence, the Eisenhower order establishes forthright and circumscribed procedures for insuring the loyalty of Federal civil servants. Moreover, it merely implements powers vested in the President by the Constitution and acts of Congress relating to Government employment.

President Nixon's Executive order is a different kettle of fish. To be sure, it professes itself to be a mere amendment to the Eisenhower order, and it does alter that order in one or more insignificant respects. In reality, the major provisions of his Executive order represent an attempt on the part of President Nixon to amend the Internal Security Act of 1950 by bestowing upon the Subversive Activities Control Board new, sweeping powers far in excess of those Congress sought to give it.

To this end, the Nixon order declares in express terms that the Board shall henceforth possess and exercise the power to conduct, on petition of the Attorney General, hearings to determine whether any of the innumerable organizations which claim the membership of millions of Americans who do not enjoy or seek Federal employment are: First, totalitarian; second, Facists; third, Communist; fourth, subversive organizations; fifth, organizations which have the policy "of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State;" or sixth, organizations "which seek to overthrow the Government of the United States or any State or subdivision thereof by unlawful means."

The Nixon order further declares that in making its determinations, the Board shall have power to investigate the activities and objectives of every group in America which commits acts of force or violence; or unlawfully damages or destroys property, or injures persons; or violates laws "pertaining to treason, rebellion or insurrection, riots or civil disorders, seditious conspiracy, sabotage, trading with the enemy, obstruction of the recruiting and enlistment service of the United States, impeding officers of the United States, or related crimes or offenses."

The Nixon order provides that the Attorney General will transmit to each Federal executive department or agency the names of all organizations condemned by the Subversive Activities Control Board for use in determining whether persons seeking or enjoying Federal employment should be employed or retained in employment.

It is manifest, however, that the real objective of the order is to empower the

Board to brand the organizations and groups specified in it as intellectually or politically dangerous to the established order. It is equally as manifest that such branding of these organizations and groups will place a political or social stigma on their members, and tend to minimize their exercise of freedom of speech, association, and assembly.

I submit that the provisions of the Nixon order which purport to confer new powers on the Board have no legal force for these reasons:

First, their promulgation was beyond the constitutional power of the President;

Second, they are void for overbreadth; and

Third, they violate the first amendment and due process rights of all the members of the organizations or groups designated except those who share the illegal aims of the organizations or groups.

What was said by the Supreme Court in respect to President Truman's Executive order in the steel-seizure case, *Youngstown Sheet and Tube Company* v. *Sawyer*, 343 U.S. 598, 588, makes it plain that in his attempt to expand the power of the Board, President Nixon undertook to make law.

> The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a Presidential policy be executed in a manner prescribed by the President.

It necessarily follows that the major provisions of the Nixon order are void under sections 1 and 8 of article I of the Constitution, which give Congress all the lawmaking power of the Federal Government and deny any of it to the President.

I do not question the power of the President under the Constitution and acts of Congress governing Federal employment to establish by Executive order procedures to assure the loyalty of Federal civil servants. But I do assert with confidence that even if it were a bona fide effort to accomplish that objective, the Nixon order would be void for overbreadth.

The order brings within its coverage the organizational memberships of millions of Americans who neither enjoy nor seek employment in the Federal Establishment. Besides, it applies to the activities and objectives of groups past numbering which have no relationship whatever to the loyalty of Federal civil servants.

The President has no power to subject the organizational memberships, activities, or objectives of all Americans to the scrutiny of the Subversive Activities Control Board because some of them may be employed by the Federal Government or some of them may hereafter seek employment by it.

The Nixon order also violates the first amendment and the due process clause by applying the theory of guilt by association and stigmatizing politically and socially all the members of all the organizations or groups branded by the Subversive Activities Control Board, including those who may be passive or inactive members of such organizations or groups, or those who may be unaware of unlawful aims of such organizations or groups, or those who may disagree with those lawful aims.

While I do not care to belabor the points, a pretty good case can also be made for the proposition that some of the powers the order attempts to allot to the Board trespass upon areas the Constitution reserves to the States, and others offend the first amendment principle that Government cannot touch the mere advocacy of ideas, no matter how reprehensible they may be.

Apart from its constitutional infirmities, President Nixon's Executive order is to be deplored because it has no rightful place in our land. It is not the function of Government in a free society to protect its citizens against thoughts or associations it deems dangerous, or to stigmatize its citizens for thoughts or associations it thinks hazardous. Yet that is exactly what the Executive order undertakes to empower the Subversive Activities Control Board to do.

If America is to be free, her Government must permit her people to think their own thoughts and determine their own associations without official instruction or intimidation; and if America is to be secure, her Government must punish her people, not for the thoughts they think or the associations they choose, but only for the crimes they commit.

Fortunately, the bill approved by the conference committee contains a rider inserted by the Senate Appropriations Committee at my urging which will prevent any of the $350,000 from being used by the SACB to implement the Nixon order.

With this rider in effect, the $350,000 will be spent to pay the $36,000-a-year salaries of the five Board members, who will have nothing to do, and the salaries of their secretaries, who will assist them in doing nothing.

ARREST RECORDS

On the other hand, the conference committee has inserted a provision which is intended to reverse a decision by the U.S. district court for the District of Columbia which found—and rightly so—that Congress had never authorized the Justice Department to collect arrest record information on citizens who have not been convicted of crime, and to disseminate it to private employers.

On June 15, 1971, the district court for the District of Columbia handed down the decision in the case of *Menard* v. *Mitchell*, 328 F. Supp. 718. The ruling prohibited the FBI's dissemination of arrest and fingerprinting records to non-law enforcement agencies. The court based its decision upon an interpretation of section 534 of title 23 of the United States Code, the provision which the Justice Department has relied upon as authority for its collection of fingerprint and arrest record information. The petitioner, Menard, had argued that inasmuch as he was never convicted, the maintenance and use of his arrest record violated the presumption of innocence, due process, the right of privacy, and freedom from unreasonable search and seizure. Although the court refused to expunge the record on Menard on these constitutional grounds, it recognized that section 534 had to be interpreted narrowly to avoid constitutional infirmities. In the court's words—

> Viewed in this light, it is abundantly clear that Congress never intended to or in fact did authorize dissemination of arrest records to any state or local agency for purposes of employment or licensing checks.

As in the fable "The Emperor's New Clothes," the court is merely pointing out to the Justice Department and to the Congress what should have been obvious. When Congress passed section 534 almost 30 years ago it was only attempting to facilitate coordinated law enforcement activities between the Federal and local governments. In the court's words, Congress was only trying "to assist arresting agencies, courts and correctional institutions in the apprehension, conviction, and proper disposition of criminal offenders." There is absolutely nothing in the statute or in the debate that even suggests that confidential or harmful information, such as the arrest record of a person whom the government does not even bother to prosecute, should be collected by the Justice Department and disseminated to private employers to help them in job screening.

Obviously, the Federal Government has no business distributing arrest records to help private enterprise in its hiring practices. Private industry has its own means of checking on applicants, and whom they hire is none of the Government's business. The distribution by the Justice Department of arrest records, just like the listing of "subversives," places an unbearable stigma on citizens who may be innocent of wrongdoing. The distribution of an applicant's arrest record almost invariably means that he will not get the job he seeks. The FBI Identification Division receives over 11,000 requests for record searches each day. We cannot know how many times Americans have been denied jobs even though they were found innocent of charges, or the case was dropped, or the original arrest was a mistake, or illegal, or even unconstitutional. Simple justice means that a man should not be denied employment because of an arrest record unless a complete trial record shows he was found guilty by a court of law.

The only way to correct this problem is for Congress to enact legislation defining and controlling the power of the Justice Department to collect and disseminate criminal history information. I recognize that there are legitimate uses for arrest information by law enforcement officials. But I must admit I have trouble seeing any legitimate use whatsoever in a bare record of an arrest which is not followed by a conviction. And I certainly think it improper to provide such information for employment purposes. The Justice Department should not be allowed to engage in such a practice until we have thoroughly considered the problem here in Congress. The conference committee, on the other hand, in adopting the language in amendment 9 to H.R. 14989 takes the position that we should let the

Department go ahead and stigmatize innocent citizens until the Congress gets around to enacting arrest records legislation authorizing it to do so.

My view is just the reverse, and is reflected in an amendment to the bill which was adopted unanimously by the Senate but unfortunately was dropped by the conference. I feel that Congress should not permit the Justice Department to invade the constitutional rights of innocent citizens and run an employee screening program for private enterprise. An appropriations bill is the wrong vehicle for substantive legislation, and both the House and Senate Rules so state.

When H.R. 14989 was on the Senate floor with this very same amendment and I was about to make a point of order striking the provision under the Senate rule, I was persuaded to agree to a proviso which would have permitted the dissemination of conviction records only for strictly law enforcement purposes. But by dropping this proviso, the conference has increased the authority of the Justice Department far beyond that authorized by the Senate and, of course, far exceeding the House version, which contained no dissemination authority at all.

If this conference report is adopted and the language on arrest records retained, I would like to make my intention clear today. If such language is in the bill the next time this appropriations bill comes up, I will make the point of order unless the Congress considers and adopts effective legislation on arrest records information. A few months ago, the administration proposed legislation designed to deal with this question, S. 3834, which has been referred to the Subcommittee on Constitutional Rights, which I chair. Although I believe this legislation relies too heavily on the "self-restraint" of the Attorney General to determine what information can be collected and to whom it may be disseminated, I believe that it provides a good vehicle for consideration of the issue. I intend to introduce my own arrest record bill next Congress, and I hope to be able to present substantive legislation to the Senate before the year is out.

Also, I intend to introduce a bill which will provide once and for all the abolition of the Subversive Activities Control Board, an alien relic in modern America. I hope that this is the last year in which an appropriation bill will include money to be wasted on this Board.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. The amendment in disagreement will be stated.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 9 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

"The funds provided for Salaries and Expenses, Federal Bureau of Investigation, may be used hereafter, in addition to those uses authorized thereunder, for the exchange of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by State statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination as that provided for under the aforementioned appropriation."

Mr. PASTORE. I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 9.

The motion was agreed to.

Mr. PASTORE. I want to thank the Chair and also the distinguished Senators who have participated in the debate.

DESIGNATION OF "NATIONAL BETA CLUB WEEK"

Mr. JORDAN of North Carolina. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 251.

The PRESIDING OFFICER (Mr. HOLLINGS) laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 251) to designate the week which begins on the first Sunday in March of each year as "National Beta Club Week," which were, in line 5, strike out "of each year" and insert "1973".

And amend the title so as to read "Joint resolution to designate the week which begins on the first Sunday in March as 'National Beta Club Week'."

Mr. JORDAN of North Carolina. Mr. President, I move the Senate concur in the amendments of the House.

The motion was agreed to.

ACCOMPLISHMENTS OF THE 92D CONGRESS

Mr. MANSFIELD. Mr. President, each year the Congress must review and act upon annual authorizations and appropriations that provide an opportunity for a continuous oversight of the many established programs so vital to our society. This process provides the opportunity for refinement and modification of these programs, an opportunity that has been used this Congress. In addition, the 92d Congress has devised many creative and significantly innovate measures. While there have been disappointments, the 92d Congress can well be proud of its record. Although some new programs never reached final enactment this year, the groundwork has been laid and will prove invaluable in obtaining the expeditious disposition of those measures early in the next session of Congress.

In many areas—education, health, crime control, environmental protection, consumer interests—strides have been made by the 92d Congress toward responding to the vast problems facing this country.

In education Congress has approved an expansion of the basic student aid program, authorized new direct-aid-to-institutions grants for higher education and approved a 3-year appropriation for the National Institute of Education.

In addition to expanding cancer research within the National Cancer Institute, the Congress enacted health manpower aid to nursing and medical schools, authorized funding of a program for detection and treatment of sickle cell anemia and greatly improved drug abuse control legislation which has impact upon not only the health field but upon law enforcement efforts as well.

The list of positive, creative legislation is long. It includes the Tax Revenue Act of 1971, which afforded tax cuts to middle- and low-income families;

The wage-price control authority for phase II;

The reorganization of the Post Office;

The provision for the lottery system in the draft—and provisions leading toward an all-volunteer army;

Constitutional amendment to lower the voting age to 18;

The equal rights amendment.

In the environment area, the Congress has enacted an expanded and greatly strengthened water pollution control measure. Increases in social security benefits, extension of expanded OEO programs, and the creation of a new rural development program to improve the quality of life for Americans living in small towns and on farms were enacted during the 92d Congress.

Reform measures have been enacted dealing with various aspects of national concerns—comprehensive rules on campaign spending and fundraising and the full disclosure of each; the Hazardous Products Act and the insecticide control measure. Also, the Congress has approved a comprehensive Older Americans Act and the Comprehensive Manpower Training Act of 1971—both of which will offer valuable assistance to those most in need of help in our society.

In the area of crime control, in addition to the measures passed to control the flow of dangerous drugs into this country from countries which accept our foreign aid, funds have been approved to establish a National Drug Abust Training Center to conduct programs on combating drug abuse and drug crimes. The Revenue Sharing Act of 1972 provides for the first time a source of revenue for the cities which have exhausted the local means of raising revenue to provide the basic services for their inhabitants.

There have been some disappointments in this Congress. The measures which have not been approved by both Houses and sent to the White House include some of the most conceptually exciting and vitally needed legislation to be considered for some time. All of these measures will hopefully be reported from the various committees early in the next session of Congress and be enacted into law as rapidly as possible.

This list of "must" legislation for the next session of Congress includes: Comprehensive housing, which died in the House; Consumer Protection Agency,

which died in the Senate; no-fault insurance, which died in the Senate; minimum wage, which died in the House; pension reform, which died in the House and the Senate; comprehensive health insurance, which has not been taken up in any reasonable sense by either House, unfortunately; health maintenance organizations—again both Houses are at fault; strict strip mining controls. The House passed a reasonably good bill. What was passed out by the Senate committee was a very weak bill. I have tried, and I think I should say this in explanation again, to reach an accommodation so that the House bill, which would have been my preference, could have been considered on a time limit basis. Unfortunately, I was unable to reach an agreement or such an accommodation. Because of the shortness of time and the lateness with which the House passed the bill, that, too, will be one of the first orders of business, I hope, next year, and I believe I am correct in so stating.

I see the Senator from Utah (Mr. Moss) on the floor, who has done so much pioneer work in this field. I believe he indicated on yesterday, at the time the Montana moratorium bill was passed, that he would report a bill out of committee, if possible, by March 1973.

Mr. MOSS. Mr. President, if the Senator will yield, yes, indeed. Our subcommittee could very well begin hearings in January and try to have on the floor for Senate consideration by the first of March a surface mining bill.

Mr. MANSFIELD. I appreciate that statement. That confirms what I just said.

The omnibus crime victims bill passed this body in good shape, but, unfortunately, has been bogged down in the House. That bill has to do with compensation for policemen and firemen killed in the line of duty. It has much to do in the way of compensation for the innocent victims of crime, including good samaritans—a piece of legislation which was long overdue. This matter is one of my gravest disappointments. I am very proud of what the Senate has done. I am very disappointed in what the House has not done in not acting on the omnibus crime victims bill, because it was needed. It should have been passed, but it looks like that is over for this session of Congress.

Let me say, in that respect, I have nothing but words of commendation for the distinguished Senator from Arkansas (Mr. McCLELLAN) for the great skill and the knowledge he showed in managing that omnibus bill through the Senate and having it passed in such excellent shape.

Hearings have been held on all of the measures which have been mentioned, and the people of this country are entitled to early consideration during the next Congress.

I would hope, as long as the groundwork has been laid, that that action would be taken and that that legislation would be brought to the floor of the Senate as expeditiously as possible after the 93d Congress convenes.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on October 12, 1972, the President had approved and signed the act (S. 1475) to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes.

REPORT OF NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BAYH) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

I am transmitting herewith the Annual Report of the National Corporation for Housing Partnerships for the period July 1, 1971 to June 30, 1972.

I commend this Report to your attention.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1972.*

REPORT OF ECONOMIC STABILIZATION PROGRAM—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BAYH) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

Through the Economic Stabilization Program, which was introduced as part of the New Economic Policy of August 15, 1971, we have taken forceful steps to curb the spiraling inflation that was eroding the buying power of the American wage earner—and that program is working. This fourth quarterly report of the Economic Stabilization Program describes the solid gains which have been made in revitalizing our economy and stemming the erosion of the value of the dollar.

I invite your special attention to the rise of more than 4 percent in real weekly spendable earnings which the American worker has enjoyed over the past year. This is three times the average rate of increase from 1960 to 1968.

To the average production worker, this gain represents an annual growth in purchasing power of more than $200—the equivalent of two extra weekly paychecks. Clearly, the treadmill of inflation is being transformed into wheels of economic progress.

Each American can take pride in the encouraging achievements which we have realized in the past year, for they have been made possible only through the determined efforts and the voluntary cooperation of all our people.

As this report points out, problems remain—but if our stabilization program continues to receive the wide public support it has received over its first year, and which it enjoys today, they will be solved.

This Administration will continue to exercise strong leadership in furthering that progress—we are determined to control inflation. Ultimately, however, it will be only through the determination, resourcefulness and patriotic cooperation of the American people that the victory of a full new prosperity will be won.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1972.*

INCREASED ANNUAL APPROPRIATION AUTHORIZATION, NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Mr. HOLLINGS. Mr. President, on behalf of the distinguished Presiding Officer, the Senator from Alaska (Mr. STEVENS) and myself, I ask the Chair to lay before the Senate a message from the House on H.R. 15280, authorizing the increased annual appropriation authorization of the National Advisory Committee on Oceans and Atmosphere, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. STEVENS). The Chair lays before the Senate H.R. 15280. Is there objection to its immediate consideration?

There being no objection, the Senate proceeded to consider the bill, which was read twice by its title.

Mr. HOLLINGS. Mr. President, the Committee on Commerce has been considering legislation which authorizes an increase in the annual appropriation of the National Advisory Committee on the Oceans and Atmosphere. This Committee is doing an outstanding job in assisting the President and the Congress in helping this Nation plot a correct course to fully protect and utilize the vast resources of the oceans and coastal zones.

The Senate bill, S. 3668, is virtually identical to the House bill H.R. 15280. identical to the House bill, House Resolution 15280.

In order to facilitate this matter in the waning hours of this Congress, Mr. President, I have asked that the Senate proceed immediately to consideration of House Resolution 15280.

Mr. President, as this Nation has become increasingly aware of its natural need to rely more and more on the benefits to be derived from the oceans which lap its shores, we in the Congress have recognized the fundamental need to provide and fund viable and productive governmental entities to direct the Nation's activities in realizing those benefits in an orderly and rational manner. The genesis of this realization can be traced to the Stratton commission report, "Our Nation and the Sea," which recommended the establishment of a top-level ad-

visory committee to serve as a focal point for the channeling of communication between government and the many private and public groups vitally interested in our link with the sea.

The outgrowth of that recommendation is the National Advisory Committee on the Oceans and Atmosphere—NACOA—comprised of 25 capable members with varied backgrounds but all close to the Nation's many ocean interests. The Committee was appointed only a year ago and has just released its first annual report.

The report itself is a tribute to NACOA's vitality and its member's dedication to increased awareness of marine affairs. The topics covered, "Law of the Sea," "United States Fisheries," "Weather Modification and Coastal Zone Management," were especially timely. In regard to the latter, the report urged the passage of national coastal legislation, an urging which saw reality just last night.

Now that this always difficult first year of operation has passed, NACOA has clearly justified both its continued existence and the increase in its appropriation level authorized by H.R. 15280. The additional funds will enable the commissioners to continue to fulfill their statutory responsibilities without having to rely on outside staff support and logistical assistance thereby preserving the independence conducive to their continued success. Based on its record, NACOA promises to produce increasingly significant results with each additional year of existence.

Mr. STEVENS. Mr. President, I am pleased to see the passage of H.R. 15280, the bill increasing the annual appropriation authorization figure of the National Advisory Committee on Oceans and Atmosphere—NACOA. This will increase the annual appropriation authorization from $200,000 to $400,000. The House of Representatives amended the bill to permit continued funding only through 1975. At that time, Congress will again examine the progress of NACOA.

NACOA's members are the most respected people in this field. They come from all parts of the country and, indeed, from other countries as well. They are academicians, Government administrators, labor leaders, industry representatives, and legislators.

NACOA has made an impressive beginning. It has already undertaken its advisory capacity and appears to be doing a highly creditable job.

I wish the committee well and am sure that it will continue its impressive performance. This legislation will provide the funding necessary for it to do so.

Mr. HOLLINGS. I move the adoption of the bill.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to be read a third time, and was passed.

AIRPORT DEVELOPMENT ACCELERATION ACT OF 1972—CONFERENCE REPORT

Mr. CANNON. Mr. President, I submit a report of the committee of conference on S. 3755, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BAYH). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3755) to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

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

Mr. CANNON. Mr. President, the House of Representatives has adopted the conference report on S. 3755. I ask unanimous consent that the report together with the explanation of the conference agreement be printed in the RECORD at this point.

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

CONFERENCE REPORT (H. REPT. No. 92-1543)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3755) to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Airport Development Acceleration Act of 1972".

SEC. 2. Section 11 (2) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711) is amended by inserting immediately after "Federal Aviation Act of 1958," the following: "and security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport,".

SEC. 3. (a) Section 14(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714(a)) is amended—

(1) by striking out "1975" in paragraph (1) and inserting in lieu thereof "1973, and $312,500,000 for each of the fiscal years 1974 and 1975"; and

(2) by striking out "1975" in paragraph (2) and inserting in lieu thereof "1973, and $37,500,000 for each of the fiscal years 1974 and 1975".

(b) Section 14(b) of that Act (49 U.S.C. 1714(b)) is amended—

(1) by striking out "$840,000,000" in the first sentence thereof and inserting in lieu thereof "$1,540,000,000"; and

(2) by striking out "and" in the last sentence thereof and inserting immediately before the period ", an aggregate amount exceeding $1,190,000,000 prior to June 30, 1974, and an aggregate amount exceeding $1,540,000,000 prior to June 30, 1975."

SEC. 4. Section 16(c)(1) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)) is amended by inserting in the last sentence thereof "or the United States or an agency thereof" after "public agency".

SEC. 5. Section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717) relating to United States share of project costs, is amended—

(1) by striking out subsection (a) of such section and inserting in lieu thereof the following:

"(a) GENERAL PROVISION.—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part may not exceed—

"(1) 50 per centum for sponsors whose airports enplane not less than 1.00 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board; and

"(2) 75 per centum for sponsors whose airports enplane less than 1.00 per centum of the total annual number of passengers enplaned by air carriers certificated by the Civil Aeronautics Board."; and

(2) by adding at the end thereof the following new subsection:

"(e) SAFETY CERTIFICATION AND SECURITY EQUIPMENT.—

"(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971.

"(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971.".

SEC. 6. The first sentence of section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712(a)) is amended by striking out "two years' and inserting in lieu thereof "three years".

SEC. 7. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"STATE TAXATION OF AIR COMMERCE

"SEC. 1113. (a) No State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) shall levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom: *Provided, however,* That any State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) which levied and collected a tax, fee, head

charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom prior to May 21, 1970, shall be exempt from the provisions of this subsection until July 1, 1973.

"(b) Nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) from the levy or collection of taxes other than those enumerated in subsection (a) of this section, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) owning or operating an airport from levying or collecting reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of airport facilities.

"(c) In the case of any airport operating authority which—

"(1) has an outstanding obligation to repay a loan or loans of amounts borrowed and expended for airport improvements;

"(2) is collecting, without air carrier assistance, a head tax on passengers in air transportation for the use of its facilities; and

"(3) has no authority to collect any other type of tax to repay such loan or loans.

the provisions of subsection (a) shall not apply to such authority until July 1, 1973.".

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following:

"Sec. 1113. State taxation of air commerce.".

And the House agree to the same.

That the House recede from its amendment to the title of the Senate bill.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
JAMES HARVEY,
DAN KUYKENDALL,
Managers on the Part of the House.

WARREN G. MAGNUSON,
HOWARD W. CANNON,
PHILIP A. HART,
NORRIS COTTON,
JAMES B. PEARSON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3755) to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such Act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill, and the Senate disagreed to the House amendments.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House to the text of the Senate bill, with an amendment which is a substitute for both the text of the Senate bill and the House amendment to the text of the Senate bill. The committee of conference also recommends that the House recede from its amendment to the title of the Senate bill.

The differences between the text of the Senate bill, the House amendment thereto, and the substitute agreed to in conference are noted below.

Unless otherwise indicated, references to provisions of "existing law" contained in this joint statement refer to provisions of the Airport and Airway Development Act of 1970.

SHORT TITLE

Senate Bill

The first section of the Senate bill provided that the legislation could be cited as the "Airport Development Acceleration Act of 1972".

House Amendment

No provision.

Conference Substitute

The conference substitute is the same as the Senate bill.

State Taxation of Air Commerce

Senate bill

Section 7 of the Senate bill provided for a permanent prohibition against the levy or collection of a tax or other charge on persons traveling in air commerce or on the carriage of persons so traveling or on the sale of air transportation or on the gross receipts derived therefrom by any State or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, territories or possessions of the United States or political agencies of two more States. There were two exemptions from this prohibition. First, any State which levied and collected such charges before May 21, 1970, would be exempt from the prohibition until July 1, 1973. Second, any airport operating authority which (1) has an outstanding obligation to repay money borrowed and expended for airport improvements, (2) has collected a head tax on air passengers, without carrier assistance, for the use of its facilities, and (3) has no authority to collect any other type of tax to repay the loan, would be exempt from the prohibition until July 1, 1973.

The Senate bill also provided that the prohibition would not extend to the levy or collection of other taxes, such as property taxes, net income taxes, franchise taxes, and sales or use taxes, nor to the levy or collection of other charges such as reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of aircraft facilities.

House amendment

The first section of the House amendment provided for an 18-month moratorium on the levy or collection of any tax, fee, or other charge on persons traveling in air transportation or on the carriage of persons in air transportation.

Section 2 of the House amendment provided for an investigation of fees and charges levied and collected by States on persons traveling in air transportation in order to determine the effect of such charges on air transportation in the United States. The investigation was to be conducted by the Civil Aeronautics Board, which was required to report the results of the investigation to the President and to the Congress, together with its recommendations, not later than twelve months after the date of enactment of this legislation.

The House amendment authorized an appropriation of $100,000 to carry out the investigation.

Conference substitute

The conference substitute is the same as the Senate bill.

Annual authorizations for airport development grants

Senate bill

Section 3(a) of the Senate bill amended section 14(a) of existing law—

(1) to increase the minimum annual authorization for airport development grants to air carrier and reliever airports from $250 million per year to $375 million per year for each of the fiscal years 1974 and 1975; and

(2) to increase the minimum annual authorization for airport development grants to general aviation airports from $30 million per year to $45 million per year for each of the fiscal years 1974 and 1975.

House Amendment

No provision.

Conference Substitute

The conference substitute follows the Senate bill with the following changes:

The minimum annual authorization for grants to air carrier and reliever airports is increased from $250 million to $312.5 million for each of the fiscal years 1974 and 1975.

The minimum annual authorization for grants to general aviation airports is increased from $30 million to $37.5 million for each of the fiscal years 1974 and 1975.

Obligational authority for aircraft development grants

Senate Bill

Section 3(b) of the Senate bill amended section 14(b) of existing law to increase from $840 million to $1.68 billion the authority of the Secretary of Transportation to incur obligations to make airport development grants. This section of the Senate bill also extended from 1975 to 1978 the authority of the Secretary to liquidate obligations incurred before July 1, 1975, and provided that not more than $1.26 billion in such obligations could be liquidated before June 30, 1974, and not more than $1.68 billion in such obligations could be liquidated before June 30, 1975.

House Amendment

No provision.

Conference Substitute

The conference substitute follows the Senate bill with the following changes:

The authority of the Secretary to incur obligations is increased from $840 million to $1.54 billion.

There is no extension of authority to liquidate obligations after June 30, 1975.

The authority to liquidate obligations is limited to $1.19 billion before June 30, 1974, and to $1.54 billion before June 30, 1975.

U.S. SHARE OF PROJECT COSTS IN GENERAL

Senate bill

Paragraph (1) of section 5 of the Senate bill amended section 17(a) of existing law to provide that the United States share of allowable project costs of any approved project shall be—

(1) 50 percent for sponsors at airports which enplane not less than one percent of the annual total of passengers enplaned by all certificated air carriers (large hubs); and

(2) 75 percent for sponsors at airports which enplane less than one percent of the annual total of passengers enplaned by all certificated air carriers (medium hubs, small hubs, non hubs, and general aviation airports).

Under existing law, the United States share may not exceed 50 percent, regardless of the passenger enplanements at the airport.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill except that the United States share may not exceed 50 percent for airports classified as large hubs and may not exceed 75 percent for smaller airports.

Safety certification and security equipment

Senate bill

Paragraph (2) of section 5 of the Senate bill added a new subsection (e) to section 17 of existing law to provide that the United States share of allowable project costs of an approved project shall be—

(1) 82 percent of that portion which represents the cost of safety equipment required for airport certification under section 612 of the Federal Aviation Act of 1958 and incurred under a grant agreement entered into after May 10, 1971; and

(2) 82 percent of that portion which represents the cost of security equipment required by rule or regulation of the Secretary of Transportation and incurred under a grant agreement entered into after September 28, 1971.

Under existing law, such costs would be governed by the general provision that the United States share may not exceed 50 percent.

Section 2 of the Senate bill also amended section 11(2) of existing law, relating to the definition of "airport development", to specify that required security equipment is a part of airport development.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill except that the United States share may not exceed 82 percent.

Land for future airport development

Senate bill

The Senate bill contained amendments to section 17 of existing law (relating to the United States share of project costs) and to section 11(2) of existing law (relating to the definition of "airport development") to provide that the initial United States share of costs representing the cost of acquisition of land or any interest therein or any easement or other interest in airspace purchased after May 21, 1970, for future airport development would be 100 percent of the allowable cost thereof. The Senate bill further provided that the sponsor receiving such assistance must agree to reimburse the United States for all such land acquisition costs in excess of the allowable project costs, with interest, within a period to be determined by agreement between the Secretary of Transportation and the sponsor. Depending on the size of the airport, the allowable project costs would be up to 50 percent or up to 75 percent.

House Amendment

No provision.

Conference Substitute

The Senate receded and these provisions are omitted from the conference substitute.

Terminal facilities

Senate Bill

The Senate bill contained three provisions designed to make airport terminal facilities eligible for Federal financial assistance. These provisions amended section 11(2) of existing law (relating to the definition of "airport development"), section 17 (relating to United States share of project costs), and section 20(b) (relating to costs not allowed).

Under these provisions, airport development would include the construction, alteration, repair, or acquisition of airport passenger terminal buildings or facilities directly related to the handling of passengers or their baggage at the airport and the United States share was 50 percent of the allowable cost thereof.

Under existing law such facilities are not eligible for Federal financial assistance.

House Amendment

No provision.

Conference Substitute

The Senate receded and these provisions are omitted from the conference substitute.

APPROVAL OF PROJECT APPLICATIONS ON UNITED STATES-OWNED AIRPORTS

Senate Bill

Section 4 of the Senate bill amended the last sentence of section 16(c)(1) of existing law to permit the Secretary of Transportation to approve an airport development project submitted by a public agency (as defined in section 11(11) of existing law) if the United States or an agency thereof holds good title to the landing area of the airport, or gives assurances that good title will be acquired. Presently, title to the landing area must be held or acquired by a public agency and, as defined in existing law, the term "public agency" does not include the United States or an agency thereof.

House Amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
JAMES HARVEY,
DAN KUYKENDALL,
Managers on the Part of the House.

WARREN G. MAGNUSON,
HOWARD W. CANNON,
PHILIP A. HART,
NORRIS COTTON,
JAMES B. PEARSON,
Managers on the part of the Senate.

Mr. CANNON. Mr. President, I am pleased to report to the Senate that the conference report on this important legislation will be very gratifying to the members of the Senate as most of the vital provisions of the Senate version were agreed to in conference and the legislation as approved by the conference is, I think, a splendid bill. The conference agreed to prohibit head taxes on airline passengers in the United States thus ending what is becoming a growing menace and annoyance in transportation and interstate commerce and forbids a discriminatory form of local taxation with the airline passenger as the victim.

In addition to prohibiting onerous and distasteful taxes, the conference agreed to significantly strengthen the Federal airport grant-in-aid program established by the Airport and Airways Development Act of 1970. The conference approved provisions increasing the level of Federal grant assistance to a minimum of $350 million dollars per year, an increase of $70 million over the current funding level.

The conference also agreed to provide Federal financial aid in airport grants at a level of 75 percent Federal participation at all airports in the United States except the 22 largest known as the large hubs. Present Federal limit is 50–50. Further, the conference committee agreed to increase the level of Federal participation in projects involving security and airport certification requirements to 82 percent thus significantly easing the burdens on local communities to meet airport development costs.

Mr. President, I am disappointed that a provision of the Senate bill I felt strongly about was not adopted by the conference. That was the provision which would have allowed Federal grants-in-aid for airport development projects in passenger terminals provided such benefits were related to the movement of the passengers and their baggage.

Presently, passenger terminal facilities are not eligible to receive Federal funds and, in the committee's opinion, this is a serious inadequacy in the present law. Hopefully, next year this can be again considered by the Senate and the House in an effort to make the program more responsive to the needs of airline passengers who pay for most of the program.

Notwithstanding my disppointment on that facet of the conference agreement, the conference report represents an excellent piece of legislation and is a great step forward in providing more Federal assistance in developing the Nation's air transportation system without burdening passengers with locally imposed discriminatory taxation.

Mr. President, I urge the Senate to unanimously approve the conference report on S. 3755 so that it will be sent to the White House without delay. We expect the President to approve the bill, particularly because of the important Federal commitment to help local communities finance security programs to thwart the threat of air piracy, violence, and terrorism.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. CANNON. Mr. President, I ask unanimous consent that the conference report not be printed.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS OF THE DEPARTMENT OF COMMERCE

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 16987.

The PRESIDING OFFICER laid before the Senate the bill (H.R. 16987) to amend the act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce, which was read twice by its title.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. MAGNUSON. Mr. President, this will only take half a minute.

The administration sent up a budget

request the day before yesterday, which we considered in the Commerce Committee appropriation which was just before the Senate. This measure merely increases the authorization figure from $280 million to $455 million, to build x number of ships which are required by law. Everyone is in agreement; the matter was unanimously agreed to in both the House Committee and the Senate Committee on Commerce.

The PRESIDING OFFICER. If there be no amendment, the question is on the third reading of the bill.

The bill (H.R. 16987) was read the third time, and passed.

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

The PRESIDING OFFICER. Without objection, it so ordered.

A MAN OF HISTORY: JOHN SHERMAN COOPER

Mr. HUMPHREY. Mr. President, I was not present in the Senate the other day when many of our colleagues paid their tribute, and a well-deserved tribute, to a great U.S. Senator and a dear and wonderful friend of many of us, JOHN SHERMAN COOPER. I have prepared a brief statement concerning my relationships with this fine man and my evaluation of his splendid service to our country.

Mr. President, the 92d Congress is coming to a close, and with it comes the close of another phase in the career of my very dear friend, Senator COOPER. I call it the close of another phase in Senator COOPER's career because I know full well that this great man will not be idle. He will be applying his great talents and energies, just as he has so skillfully done in the past, to areas of his own personal interest and, consequently, to the interest of this entire nation.

JOHN SHERMAN COOPER has never retired in the sense of withdrawing from the challenges of life. He has met them head on as a practicing lawyer, judge, statesman, and Senator. There is no doubt that we will be seeing and hearing from the Honorable Senator COOPER in the next session of Congress. He is in an enviable position. He has opted at this stage in his life to reflect upon it, to build upon it, and to reach out in new directions.

John Milton put in very succinct, poetic terms in his great work, "Paradise Lost," the serene, renewing direction which Senator COOPER has chosen to follow:

> For solitude sometimes is best society,
> And short retirement urges sweet return.

I do not, regrettably, have the poetic command of a John Milton, but I do now and then engage in lofty thoughts. I do feel the way any other sensitive individual would feel about friendship and admiration. JOHN SHERMAN COOPER elicits all this in me, and having said how much I look forward to working with him in his new capacity, I will now contradict myself, as befits a politician, and say how much I will miss him.

JOHN COOPER and I have worked closely together on the Foreign Relations Committee. His advice and leadership have been most helpful to me, as well as to all my colleagues in the Senate. He has been a great force for support of arms control agreements. His voice rang loud and clear as a warning knoll, and a light out of the darkness during the long and trying debate in this Chamber on Vietnam.

JOHN SHERMAN COOPER has been a great Senator. He has been an independent, courageous, and wise leader in the Senate. He has been a great friend and respected gentleman. He is a man of history, and his absence in this Chamber will be felt for a long time to come.

To my dear friend and colleague, I ask you to listen to Milton. Listen to your colleagues, and listen, since you have no choice to do otherwise, to your friend HUBERT. Enjoy the beauty and fulfillment of the step you are about to take, but remember us. Call on us; advise us. We need your experience and wisdom to help us along.

CONSUMER PROTECTION

Mr. HUMPHREY. Mr. President, I greatly regret that the Senate has been unable to act upon the Consumer Protection Protection Organization Act of 1972, S. 3970, despite a recorded vote of a clear majority of Senators on three occasions that this action be taken. I believe that this important legislation should have been considered on its merits, and I was prepared to give careful consideration to numerous pending amendments, some of which would have further refined and improved this bill.

It has often been said that the major work of Congress is accomplished in its committees. The Senate Committee on Government Operations, of which I am a member, gave in-depth consideration to the Consumer Protection Organization Act in seven executive sessions totaling some 17 hours. There was a deep concern in our committee that the final product reported to the Senate should be a responsible and balanced bill, fair both to business and to consumers. The original legislation was extensively amended in these executive sessions to achieve this goal and was finally ordered reported by a bipartisan vote of 11 to 2.

It has been abundantly clear that there can be no further delay by the Federal Government in providing effective protection for the rights and interests of American consumers, and this fact was underscored in 1970 by the Senate passage of strong legislation by a vote of 74 to 4. The clear consensus is that this protection can only be assured through the establishment of an independent Consumer Protection Agency to advocate the interests of consumers, as provided for in S. 3970. However, the administration has consistently taken a position against this consensus, prefering that a consumer affairs office function basically in a limited advisory capacity.

The fact is that the interests of consumers have lacked the continuing effective representation that other interests have had before Federal agencies and courts. It was to meet this important need that the present legislation authorized the Administrator of the Consumer Protection Agency to intervene as a party or to participate in any Federal agency proceeding when he determines that the result of the proceeding might substantially affect consumer interests, and to obtain judicial review of any agency action reviewable under law and to intervene as a party or to participate in any Federal court civil proceeding.

Numerous provisions were added or revised in committee to assure that the rights of all parties would be protected prior to or during such proceedings or court actions, and, in general, to prohibit the unfair disclosure of confidential business matters or information. And the committee gave extensive consideration to the need to prevent the disruption of Federal administrative and court proceedings, and to carefully define procedures for the handling of consumer complaints.

I believe the Consumer Protection Organization Act strikes a good balance between the public's right to know about products or services which may endanger their health or safety, or which may cause substantial economic injury to consumers, and the right of those complained against to answer and protect their reputation.

I believe this bill establishes a necessary and proper emphasis at all levels of Government upon consumer protection activities, and that it provides the sharp organizational focus now required of many Federal programs created by numerous consumer protection laws enacted during the past 6 years.

Finally, I believe the time for the enactment of effective consumer protection legislation has now come, and can no longer be delayed. The American consumer has a right to be heard, to be informed, to be safe, and to choose. I urge immediate action at the outset of the next Congress to guarantee these rights.

THE WORKER'S RIGHT TO RETIREMENT INCOME SECURITY

Mr. HUMPHREY. Mr. President, I profoundly regret that this Congress will not be able to complete action on legislation that is of vital importance to the workers of America in protecting their right to a decent pension income in retirement.

The Retirement Income Security for Employees Act, S. 3598, was reported last month by the Senate Labor and Public Welfare Committee as the refined product of several years of nationwide hearings and intensive studies. It provides that after 8 years of work an employee would have a vested right to at least 30 percent of his pension benefits, with 100 percent vesting achieved after 15 years. And to provide fair and equitable protec-

tion to older workers, the legislation as finally amended in committee stipulates that a person now enrolled in a pension plan who would be 45 or older on the effective date of the law would be credited for employment prior to that date.

To meet the all too frequent problem of private pension plan defaults or abrupt terminations, this legislation would require pension plan managers to accumulate assets to meet pension plan liabilities in full after 30 years, and it would establish a Federal reinsurance program to cover vested benefits if a plan was forced to terminate before full funding was achieved. The bill also proposes innovative steps to address the reality of increasing labor mobility, where the price of a job change is usually the loss of pension credits, by providing for the establishment of voluntary portability programs for the transfer of certain pension benefits from job to job.

Basically, the pension plans covered under the Retirement Income Security for Employees Act would be those of medium and larger corporations. Title I of the act creates an Office of Pension and Welfare Plan Administration in the Labor Department responsible for the supervision of these private pension plans and the enforcement of regulations established under the act. And title V amends the Welfare and Pension Plans Disclosure Act of 1958 to set more comprehensive reporting requirements on pension plans and stricter standards to assure that plan administrators carry out their fiduciary responsibilities, in addition to clearly explaining to employees the exact benefits they will receive under a plan and the conditions under which they could lose their pension rights.

This, then, is the substance of the bill as it was reported to the Senate by the Senate Labor and Public Welfare Committee in mid-September. However, upon referral to the Senate Finance Committee on a procedural motion which prevented immediate floor consideration, this vital legislation was given only cursory consideration, all of its essential titles were struck out, and an emasculated measure was reported within only 1 week. It consisted basically of only the reporting and disclosure provisions of title V of the original historic legislation. The political and economic forces gathered around these two entirely different bills on pension reform, explain an apparent stalemate in further legislative action to which, it has been reported, the administration is not averse, having stated its preference for its own comparatively weak and ultimately self-defeating bill.

But where is any sense of public responsibility to be found in this legerdemain?

Let the administration and Congress be placed on notice that the workers of America are not deceived. Thousands of employees, after years of hard work, have seen a long awaited pension suddenly wiped out by an abrupt dismissal notice only months or even days short of retirement, or by an unexpected job transfer, or by the sudden termination of a pension plan as a result of inadequate funding or a corporate merger. They have relied on Congress to provide the essential protection that is only fair and right, in exercising its constitutional power to regulate interstate commerce with respect to the largest aggregate of unregulated money in the United States, currently estimated at over $150 billion.

It is profoundly wrong that this protection should continue to be denied to men and women who have accepted their own responsibility to work for a living and who have accepted the promise of a pension in place of higher current wages. It is wrong that those who have lived in accordance with a deep sense of personal responsibility and belief in the terms of a pension plan contract should continue to be treated with scorn, condemned to retirement in personal deprivation and disgrace. They have earned better. They deserve dignity. They demand fair and honest treatment from their Government and in the administration of their private pension plans. I and many other Senators and Congressmen are determined that these demands will be met.

Mr. President, I traveled this Nation for more than 6 months this year, standing many times at factory gates and talking to the workers and their families. No subject is more distressing or disturbing to the working families of this country than what is happening to their pension rights. In every city in America, thousands of workers or hundreds of workers—depending on the size of a plant—are worried and concerned that they are going to lose their pension rights when there are mergers, when a plant has a slowdown or closes down, or when there is a shutdown.

I have often stood there and heard men who are 50, 55, and 60 years of age tell me that the plant is closing down and that their 22 years of employment, with pension rights in those 22 years, all are lost.

Hundreds of thousands of families in America have been punished because Congress and this Government and this economic system of ours does not protect the pension rights of employees who have given full and faithful service on the job.

I think it is a terrible mistake that we go home in this session of Congress, in a presidential election year, and not do something about protecting the employees' retirement security.

Many of these good people, who have worked for 15, 20, 25, or 30 years and have had their pension included in their wage settlements, through the negotiating of their unions, as a part of the wage package, find that that pension was taken away. It was as if somebody had robbed the bank. It was as if somebody had, in a sense, taken their billfold and all their savings.

We become very excited in Washington, and rightly so, when somebody is mugged, as we put it, on the streets, when someone has his billfold taken. We become very concerned about theft, as we should, and there are many outcries about law and order or the breakdown of law and order.

Mr. President, the greatest breakdown of law and order is the breakdown of the pension system in this country. Industry and government have failed miserably to protect the legitimate economic rights of hundreds of thousands of workers and working families throughout this Nation. Many a company has kept back money in a fund, called a pension retirement withholding, that belonged to an employee, and that worker has lost every dollar that his union negotiated for him in terms of pension funds.

I consider one of the major scandals in America what is happening to workers' pension funds in corporate industry.

This Congress and this Government becomes excited over Watergate, becomes excited over ITT and we should. But all that is peanuts, practically nothing, compared to what is going on with workers' pension rights, their retirement income. Hundreds of millions of dollars that belong to workers have been literally taken away from them because there is no protection of a worker's pension fund in a plant.

I recall that when I came to the Senate there was a great outcry because certain union leaders—they were a limited number—were being held responsible for the misuse of workers' pension funds. We passed laws to protect those pension funds, so that the union representatives could not misuse them. But the same Congress that was worried about the union representatives misusing or misappropriating or running away with or stealing pension funds did not give one bit of attention to the fact that corporate industry, through merger, through bankruptcy, through closing, through shutdown, or through slowdown, has taken hundreds of millions of dollars of funds that were due the working families of this country and has taken them away completely from those working families.

Mr. President, in my home city of Minneapolis, thousands of workers—literally thousands—have been affected by the loss of their pension funds. A plant closes down in Milwaukee; all workers are laid off; their pensions are gone. And we sit around here and say that is a problem that is going to require some more study. Yet, we have people who ring out their voices in anguish when somebody downtown steals an apple pie.

There are all kinds of stealing; there are all kinds of theft. I do not say that the pension funds that have been denied these workers were deliberately stolen. I simply say that we have given no protection, as a Government. We have laid down no guidelines or ground rules that protect these funds for the private employee. If you are a public employee, you have protection. If we work for the city, State, or Federal Government, we have protection, but if we work for most of private industry, we have no protection. It has got to stop.

A couple of weeks ago, representatives of workers came to see me and they were very much upset over the fact that we are not able to do anything in the Senate or in the other body.

I hope and pray that at the next session of Congress at the top of the list

will be the protection of the savings and earnings of hundreds and thousands of workers in America, those savings and earnings today which have no protection.

We have Federal insurance for bank deposits. We have Federal insurance for savings and loans. But we have no Federal insurance for another kind of deposit, held privately by a company, known as pension funds.

What a tragedy it is that a man who may be 58 years old, 60, or 62, who has worked for a company for 25, 27, or 30 years, who has paid out every year into a pension fund, or by agreement with the company or the union a certain amount of money set aside for his pension. That is part of his take-home pay. It is part of his life savings. Then there is a merger, or a plant closes down, or technology changes which compel the plant to move and the worker is out of business. He has lost all of it.

How any Senator or Representative can contend with this kind of mess is beyond me.

We get so excited when something goes wrong in the Government—and rightly so. If someone should misappropriate money, we are concerned about that—and we should be.

But what I want to know: When is Congress going to wake up and do something to protect the pension rights of hundreds of thousands of working families in this country?

I wonder how many people in this body have members of their own families who have lost all of their savings in pension funds?

Sometimes I think that being in Washington as long as we are and for as many months as we are every year insulates us from the realities of what is going on in America.

When I read what I read in the newspapers here, it has no relationship to where my folks live back home. This is a separate world, seemingly removed from the realities of what is going on in America.

I do not believe there are three factories in all of Washington, D.C. They would not recognize an industrial enterprise if they saw one. There is not a newspaper in this town that covers the problems of the factory, because there are no factories in the District of Columbia to speak of. This is all government. Government employees are protected. They get automatic wage increases. They get retirement benefits, all richly deserved. No complaints about that.

But what about the employee for Allis-Chalmers? What about the employee of some private plant? What about the working family out in Illinois, or Iowa, or Minnesota? What do they get from this Congress?

Well, we are too busy. We are arguing about something else. In the meantime, the lifetime savings of hundreds of thousands of families go down the drain. And we say, "Well we will take care of it next year."

That is not soon enough for me, Mr. President. If I have learned anything this past year, and I learned a great deal traveling around the country—as has the present Presiding Officer, the distinguished Senator from Indiana (Mr. BAYH), as he has traveled around the country—just stand outside a factory gate any time and ask a worker what he is worried about. Ask him whether he is worried about inflation, or whether he may lose his job. At the top of the list, wherever we go, in a steel plant, an automobile plant, farm machinery plant—wherever we go, Mr. President, the No. 1 concern of every single worker that walks out of that plant gate or walks in is the question, "Mr. Senator, what are you going to do about my pension?"

They are not asking us to get a pension for them. They are not asking us to raise their wages. They are asking us to protect their pension funds so that when they retire, those funds are there if they should be compelled to retire because of the closing off of a plant or the shutting down of one. They want those funds protected.

I hope and pray that we will have some action next year. I intend to lend myself to it.

The PRESIDING OFFICER (Mr. BAYH). The Chair would observe that the Senator from Indiana, if he were permitted to do so under the Senate rules while in the Chair, would associate himself unequivocally with the remarks of distinguished Senator from Minnesota (Mr. HUMPHREY). But since the rules prohibit his commenting thusly, he will not comment.

Mr. MANSFIELD. Mr. President, the Senator from Indiana has made his views known in an effective manner.

May I say, speaking as the majority leader, that I feel the same way.

May I say also that if we want to get pension legislation—and it is badly needed—we will have to get a good bill like the one reported by the Committee on Labor and Public Welfare, not the one reported by the Finance Committee which is not worth the paper it is printed on. But most important, we have got to get the House to take some action and they have not even reported a bill this year.

I have stated that if a bill was reported by the House, we would take up the pension bill in the Senate; but I do not believe that we should raise false hope by taking up a bill in the Senate which, in the first place, is too weak and, in the second place, would be subject to long and drawnout debate; and, in the third place, would mean nothing because there would be no chance for the House to report a bill and to pass it.

The promise has been made—incidentally, I happen to be one of the sponsors of the bill reported by the Committee on Labor and Public Welfare—that it would be one of the first orders of business in the 93d Congress.

I see the distinguished Senator from New York (Mr. JAVITS) has just come into the Chamber. He has been a great supporter of pension legislation and has been trying to work out a good bill over the past few years which deserves passage by this body. He and the chairman of that committee, the distinguished Senator from New Jersey (Mr. WILLIAMS) have stated that they will report a bill dealing with private pensions at the earliest possible opportunity, next year. I ask the Senator from New York, Is that correct?

Mr. JAVITS. Of course the distinguished majority leader is correct. He has done everything he could, that anyone could ask for, with respect to this matter. I thoroughly sympathize with his position. It is a most unhappy situation that he is placed in, where he has to make these points in considering his own good faith and obvious support for the legislation.

Mr. MANSFIELD. I appreciate the latter part of the Senator's statement, because someone has to be a sitting duck. All too often the man who occupies this chair is the one who gets the flak—once in a while a little credit—but most of the time a good deal of criticism and blame which, I think, goes with the job. I wanted to make my position clear, as I have several times.

Mr. HUMPHREY. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. HUMPHREY. Mr. President, in my statement I commended the distinguished majority leader and I also commended the Committee on Labor and Public Welfare. I also said that I did not agree with the Finance Committee. I also pointed out that, as a Congress, we have these great problems but we cannot legislate in this session, the House having done nothing. But we cannot leave here without having expressed our feelings on this matter.

I am privileged to be a cosponsor of the bill that the majority leader wants to pass, but it would do no good because the House has not acted.

My point was, as the Senator from Montana was reviewing the legislative session and pointing out some of the things we have done which were a singular achievement and, he mentioned also some of the disappointments that have taken place, that I wanted to list one of them, the failure of Congress, not a Senate committee, but Congress, to come to grips with pension legislation.

Mr. MANSFIELD. Lest there be any misunderstanding, I want to say that I heard the distinguished Senator speak and I agree with every single word he said; but I wanted to set the record straight not because of what was said in this Chamber but because of what was being said outside. I think the record should speak for itself. If we are going to do something here, we should do it in good faith with a reasonable prospect of success.

Mr. BAYH. Mr. President, a moment ago, I was handcuffed by Senate precedent and rule as the Presiding Officer over this Chamber, but now I want to take just a moment of time to express the thoughts that were mine as I listened to the distinguished Senator from Minnesota (Mr. HUMPHREY).

I know of nothing really that can add to his eloquent expression, because he covered the whole field. However, I want

to say amen to what he did say because, as he mentioned, I have talked to the working men and women across this country.

It does not make any difference whether one lives in the North or the South, the East or the West, even those who have just been working for a year or two and are hardly old enough to vote, are planning ahead and are concerned about pensions. They are concerned about their mothers and fathers who perhaps work in the same plant—and perhaps other generations of the family have worked in the same plant—because they see what happened next door or they know what happened to their Uncle Joe in another county. They are concerned about how they can plan for their lives later on.

It is a matter of some tragedy to know of the number of people who are losing their pension rights.

I want to associate myself on the floor with the remarks of the Senator from Minnesota. And I compliment the distinguished majority leader for the efforts he has made. Hopefully, if we work hard enough and talk long enough and if the wheel squeaks loud enough, we can get some action through the other body and through this body and do something to assure a financially solvent twilight period for those who have worked all their lives and yet might otherwise find themselves on welfare.

Mr. MANSFIELD. Mr. President, I agree with the Senator from Indiana.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I hope that the majority leader will communicate his intentions to all parties concerned.

Mr. MANSFIELD. Yes, indeed.

Mr. JAVITS. Mr. President, I am not a bit intimidated, any more than is the majority leader, by the Finance Committee report stripping the bill of all the appropriate provisions. That may have a stimulating effect and may cause interest in the bill which would be very helpful in the passage of the measure and having it become law. I am delighted to see that the majority leader is not intimidated either, and nothing that he has said or indicated would support any view that he is.

He understands that other Senators could very well have opinions quite contrary to those of the Finance Committee. However, his reasons for being unable to bring up the bill for consideration at the present time are other reasons, including the fact that there is no House action, and that there are other pressures where there has been House action.

I join in the hope that our brother body will act early on this measure, as the majority leader has assured us that we would undoubtedly act on it.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

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

Mr. STEVENS. Mr. President, is there a time limitation on the revenue sharing report?

The PRESIDING OFFICER. There is not.

Mr. PELL. Mr. President, will the Senator from Montana yield to me briefly so that I might join in the colloquy on the pension bill?

Mr. MANSFIELD. Mr. President, I yield to the Senator from Rhode Island for that purpose.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate? Would the Chair clear the wells and the aisles while the Senator is speaking?

The PRESIDING OFFICER. There will be order in the Senate. Senators and aides will please take their seats while the Senator from Rhode Island is speaking.

Mr. PELL. Mr. President, I associate myself with the statements made in support of the Williams-Javits bill. It is an excellent piece of legislation. I also associate myself with and applaud the positions expressed by the junior Senator from Minnesota and the junior Senator from Indiana.

This pension reform bill is acutely needed. As I travel through my State I am again and again impressed by the need for pension protection. There is a real necessity for a bill of this sort.

One can, almost daily, see the hardships that have been caused by the lack of a measure like the proposed bill. One can read of the hardships in our daily constituents' mail. I recall one man, 58 years of age, who had been working for the same company for many years. That company is going out of business, and that man is left with no pension rights whatever. People pay in over the years only to find that the plans have not vested and their pension does not exist.

This bill is sorely needed. I think it is a disgrace that the measure has not been handled expeditiously. I hope that pressure will continue to be exerted so that we can get a pension reform bill of this sort passed as quickly as possible.

TIME LIMITATION ON NOISE CONTROL ACT, S. 3342

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when S. 3342, the Clean Air Act, is laid before the Senate—and I hope it will be brought up immediately after this colloquy is concluded—there be a time limitation of one-half hour on amendments, the time to be equally divided between the sponsor of the amendment and the manager of the bill, and 1 hour on the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. STEVENSON. Mr. President, reserving the right to object, may I inquire what bill the agreement is on?

Mr. MANSFIELD. The agreement is on the Clean Air Act.

Mr. STEVENSON. Mr. President, I have no objection.

Mr. ALLEN. Mr. President, reserving the right to object, and I shall not object, I wonder if the majority leader would allow me to speak for some 5 minutes with regard to a piece of legislation, and I will withdraw my objection.

Mr. MANSFIELD. Surely.

The PRESIDING OFFICER. Is it the intention of the Senator from Montana to modify the agreement?

Mr. MANSFIELD. It is my intention to vitiate the agreement. And this is a new agreement.

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

EQUAL EDUCATIONAL OPPORTUNITIES ACT 1972

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I enjoyed listening to the remarks of the distinguished majority leader as he listed some of the measures that the Senate had passed that he approved and some of the measures that the Senate had failed to act on, to his regret. I did not hear him however, mention, as either having passed or regretting that it did not pass, H.R. 13915, the Equal Educational Opportunities Act of 1972, which has sometimes been called the antibusing bill.

I do commend the majority leader however, for bringing that bill before the Senate and giving the proponents of the bill a fair opportunity to pass the bill if we had had sufficient votes. I was pleased with the fact that on each vote on cloture taken in the Senate, the majority in favor of cutting off debate, and thereby favoring the passage of the bill, increased from a margin of eight on the first day, to a margin of 10 on the second day, to a margin of 11 on the third day.

The distinguished majority leader knows that when he made the motion to proceed to the consideration of another bill, the supplemental appropriations bill, the proponents of the antibusing bill could have debated that bill on that motion to proceed to the consideration of another bill for a 2-day period. However, that would have thrown the proceedings of Congress into a deadlock and would not have been in the public interest.

I was pleased that a majority of the Senate took the position that legislation was needed to put some reasonable limits on the use of forced, massive busing of schoolchildren in the process of desegrating our public schools. And I feel that something was accomplished in aid of putting some limits on the abuse by the Federal courts of their authority by having that matter debated in the U.S. Senate. It was somewhat unusual to see members of the liberal bloc, so-called, filibustering a measure, because I have sat here in the Senate as debate proceeded on motions to invoke cloture and I have heard these very same Senators who did not want cloture invoked on this issue saying they always favor bringing a matter to a vote and that they always voted to take a stand and vote up or down on an issue. But I noticed when it came to this bill they took exactly an opposite position. By their filibuster they were able to kill this bill because the Senate, by voting 49 to 38 with an 11-vote margin on the last vote to shut off debate on the motion, showed that if those opposing the bill had allowed the bill to come to a vote it would have been passed by the Senate by a substantial margin.

So, Mr. President, I would like to list, since the majority leader did not, as a bill that he regrets not having been en-

acted by this Congress, H.R. 13915, the Equal Educational Opportunities Act of 1972, sometimes called the antibusing bill, as a bill that should have been passed by this Congress.

I regret very much that the filibuster by people who always have said in the past they did not believe in a filibuster prevented the Senate from voting on this bill. I feel that the Senate acted unwisely in not passing this bill.

I would like to offer that as a bill that should have been passed by this Senate and was not passed.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished Senator from Alabama I wish to say that all the legislative matters to which I referred had come out of committee. If a bill in the nature of the one mentioned by the Senator from Alabama comes out of committee in the regular order I assure him that, along with others, it will receive expeditious consideration.

Mr. ALLEN. I am not objecting to the fact that it did not receive expeditious consideration. I was merely pointing out to the distinguished majority leader that he did not list this as a bill he regrets not having passed.

Mr. MANSFIELD. The Senator is correct.

Mr. ALLEN. Yes, sir.

ENVIRONMENTAL NOISE CONTROL ACT OF 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Environmental Noise Control Act be made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 3342) to amend title IV of the Clean Air Act, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, I ask unanimous consent that Arthur Pankopf, the minority counsel of the Commerce Committee, be allowed on the floor during its consideration and vote.

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

Mr. MAGNUSON. Mr. President, I ask unanimous consent that six members of the staff of the Commerce Committee, who will be needed on the floor, be permitted to do so—at least two, I think.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations which have been reported earlier today from the Committee on Armed Services, and about which I understand there is no objection.

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

The PRESIDING OFFICER. The nominations will be stated.

SUNDRY NOMINATIONS REPORTED BY THE COMMITTEE ON ARMED SERVICES

The assistant legislative clerk proceeded to read sundry military nominations reported by the Committee on Armed Services.

Mr. STENNIS. Mr. President, I have filed sundry nominations from the military departments, including the Reserve and the National Guard that came late, but they have been considered by the committee. All these names except three or four have been with the committee the required length of time of 7 days.

As a matter of getting business disposed of, I ask that they be filed, taken up now in executive session, and disposed of.

Mr. President, the Senator from Arizona (Mr. FANNIN) is present. I have checked this matter with him. This matter has been cleared with the Senator from Maine (Mrs. SMITH).

Mr. FANNIN. That is correct.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ENVIRONMENTAL NOISE CONTROL ACT OF 1972

The Senate resumed the consideration of the bill (S. 3342) to amend title IV of the Clean Air Act, and for other purposes.

Mr. TUNNEY. Mr. President, I send to the desk amendments and ask that they be considered en bloc.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. TUNNEY. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the RECORD.

The amendments, ordered to be printed in the RECORD, are as follows:

At page 89, line 14, strike out, "emissions from" and insert in lieu thereof, "emission standard for".

At page 89, line 15, strike out, "in his judgment are" and insert in lieu thereof, "he determines are necessary and".

At page 89, beginning at line 18, amend subsection (b)(1) to read as follows:

"Any regulations under this section or amendments thereof, with respect to noise emissions from types of aircraft or aircraft engines, shall reflect the degree of noise reduction achievable through the application of the best available demonstrated technology, taking into account the reasonableness of the cost of compliance and the demonstrable public benefit that will result, as determined by the Administrator of the Environmental Protection Agency after consultation with the Administrator of the Federal Aviation Administration and shall not be promulgated until the Administrator of the Federal Aviation Administration has determined that such regulations are consistent with the highest degree of safety in air commerce and that any proposed standard, rule, or regulation has been demonstrated to be technologically available for application to types of aircraft, aircraft engine, appliance, or certificate to which it will apply."

At page 90, line 16 after the period insert the following sentence, "Provided, however, that the Administrator of the Environmental Protection Agency, within nine months of the date of enactment of this Act, shall review all noise emission standards, rules, or regulations in effect under section 611 of the Federal Aviation Act, as amended, prior to the date of enactment of the title."

At page 90, line 19 after the word "emissions," strike out, "including the Civil Aeronautics Board, the Federal Aviation Administration, and the Environmental Protection Agency".

At page 91, line 1, strike out "individuals" and insert in lieu thereof "persons".

At page 91, line 13, after the word "title" strike out the comma and insert a period and delete the remainder of the sentence.

At page 91, line 15, strike out "The Administrator of the Federal Aviation Administration", and insert in lieu thereof, "The Secretary of Transportation."

At page 92, line 23, after the word "aircraft" delete the remainder of the sentence and insert in lieu thereof, "unless such type certificates apply all of the standards promulgated by the Administrator of the Environmental Protection Agency prior to the date of issuance of such certificates."

At page 93, line 1, delete section 505.

At page 93, line 12, strike out "506" and insert in lieu thereof, "505".

At page 93, line 13, strike out the words "attempt to" and at line 14, after the word "thereof" insert a period and strike out the remainder of the sentence.

At page 93, line 17, strike out "507" and insert in lieu thereof "506".

At page 93, line 20, after the period insert the following, "Notwithstanding any other provision of this Act, the sole authority to establish aircraft noise emission standards is contained in Part A of this title.".

At page 93, line 22, strike out "508" and insert in lieu thereof "507".

At page 94, line 23, strike out the words "Administrator of the Environmental Protection Agency." and insert in lieu thereof "Administrator of the Federal Aviation Administration, in consultation with the Administrator of the Environmental Protection Agency.".

At page 95, line 12, strike out "may" and substitute "will".

Mr. PEARSON. Mr. President, will the Senator yield to me for about 3 minutes for the purpose of addressing a question to the distinguished manager of the bill?

Mr. TUNNEY. I yield.

Mr. PEARSON. I thank the Senator.

Mr. TUNNEY. Does the Senator wish me to yield on these amendments?

Mr. PEARSON. No.

The PRESIDING OFFICER. The Senator may proceed.

Mr. PEARSON. I intend to be very brief.

Some expression of apprehension has been voiced on the part of airline pilots as to the mechanics of this particular bill, given circumstances which in case

of emergency or unforeseen events might require an acceleration of power which, in and of itself, would violate the standards of noise abatement.

Their understanding is that this is something that might be a rather frequent occasion. There is a concern that the procedures under this particular bill would not lend themselves to a review and a determination of extenuating circumstances.

I would like to inquire whether or not, given that sort of hypothetical case, there is protection here and there is not an arbitrary sort of lifting of the certification of any pilot because of these circumstances.

Mr. TUNNEY. I am pleased the Senator has brought this matter up on the floor of the Senate because I would like to make it absolutely clear that it is the intention of the committee to make sure that airline pilots are not going to be subject to administrative penalty or criminal penalty for going over the noise emission levels through use of additional power if the safety of the passengers is involved. In the first place, the Federal Aviation Administration can veto any noise emission regulation which is not consistent with the highest degree of safety in air commerce.

So it is clear that the FAA has the responsibility to make sure that regulations which are developed are safe. This responsibility is given solely to the FAA.

Second, section 415 of the bill specifically provides for judicial review of the final regulations promulgated under section 501 and other sections of the act. Thus, if the Airline Pilots Association feels that the regulations as promulgated do not protect their interests, there is a right for judicial review. Third, the Administrative Procedure Act would also apply. And, fourth, the 14th amendment to the Constitution requires due process, and, thus, it would be unconstitutional to deny a person a hearing if he were charged with violation of a regulation.

Mr. PEARSON. The Senator's statement is most helpful. It will allay some of the fears that have been expressed.

As I understand the Senator from California, the procedures for review are to come out of FAA regulations existing now or to be promulgated by them.

Mr. TUNNEY. The procedures for review are included in section 415 of the act. The APA and the 14th amendment also apply.

Mr. PEARSON. Either.

Mr. TUNNEY The FAA would have the right to veto regulations promulgated under the act if they are inconsistent witht the highest degree of safety. The FAA should guarantee that regulations, which become effective, assure that airline pilots can fly safely. If the Airline Pilots Association is not satisfied with specific final regulations, the bill provides for judicial review of the regulation, so that they could make their claim in a court of law. In addition, the pilot will be entitled to a full hearing as provided by the Administrative Procedure Act and to constitutional protection.

Mr. PEARSON. The hearing mechanism is not in this bill covering that kind of situation; is it? It would reflect back to FAA regulations or to the Administrative Procedure Act. Is that correct?

Mr. TUNNEY. Section 415 of this bill does provide for periodical review. However, this act would not affect any rights to a hearing now afforded by the FAA Act. FAA regulations would remain in effect as provided in section 501(b)(2) of this act. The Administrative Procedures Act would also apply.

Mr. PEARSON. I thank the Senator.

Mr. TUNNEY. I wish to thank the Senator for bringing that point up, because I would not want the pilots of this country to feel that the passage of this noise abatement bill was going to subject them to any potential liability if they used their best judgment in trying to protect the safety of their passengers by increasing power.

Mr. PEARSON. I thank the Senator for yielding.

Mr. TUNNEY. Mr. President, I am pleased to offer, on behalf of the Public Works Committee, perfecting amendments to part A of title V of S. 3342, respecting control and abatement of aircraft noise and sonic boom. Through certain small changes in language in some provisions of part A, these amendments would clarify and speed up the long overdue relief from noxious aircraft noise.

The amendments will leave unimpaired the basic regulatory framework for the section: EPA would be lead agency in the setting of aircraft emission standards to meet the health need, with a twofold FAA veto on grounds of technological availability and safety.

In section 501(a)(2), language changes would insert the requirements that the health levels set in the EPA standards be "necessary" in addition to "adequate" to meet the health needs. This determination is made by EPA and is consistent with the intent of the committee.

In section 501(b)(1) a certain ambiguity respecting a joint determination by EPA and FAA on technology and cost of compliance has been cleared up. The amendment clarifies the fact that the determination is made by EPA, after consultation with FAA—a result which is certain to expedite the promulgation process. It will also assure that the issue of reasonable cost has a thorough airing as standards develop, but that such considerations cannot be the basis for an FAA veto of the standards. Moreover, a second criterion—demonstrable public benefit—is now added to the list of factors to be considered in developing the standards.

It is most appropriate that we should be considering reasonable cost and demonstrable public benefits when we are establishing these regulations, because we would not in any way want, through some frivolous action, to bankrupt the airlines. The net effect of this provision is to streamline the process of promulgating regulations, and the committee expects that, pursuant to this provision, regulations will be promulgated very, very soon.

In section 501(b)(2), language is transferred from section 505 and will require EPA to review all standards under section 611 of the Federal Aviation Act within 9 months of enactment of the bill. Failure to perform this nondiscretionary duty would subject EPA to citizen suits under section 413.

Names of specific agencies have been deleted from section 501(c) in order that it will be clear that no specific agencies were meant to be excluded. The language in the report on the bill explains the types of measures contemplated by this section.

In section 502, the word "individuals" has been changed to "persons" in order to make it clear that corporations can also be consulted. The last phrase, "together with his recommendations for legislation" has been deleted in order to make it clear that EPA need not submit recommendations for legislation if it determines that no additional legislation is needed. However, it is anticipated that EPA's report will include legislative recommendations, arrived at after consultation with relevant agencies.

In section 503, "Administrator of FAA" is changed to "Secretary of Transportation" in order to comport with the existent regulatory framework. Of course, implementing standards and inspections would be carried out by the FAA, which has the appropriate powers.

Section 504 is clarified to refer to "any original" type certificate, and to require all such type certificates to conform to applicable regulations. It is thought that process set in motion in 501(a)(2) and expedited by the changes in language in 501(b)(1) will result in thoroughly considered and adequate standards and that, when promulgated, such standards must apply to the issuance of original type certificates. The hope is that EPA will move quickly to quiet as much of the fleet as possible.

Section 505 is deleted, because the requirement of EPA review is inserted in section 502(b)(2).

Section 506 is clarified to preclude States and localities from enacting identical standards. This added pressure was thought essential in the absence of a tough and effective regulatory program. However, requirements of section 501 and enforcement provisions in the legislation give sufficient tools to accomplish a tough and coordinated enforcement program on the Federal level. There was no intention in the committee bill to alter the relative powers of the Federal Government, State and local government, and airport operator, over the control of aircraft noise. This amendment would also retain the same powers for all parties.

An additional sentence is added to section 507 to clarify the relationship of part A to the rest of the bill. Noise emissions standards are tied into certain other parts of the bill, as specifically cross-referenced. However, authority to establish aircraft noise emissions standards is contained in part A of title V only.

With the acceptance of these changes, we in no way dilute the strength of the bill as reported from the Public Works Committee, rather the bill is improved by clarifying the process by which noise emission standards will be established. In addition, we have assured that EPA's role as lead agency in setting health

levels on aircraft emissions will not be stalemated. At the same time we continue to accept the advisability of and necessity for a two-fold FAA veto on grounds of technological availability and safety.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. CANNON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. Have the amendments been offered, and are they now pending?

The PRESIDING OFFICER. The amendments are pending en bloc.

Mr. CANNON. Will the Senator yield to me for a question on the amendments?

Mr. BROOKE. I believe I have the floor, Mr. President.

The PRESIDING OFFICER. The Chair has recognized the Senator from Massachusetts. Who yields time?

Mr. TUNNEY. I am prepared to yield the Senator from Massachusetts some time on the bill, but I believe that the Senator from Nevada wants to speak of these amendments that have already been offered.

Mr. BROOKE. Very well.

Mr. CANNON. I thank the Senator for yielding.

My question, Mr. President, relates to section 501(c). It is my understanding that section 501(c) conveys no new authority on any Federal agency to regulate or control the air transportation system of the United States. I ask the Senator if that is correct?

Mr. TUNNEY. That is correct.

Mr. CANNON. With further reference to section 501(c), is this provision in subsection (c) intended to encourage citizens to file suits of harassment against Federal agencies charged with the responsibility for maintaining air commerce, in which the citizens seek to disrupt the air transportation system of the United States?

Mr. TUNNEY. Absolutely not. There is no desire at all on the part of the committee or on the part of the proponent of these amendments to disrupt air commerce through harassment-type suits.

As a matter of fact, section 501(c) adds no new authority to the mandate given to any agency with regulatory authority over air commerce, aircraft or airport operations, or aircraft emissions.

Mr. CANNON. I thank the Senator for yielding.

The PRESIDING OFFICER. The question is on agreeing to the amendments. Do the Senators yield back the remainder of their time?

Mr. STEVENS. Mr. President, who controls the time in opposition to the amendments?

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BOGGS. How much time does the Senator want?

Mr. STEVENS. I would like to ask the manager of the bill a few questions concerning the impact of this proposal.

Mr. BOGGS. I yield the Senator whatever time he needs.

Mr. STEVENS. As I understand the compromise worked out here, EPA will build up a force of experts to deal with the safety aspects of aviation. Does it decrease the authority of the FAA in any way, in terms of the people who now have the expertise and are dealing with the safety aspects of aviation in this country?

Mr. TUNNEY. No.

Mr. STEVENS. I am glad to hear that. We had great concern about that in the Commerce Committee, as I think the distinguished chairman of our subcommittee has reported.

I am fearful as to the ultimate result of what we are doing with regard to EPA generally. It seems that in almost every major bill this year, we have given EPA a license to substantially expand and threaten the expertise of other agencies. They, as I understand it, will not promulgate the regulations dealing with safety or with financial aspects; those will originate with the FAA?

Mr. TUNNEY. That is correct. Now, of course, EPA is going to be promulgating regulations over aircraft noise emission levels, which will have an impact on safety, and what we have done in this bill is given to the FAA a veto power over any such regulations.

In other words, the regulations that come out governing noise emission levels of aircraft are going to have to be consistent with what the FAA considers to be the highest degree of safety.

Mr. STEVENS. I shall not speak to this at length, because I understand the time situation of Congress and the hard work that our committee staff and the chairman of the Subcommittee on Aviation in the Committee on Commerce have done to try to work out the matter. But I am still feaful that the result will be that EPA will have a little FAA under its wings, and will start writing the regulations and sending them over to FAA to check them, and they will be permitted to exercise their veto if the regulations affect the financial and safety aspects of aviation.

I do not believe that EPA should expand itself to the position where it is an action agency. As I understood, they are a standards agency, and it seems to me they should have taken the regulations from the FAA in any area where they affect safety or financial aspects of aviation.

Mr. TUNNEY. In effect, they are going to have to take the FAA standards when it comes to safety and technological availability, factoring in a reasonable cost.

Mr. STEVENS. I thank the Senator very much.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. I am prepared to yield back the remainder of my time, if the Senator from Delaware yields back his time.

Mr. BOGGS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HUGHES). All remaining time having been yielded back, the question is on agreeing to the amendments, en bloc, of the Senator from California.

The amendments were agreed to.

Mr. BROOKE. Mr. President, I send an amendment to the desk on behalf of Senator MUSKIE and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BROOKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. BROOKE's amendment is as follows:

On page 90, between lines 23 and 24, insert the following:

"(d) Regulations shall be promulgated under this section which require that, effective not later than January 1, 1978, all subsonic transport category aircraft and subsonic turbojet aircraft, except aircraft owned or operated by any military agency, shall operate in compliance with either—

"(1) the maximum noise level standards specified for new subsonic jet aircraft in Appendix C of Part 36 of the Federal Aviation Regulations as in effect on September 1, 1972; or

"(2) the best attainable noise level in accordance with the criteria established in subsection (b)(1),

whichever is the lower level:

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. I yield myself such time as I may require.

Mr. President, aircraft engine noise is a serious environmental hazard affecting the lives of millions of Americans.

From Inglewood, Calif., and Oak Lawn, Ill., to East Boston, Mass., and Queens, N.Y., and even to 1600 Pennsylvania Avenue in Washington, D.C., our citizens are subjected to a regular bombardment of noise from over-flying aircraft.

The increasing size and power of the 1960's generation of jet aircraft first elevated aircraft noise to a primary national problem. Yet, despite countless congressional hearings, agency and industry studies, and citizen protests, there has been distressingly little aircraft noise reduction.

The airlines argue that the traveling public demands swift aircraft. The first generation of jet aircraft was built with this need in view. The airlines contend that decreasing the noise from this fleet would be too great a cost burden for them or their passengers to shoulder. This argument, together with the claim that the technology was not yet available, governed our policy during the 1960's.

Over and against these arguments, however, are the benefits of quieter jet engine. Most obviously, of course, airport neighbors would no longer suffer either the physical or mental torture of jet noise. But there would be cost benefits as well. For example, less high-priced land would have to be bought by airport authorities as a buffer between the airport and the neighboring community.

There would be less need to soundproof surrounding schools, businesses and homes. And, perhaps most impor-

tantly, residential property values in these areas would be significantly enhanced.

Research on the development of quieter engines has been in progress for several years. Within the Government, the most significant programs have been coordinated by NASA and the Department of Transportation. DOT, which includes the Federal Aviation Administration within its organization, has conducted programs to modify aircraft flight and landing patterns in order to expose the planes as little as possible to inhabited areas. Also, it has authorized experiments with various forms of acoustical treatment of the engines. But although the Congress gave FAA the power to regulate aircraft noise in 1968, it regrettably has not yet used that power to require a reduction in noise among the existing fleet.

More recently, the NASA Office of Aeronautics and Space Technology has initiated work on a program to replace the front fan of jet aircraft; it is estimated that the resulting decrease in noise would be at least 75 percent. Earlier this year, the Congress appropriated $25 million for continued research and development of this important project.

In addition, several of the major aerospace companies as well as the airlines themselves have sponsored studies on jet noise reduction. Yet, in spite of all this research, there has been painfully little reduction of noise from the 1960's generation of jet aircraft. There are encouraging signs that the new generation of aircraft, the 747's, the DC–10's, and the L–1011's, will have significantly lower noise levels. But this new technology has not been applied to the 1960's generation of aircraft, which will be with us for many years to come.

At the same time, Federal policy—executive, judicial, as well as legislative—has preempted local or State action to regulate aircraft noise through such means as establishing municipal noise levels or local landing pattern regulations. The Federal Government cannot continue an essentially hands-off policy with respect to demands for regulation of aircraft noise, and at the same time deny other governmental authorities the right to adopt their own policies.

Clearly, it is long past time when Congress should lead the way off of this treadmill, and enact the appropriate and necessary legislation to relieve millions of citizens across the Nation of this serious noise problem.

Many Senators have argued that the solution of this problem is essentially a bureaucratic one: who will administer the program for the Government. But I believe a more important question must still be resolved: namely, what will the program be? Simply to shift some or all responsibility from one agency to another will not necessarily do anything more than create another layer of personnel familiar with the problem. But, if Congress establishes a goal that can be achieved, then we can reasonably expect that any agency designated to administer and enforce that goal will meet the congressional intent.

As a minimum goal, Congress should require that all commercial jet aircraft, except those owned or operated by a military agency, shall operate by January 1, 1978, in compliance with maximum Federal noise regulations. The specific standards would be those set forth in appendix C of part 36 of the Federal Aviation Regulations in effect on September 1, 1972. This so-called part 36 noise level was established by the FAA in 1969 as the "technologically practicable" and "economically reasonable" limits of aircraft noise reduction technology. Regrettably, however, the setting of this regulation has had little noticeable or real effect on the current level of aircraft noise.

It is true that the so-called part 36 regulations have been met by the new wide-bodied passenger jets. However, available projections show that the numbers 727, 737, and DC–9 jet airplanes will increase during the next decade, until there will be more than 1,200 of these planes operating on U.S. certificated scheduled airlines in 1980, as compared to fewer than 1,100 from these groups at the current time. Each of these planes exceeds by a considerable margin in the applicable part 36 standard.

This situation can be changed. The Joint DOT/NASA Noise Abatement Office has been conducting extensive research and development on programs to reduce the noise in these and the other noisy jet aircraft now flying. Charts and projections have been made readily available to Members of the Congress which show that these agencies are now close to developing the technology needed to retrofit these jets, either by means or accoustical treatment or through the replacement of their front fans.

They anticipate ground tests for some types of aircraft by the end of 1972, and ground and flight tests for most of the remaining aircraft by the end of 1973. The charts prepared by the Noise Abatement Office also project a notice of proposed rulemaking during the early part of next year, and the issuance of rules in 1974 requiring the retrofitting. First deliveries of the quieter airplanes should be in 1975, and the targeted completion date for all retrofitting is 1979.

Now, Mr. President, these projections are well known to many knowledgeable Members of the Senate, as well as the aircraft community itself. In fact, the president of American Airlines, in a letter to Senator TUNNEY reprinted in the Senate Public Works Committee's report on the pending legislation, stated that:

> The earliest achieveable date (to modify aircraft now in service to meet FAR 36 specifications) in our opinion is January 1, 1978.

So, quite clearly, the Federal projections are attainable and, more likely, represent conservative estimates.

I believe that these projections should become a national commitment. The aircraft noise reduction program has received more than enough preliminary study and planning. It is a program that I believe is a realistic national goal. In fact, as is indicated by the plans which I earlier described, there is every reason to believe that it is already an accepted program of the Joint DOT/NASA Noise Abatement Office.

Thus, to mandate a January 1, 1978 date for all nonmilitary commercial jet aircraft to meet the part 36 deadline is not radical or unrealistic. In fact, it is well within our grasp, and Congress would be delinquent if we did not do everything possible to insure that the goal is reached.

The amendment which I propose would grant the administrator of the aircraft noise abatement program, as well as the airlines themselves, flexibility as to the means of meeting the maximum noise levels of part 36. In addition, the amendment is consistent with the principles of the best use of available financial resources, technology, and safety factors as indicated in both the original Senate and House sections on the administration of Federal aircraft noise regulations. Thus, any of a number of alternatives including retirement of certain aircraft can be chosen to meet the criteria in this amendment by 1978.

Finally, there is one remaining but vitally important issue that must be resolved before aircraft noise abatement can become a reality. There must be a means of paying for the program. Already, several proposals have been put forward, including bills introduced by Senator CRANSTON and myself requiring limited Federal assistance to finance retrofitting. Furthermore, the administration is in the midst of its own study to determine the most appropriate means of financing a retrofitting program. Therefore, it is my intention to introduce a second amendment, following the disposition of the pending amendment, to require the Secretary of Transportation to report to Congress by July 1, 1973, his recommendations for financing the program.

In summary, Mr. President, I believe that the pending legislation provides a logical and appropriate opportunity for the Senate to place itself on record in support of an environmental goal for which there is a demonstrable need. It is a goal which is achievable, and toward which the administration itself is now striving. The adoption of this amendment would be a clear signal that the Senate intends to act responsibly in meeting America's noise problems. I urge its adoption.

Mr. TUNNEY. Mr. President, it would be my hope that the Senator from Massachusetts, whose amendment I think points out one of the most important areas of concern in the reduction of noise, would withdraw his amendment, and perhaps next year this could be the subject of legislation by Congress.

The matter has been studied by the Committee on Public Works. Also, hearings have been held by the Committee on Commerce, and at the present time the Department of Transportation is also studying the matter. In our bill, in section 501, we anticipate that there will be retrofit.

Although we do not have a timetable, the very fact that we have set out a program for the establishment of noise emission levels necessary and adequate to protect the public health and welfare indicates that the only way these levels are going to be achieved is if there is retrofit or retirement of noisy aircraft. Even so, we did not set out a definite time in the

bill, because it was felt that not enough information had been developed so that we could set a specific target date.

It seems to me that with the language of the bill in section 501, which requires that standards be set by EPA, with the FAA veto over safety and technological availability, and with the provisions in section 502 whereby EPA must study the adequacy of noise emission standards on new and existing aircraft, together with recommendations on the retrofit and phase out all existing aircraft, we will be in a better position next year to set a timetable for retrofit or retirement than we are this year.

I am fully cognizant of the tremendous problem the Senator has at Logan Airport because I, having gone to school at one point in the neighborhood, and spent a good deal of time in that area in my younger years. Particularly in South Boston there are terrible problems. Clearly we do need a retroschedule or retirement schedule; but it would seem to me to be better to wait until next year when we would have the benefit of the studies that will be done, as mandated by this legislation and of the studies ongoing by the Department of Transportation. Then we would know precisely what we are doing, and also so that we would have developed a mechanism to finance retrofit at the time that we require it.

On this last point, I feel that the subject of financing retrofit is one which all of us have to be concerned with, because it is not the intention of any of us to bankrupt the airline industry. At the same time, we do not want to destroy the health and welfare of the citizens who live adjacent to airports.

I might add a final point which is that I am an enthusiastic supporter personally of a retrofit or retirement schedule; hopefully, next year we will be able to establish such a schedule. I am convinced that if we could have a retrofit or retirement schedule, it would provide thousands and thousands of new jobs in the aerospace industry. This nice side benefit will require people to build the systems for retrofitting, and in the case of some of the older aircraft which would likely be retired rather than retrofitted, it will help the airframe manufacturers as well. So that I think everyone will benefit by a retrofit or retirement schedule.

At this point in time, however, it is my hope that the Senator from Massachusetts could find his way to withdraw his amendment today with the recognition that he has demonstrated great leadership in bringing this matter to the attention of the Senate, and that he will be demonstrating this leadership next year when this matter comes up before the Senate again.

Mr. BROOKE. Mr. President, I thank the distinguished manager of the bill. I have been much concerned, as has he, about the aircraft noise abatement problem. Several years ago, I presented to the Senate a program for retrofitting, because I believed we all understand that we will not get rid of the existing fleet overnight. It will take some time. Retrofitting represents an investment of hundreds of millions of dollars. Although I have been encouraged by what we have done with the new "wide-bodied" jets, nevertheless, we must be concerned with the excessive noise from the great majority of aircraft flying today over the United States.

I recall that the distinguished Senator from California went to school in Cambridge when he was in Massachusetts and I can assure him that the people of Cambridge do not suffer as much as do those of South Boston, East Boston, Revere, and Winthrop and other surrounding towns where one literally cannot sleep at night. When the planes take off and land, it sounds like they are coming into your own house. The value of these residential properties has decreased. And this phenomenon has taken place not only in towns surrounding Logan Airport but at other airports across the country.

There is also a health problem and a psychological problem affecting the children who live close to airports. Of course the economic costs of noisy airplanes has already been discussed.

I believe the financing program and the official commitment to retrofitting are matters that can be resolved separately. What I hope can be achieved through the useful discussion of this amendment is to get the Senate on record as making a commitment to retrofitting by a time certain. I think that that time certain is not next year or the year after because as a practical matter it just cannot be done. We know that. But I do believe, and I hope that my colleagues agree, that 1978 is a realistic and attainable target.

I understand the position of the airlines. I know retrofitting will be costly, but as I have indicated, even one of the airlines agrees that 1978 is an achieveable goal.

I am not going to belabor this matter. I will not ask for a rollcall vote on this amendment. I have great faith in the Senator from California's personal commitment to the program. I am very much encouraged by the fact that he will hold early hearings next year. The distinguished ranking member, the Senator from Delaware (Mr. BOGGS) has made a similar commitment that we will have hearings and see if we cannot move to making it certain that by 1978, all U.S. aircraft which do not already meet Federal noise abatement limits, will be retrofitted. At least the American people will know of the Federal Government's plans for enforcing aircraft noise limitations. And they are clearly entitled to have some knowledge of when they can expect that this will be done, instead of people repeatedly saying to them, "well, it is coming, it is coming."

With the assurance of the Senator from California and the Senator from Delaware that we will have early hearings next year on this matter, and that the Senator from California will consider making a commitment for a time certain for retrofitting, I would certainly agree to withdraw the amendment.

Mr. TUNNEY. I should like to thank my distinguished friend from Massachusetts for doing that. He has performed a very valuable service by bringing this matter to the attention of the Senate. When such a matter is brought up solely before a Senate committee, it does not get the public attention that it has gotten today on the Senate floor. He has performed a valuable service by pointing out that there has to be a time definite for retrofit or retirement of noisy aircraft. I think there should be, too.

I should like to point out to my good friend that the letter I received from the American Airlines dated September 15, 1972, which is included in the appendix to the committee report on the bill, stated that—

> The earliest achievable date for requiring all aircraft to meet the 108 EPNdB standard in FAR 36 in our opinion is January 1, 1978.

This was an opinion not generally shared by other members of the airline industry and other aerospace companies.

Mr. BROOKE. Does not the Senator feel that this is a realistic goal?

Mr. TUNNEY. I think that it is a realistic goal, and that we should be pointing to it next year when we will have the opportunity to evaluate some of the studies. Then I would be most enthusiastic to join the Senator as a cosponsor of his bill, a retrofitting bill, assuming that the studies demonstrate that by 1978 we can, in fact, as we push technology, achieve a full retrofitting schedule or a retirement schedule.

Mr. BROOKE. I thank my colleague from California very much.

Mr. BOGGS. Mr. President, will the Senator from Massachusets yield?

Mr. BROOKE. I yield.

Mr. BOGGS. I want to take this opportunity to commend the distinguished Senator from Massachusetts for his leadership and for his actions in regard to the retrofitting program. I join the distinguished Senator from California (Mr. TUNNEY) in giving assurance that certainly the committee will give every consideration to this, and will hold hearings.

I agree 100 percent with the Senator from Massachusetts that this is of primary importance. I believe that progress will be made on it and we will accomplish our objective, under the leadership and the understanding and the drive which the distinguished Senator from Massachusetts has to put this through. He is to be commended.

Mr. BROOKE. Well, Mr. President, that is more assurance than I need from my good friends from Delaware and California.

Mr. President, in keeping with that understanding, I withdraw the amendment.

Mr. TUNNEY. Mr. President, before the Senator withdraws his amendment, I ask unanimous consent to have printed in the RECORD one letter on this subject that I sent and the answers I have received from the various airline companies, engine and airframe manufacturers, and Federal agencies. It appears as an appendix to the committee report.

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

APPENDIX

(Responses to letter from Senator TUNNEY concerning establishment of a mandatory schedule for achieving reductions in aircraft noise emissions)

Letter from Senator Tunney to which the following are responses

SEPTEMBER 8, 1972.

Mr. JOHN H. SHAFFER,
Administrator, Federal Aviation Administration, Department of Transportation, 400 Seventh Street NW., Washington, D.C.

DEAR ADMINISTRATOR SHAFFER: As you know, the Senate Public Works Committee has been marking up a noise pollution control act (S. 3342) which I introduced with Senator Muskie in March, 1972.

In the context of provisions respecting control of aircraft noise, it has been suggested that a retrofit schedule be established in the legislation. In order to meet the deadlines, aircraft which could not be retrofitted economically could be retired and replaced by the new generation of quieter aircraft already under construction.

Suggested language to be added to S. 3342 would provide that no aircraft could land at U.S. airports after January 1, 1976, unless such aircraft complied with the maximum noise level standards in Appendix C of Part 36 of the Federal Aviation Regulations (i.e., 108 EpndB). New aircraft types manufactured after date of enactment would be required to meet best available technology, or, at a minimum, a noise level 15 EpndB lower than the Part 36 standard by January 1, 1975. Additionally, the EPA Administrator would be required to identify further noise reductions which would be contemplated thereafter.

Because of the press of Committee business and the short time left in this session of Congress, I am writing to solicit your views on this subject which, I am aware, has been discussed in the context of previous legislation and subjected to considerable study in the industry and Administrative agencies.

Specifically, I hope you will address yourself to the current state of technology respecting retrofit (and will consider new front fan treatment in addition to nacelle treatment), costs of retrofit or retirement and replacement and suggestions as to which procedure might be more appropriate for certain types of aircraft, necessary lead times, alternative specific language which could be inserted in the legislation.

If I could receive your comments by Monday, September 18, I would be in a position to advise my colleagues on the Committee of your views. I recognize that you are not given much time in which to respond, but I hope that you will be able to cooperate with us. Correspondence should be brought to the attention of Mrs. Jane Frank, my legislative assistant.

Thank you for your prompt attention to this matter. The Public Works Committee will meet on Tuesday, September 19, and I would hope that we will be able to report the bill to the Senate floor at that time.

Sincerely,

JOHN V. TUNNEY,
U.S. Senator.

AIRPORT OPERATORS COUNCIL INTERNATIONAL, INC.,
September 14, 1972.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for the opportunity to comment on your proposal that the Noise Pollution Control Act (S. 3342) includes language which calls for either the retrofitting or retirement of noisy aircraft that do not meet FAR 36 maximum noise requirements by January 1, 1976. Your proposal also specifies that new aircraft types manufactured after the date of enactment would be required to meet the best available technology or, at a minimum, a noise level 15 EPNdB lower than the Part 36 standard by January 1, 1975. Airport operators believe this is an excellent approach. We have long recognized that aircraft noise pollution constitutes a primary constraint upon the U.S. aviation system.

The proposal to include a specific date at which time all aircraft must meet or better the noise levels of FAR Part 36 is an absolutely essential component of any noise abatement plan. Progress in noise reduction will be made only if specific future goals are set now, and adhered to by those Federal agencies charged with the responsibility of reducing aircraft noise.

Although the NASA and Rohr studies of 1969 and 1970 clearly indicated that technology existed to retrofit existing aircraft, the FAA began another comprehensive study regarding retrofit. These studies are nearing completion. A flight test of the retrofitted 727 will take place this fall with a final report due in the first quarter of 1973. A flight test of a retrofitted 707 will take place during the summer of 1973 with a final report due in the fourth quarter of 1973. Contracts have been awarded for studies of the DC–8 and DC–9 with their completion dates scheduled for late 1973. A contract for the study of retrofitting the 737 will be awarded this fall with the completion date as yet undecided. Preliminary test results from the above studies, that is static ground tests and other acoustical data, indicated that it is technologically possible to retrofit aircraft to meet FAR Part 36. These studies strongly support your proposed additions to S. 3342.

While it is clear that the technology exists to mandate retrofit, the decision to either retrofit or retire should be left to the individual airlines. The language that is suggested would permit the owner of the aircraft to consider any option, that is, retrofit, retirement or other conforming use. We do not believe that the airlines can be burdened with the costs of retrofit or retirement to an extent that would seriously impair their financial position. It is very important that this country have a financially healthy national air transportation system. Several different approaches exist for providing financial assistance to an aircraft owner if that assistance is needed or requested. They include: accelerated tax depreciation benefits, Federal funding and loan guarantees, or a small increase in passenger ticket and cargo waybill user charges for the short period of time required to assist in financing the above options. Another economic consideration which must be considered is the great boost that a decision to retrofit, or replace noisy aircraft, would give to the sagging aerospace industry. We believe that your second concept requiring that new types of aircraft manufactured after January 1, 1975 meet either the best available technology or, at a minimum, a noise level 15 EPNdB lower than Part 36 is a laudable goal.

In summary, we believe that the proposal to require that all aircraft after January 1, 1976 meet FAR Part 36 in an excellent one. We further support the proposal for setting a goal of reducing the noise by 15 EPNdB within three years. I would refer you to our more detailed presentation before the Subcommittee on Air and Water Pollution on April 13, 1972 at which time we discussed at some length our support for these proposals. There must be action now to reduce aircraft noise pollution. We believe that the best way to accomplish this without incurring further delays is to mandate the agency which is conducting investigations and studies in this field at this time to issue such regulations. This would be the Federal Aviation Administration. Further delays in the implementation of aircraft noise regulations only increase the grave threat that noise pollution presently poses to our national air transportation system.

Sincerely,

J. DONALD REILLY,
Executive Vice President.

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY,
New York, N.Y., September 18, 1972.

Hon. JOHN V. TUNNEY,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR TUNNEY: Thank you for your letter of September 12, concerning proposed changes to the noise pollution control bill (S. 3342).

We believe that language such as that suggested in your third paragraph is essential if the new bill is to result in timely and effective reduction of aircraft noise. The best information available to us indicates that January 1, 1976 is a reasonable target date for a retrofit program if action is started now. Of critical importance, however, is the development of a financing program for the capital required to accomplish retrofit. Without Federal Government leadership in this area, I am afraid that retrofit will be jeopardized.

The suggested limit of 15 EPNdB below FAR Part 36 seems excessive for the present state of the art. The joint DOT–NASA "CARD" Study indicated that a 10 dB reduction seemed feasible within 10 years. We suggest that, in the language of Part 36, new aircraft for which *application* for a type certificate is submitted on or after January 1, 1975, be required to meet noise levels at least 10 EPNdB lower than those of present Part 36. Only by early action of this sort can the public be assured that developing technology will be applied to further noise reduction rather than increased payload and range.

Thank you for the opportunity to comment on these aspects of S. 3342.

Sincerely,

NEAL R. MONTANUS.

CITY OF SAN JOSE,
San Jose, Calif., September 14, 1972.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Your letter of September 8, 1972 to Donald Reilly of Airport Operators Council International relative to S. 3342 has come to my attention. I enjoyed our meeting at Oakland Airport when you met with RASSC relative to our Bay Area Systems Study. I feel rather strongly on the subject and would like to comment further. I would like to offer you a summary of recommendations, my credentials, and discussion giving reasons for the recommendations. In summary, it is technologically and economically feasible to accomplish these recommendations. It is specifically recommended that:

1. FAA be required to establish a retrofit trust fund with the monies to come from a national enplanement tax levied against the air passenger;

2. That the FAA establish a formula for paying for the retrofit, said formula to consider cost of retrofit and tax credits:

3. The retrofit program be as follows:

(a) That existing aircraft not now meeting FAR 36, be required to have nacelle retrofits and meet FAR 36 by January 1, 1976, with funds from the trust fund;

(b) The same aircraft be required to reengine or incorporate the new NACA front fan treatment by January 1, 1979, with funds from the trust fund;

(c) That both (a) and (b) may be accomplished by January 1, 1976 if desired by the air carrier, with total payment to come from the trust fund formula;

(d) That in lieu of retrofit, an air carrier may choose to retire existing aircraft from service, in favor of purchasing new, quieter aircraft, and that in such cases, the equivalent of retrofit be awarded from the trust fund to the air carrier toward purchase of the new aircraft;

4. That any language relative to new aircraft be explicit to include new aircraft, regardless of country of manufacture.

As to my credentials, I graduated from the University of California at Berkeley, with a BS degree in Mechanical Engineering, with an aeronautics option. I am a registered Professional Engineer in the State of California. I served four years as a naval aviator, flew airline with Pan American, spent five years as an experimental test pilot with the National Advisory Committee for Aeronautics (now NASA) and North American Aviation, and twenty-five years as Airport Manager. I served as an airport representative on the Aeronautics and Space Engineering Board ad hoc study advisory committee which resulted in the joint DOT/NASA civil aviation R&D policy recommendation. I have kept in close contact with my former associates at NASA and feel I have fairly good knowledge of the state of the art of research and development.

To solve the problem, we ask what is technologically and economically feasible. The airlines say they cannot afford to retrofit and they cannot. We would take the position and state that aircraft must be retrofitted (including new front fan treatment) by a given date, then if we say how to finance it, we will have the solution. The NASA–GE quiet engine research program has yielded noise reductions greater than anticipated when the contract was let. We know that noise can be reduced to about one-fourth of what it is now and, in the case of the 707 and DC–8 aircraft, the noise footprint under the 90 PNDB contour can be reduced from the present 47,500 acres to about 3,000 acres. If all air carrier aircraft today were equipped with this new generation of quiet engines, I believe that every air carrier airport in the United States would be environmentally acceptable from a noise standpoint. This then states that by some year, say 1985, we will have an environmentally acceptable industry. The problem is, then, how do we live until that time, I believe that a strong, firm act by the Federal Government, such as you are proposing, is our only salvation.

We have plotted the noise contours for the San Jose Municipal Airport and have determined that we can meet State of California noise requirements, and have no residency inside the 65 CNEL curve by purchasing houses in the immediate vicinity of the Airport, and by having all aircraft equipped with the new generation of quieter engines. Thus, the current state of technology has reached the plateaus of offering known solutions. With continuing research, even greater strides can be made for the future.

If your bill would provide the means of financing retrofit, then it might offer a clearer method of solving the problem. If society has to pay for noise reduction, then the user should be given the opportunity to pay for that reduction. A passenger head charge of say $1.00 per passenger would currently generate some 175 Million Dollars annually. The money could be borrowed against this revenue which yields 1.75 Billion Dollars. I agree with James Carr that the airline passenger should be given the chance to pay to reduce the noise and thereby improve the environment.

The acoustically treated nacelle and the new treated front fan installation could be financed by this method by having the FAA levy an enplanement tax, with the proceeds to go to a trust fund to pay for the retrofit. As James Carr has pointed out, the equivalent of the retrofit cost could be given to an airline if a noisy aircraft is retired, and new aircraft meeting new noise standards is purchased. This is an economical and not a technological problem. This alternative would help modernize our air fleet and would stimulate our air frame and engine industry.

For the above reasons, I support the addition of language that requires all aircraft to meet Part 36 by January 1, 1976. We know how to do it and it can be financed by a user tax.

I think there might be some problem in requiring retrofit of aircraft manufactured after date of enactment to meet the noise level of 15 EPNdB by 1976. I would suggest that 10 EPNdB by 1975 would be more realistic criteria. If the criteria is too severe and applies only to new types of aircraft, it might tend to discourage design and development of new aircraft unless some premium or assistance were offered. It would be more economical to continue to manufacture the same aircraft. I suggest that the language state that *new* aircraft manufactured after January 1, 1976 be clarified to include aircraft, regardless of country of manufacture, or the foreign manufacturers would have an unfair advantage over United States manufacturers.

I further suggest that the 707 and DC–8 aircraft can be reasonably retrofitted with acoustically treated nacelles, and retirement may be more attractive than subsequent engine retrofit; however, that would be the airline's decision. The B–727, 737 and DC–9 are expected to be with us well into the 1980's. I suggest that the nacelle retrofit as you propose be required by January 1, 1976 and that the new NACA front fan be required by January 1, 1979, with the airline having the option of doing both by January 1, 1976 if they desire, with payment being made from the new trust fund. This would result in a mix of aircraft that by 1980 would consist principally of a re-engine 727, 737 and DC–9, wide body jets and some new aircraft with the new generation of quiet engines. The DC–8 and 707 will probably be retired in favor of the new aircraft with quieter engines. This would result in a positive program that would stimulate the aircraft industry and would give the general public which must endure the noise relief with programmed reduction for the future. The user would pay the tab and the United States would set the pattern for the rest of the world to follow. The rest of the world is waiting for the United States to come to grips and solve the noise problem before they take a hard stand. This has come to light at international meetings on the noise problem.

Specific recommendations were presented at the start of the letter and I appreciate the opportunity to offer my comments to you.

Very truly yours,

JAMES M. NISSEN,
Airport Manager.

GENERAL ELECTRIC CO.,
West Lynn, Mass., September 14, 1972.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

Attention of: Mrs. Jane Frank, Legislative Assistant.

DEAR SENATOR TUNNEY: I am pleased to respond to your letter of September 8 addressed to Fred J. Borch requesting specific comments on the current state of engine noise technology with respect to retrofit of the older aircraft types, retirement of these aircraft and their replacement by the new quieter types, the appropriateness of the FAR36 noise standard for all aircraft landing at U.S. airports after January 1, 1976 and FAR36 minus 15 EPnL for new aircraft types by January 1975. I have not attempted to address myself to the specific language of your Bill but rather to the basic issues raised in your letter.

As you indicate in your letter, different approaches to the noise problem may be appropriate for the different classes of aircraft.

I believe that the 707/DC8 fleet represents the greatest problem and is the main source of complaints (for such major airports as JFK and Los Angeles). The first attached noise footprint chart illustrates this problem. I am not aware of any practical way to retrofit their current engines by nacelle treatment alone to achieve FAR36 noise. NASA is now financing a technology program to test a redesigned fan section for these engines which might show the technical feasibility of retrofitting the 707/DC8 with these quieter engines plus new nacelles and reversers. While we believe that it might be technically possible for such substantially modified engines and nacelles to meet FAR36, we believe this approach will prove to be a very poor investment for the industry and the Government. These airplanes are already obsolete.

A much better and proven solution to the 707/DC8 noise problems already exists in the DC10/L1011/ and 747 series of wide-body jets. These modern aircraft, incorporating the latest in noise reduction and smoke reduction technology have already been certified at noise levels below FAR36. The aircraft types using the General Electric CF6 engine in the 1971–1976 time period including the DC10–10, DC10–30, 747–300, and A300B have noise levels ranging from 3 to 7 EPnL below FAR36 on a traded basis. This is a huge improvement over the 707/DC8, as shown in the second chart attached, and is much quieter than is possible with 707/DC8 engines retrofitted with new fans, nacelles, and reversers. I believe that it would be much more sensible for the Government to find ways to accelerate the retirement of these old aircraft in the 1973–1978 period and replace them with the modern quieter aircraft available.

The smaller aircraft such as the 727/DC9/737 can be approached in a different way. We believe it is possible for this class of aircraft to have their nacelles modified in such a way that FAR36 can be met and that their noise footprints could be reduced with proper consideration of takeoff and approach aircraft operating procedures (such as power cutback and 2 segment approaches). Whether engine retrofit of the existing aircraft fleet is sensible is another matter—particularly if the dominant 707/DC8 noise can be handled by replacement with available quiet wide-body transports, and if 727/DC9/737 noise footprint areas can be ameliorated by operating procedures alone.

With regard to the retrofitting of the 727/DC9/737 fleet with their existing engines rebuilt with new larger fans (development of which is now funded by NASA) plus new nacelles and reversers, we believe that this approach will also prove to be a very poor investment for its incremental noise improvement. Here again, it appears to me that the wiser and more effective solution lies in the new aircraft types using high bypass turbofans such as the CF6 or the new 20–25 000# thrust turbofans now under consideration which will replace the 727/DC9/737 fleet. Typical noise levels for such new aircraft are shown on the third chart.

These new twinjets and trijets in the 150–180 passenger short to medium haul category certificated in the 1976–1978 period may be able to meet FAR 36 minus 10 EPnL. Although this has not yet been achieved in an economically attractive way, it is our goal and we are making progress toward it. We consider FAR36 minus 15 EPnL out of reach for the 1970's, and furthermore, doubt that there is a need to achieve this level when operating from current airports.

In summary, I would like to emphasize that I believe that the real problem of resolving the current noise situation with respect to meeting FAR36 on any accelerated time schedule such as you propose is pri-

marily one of economics—not technological. This real problem is not being addressed, in my opinion. The DC 10/L1011 and 747's can solve most of the public problem—the question is how to get many more of them in service sooner. Revised aircraft operating procedures can help 727/DC9/737 noise now; newly manufactured 727/DC9/737 could have nacelle treatment added and new types of short and medium haul twinjet/trijet transports with high bypass turbofans will completely solve the noise problem posed by this class of aircraft in the post 1976 period. The U.S. Government should concentrate more on helping to modernize the U.S. fleet with new wide-body high bypass turbofan powered transports than on the modification and retrofit of obsolete engines and aircraft. If such a solution can be found, it would be the best solution for noise, pollution, passenger comfort, U.S. sales/jobs/balance of trade, and the general health of the aircraft and airline industry.

Sincerely,

GERHARD NEUMANN.

GILBERT, SEGALL & YOUNG,
New York, N.Y. September 14, 1972.

Senator JOHN V. TUNNEY,
Committee on Public Works,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I have your letter of September 8, 1972 concerning S. 3342. Unfortunately, this did not reach me until yesterday, after being forwarded through Washington and New Jersey. You will recall that your letter was addressed to me as President of Rolls-Royce, Inc., 45 Rockefeller Plaza, New York 10020. Rolls-Royce, Inc. has since 1969 had no connection with aviation, and is strictly an importer and distributor of Rolls-Royce and Bentley motor cars. It has not been located at 45 Rockefeller Plaza for some years, and I no longer have any association with it or its parent company in England.

I am, however, U.S.A. counsel for Rolls-Royce (1971) Limited, of London, Derby and Bristol, England, which is the successor to the gas turbine business of Rolls-Royce Limited, and for its subsidiary, Rolls-Royce Aero Engineers, Inc., of which I am also a Director. The address of Rolls-Royce (1971) Limited headquarters is 14–15 Conduit Street, London WIA 4EY, England. The address of Rolls-Royce Aero Engines, Inc. is 551 Fifth Avenue, New York, New York 10017.

Since receiving your letter yesterday I have learned from Mrs. Frank and Mrs. Deller that the time schedule has been speeded up so that you require comments by Friday, September 15, 1972, rather than Monday, September 18. I had hoped to make a truly useful reply to your inquiry, but unfortunately the time is really too short to do this.

Perhaps, however, I can respond in a general way to certain aspects of your inquiry.

1. It would appear to me that noise limitations upon the operation of aircraft should remain with the Federal Aviation Administration rather than the EPA. I say this because the nature of the problem requires careful consideration of problems far beyond the normal concerns of the EPA. From the nature of the matters to which your letter addresses itself I infer that, to some degree, you may agree. I suggest, therefore, that the bill should not vest sole authority in the EPA, but should leave it primarily in the FAA which is currently engaged in very comprehensive studies of all aspects of the problem.

2. I would not think that it would be wise to provide by statute that no aircraft can land at U.S. airports after a fixed date unless certain specific noise level standards are met. Rather, I think that the authority to fix and enforce noise level standards should be left primarily to the FAA. To impose a rigid statutory rule with rigid dates would, to my mind, lead to very unfortunate complications, both with respect to the entire aviation industry and all U.S.A. commerce, and with respect to the commercial relations between the U.S.A. and foreign countries into which U.S. carriers fly.

3. Similarly, because of the complexity of the problem I would not think that the imposition by statute of arbitrary noise limits would be desirable. Rather, I would think that the best results would be obtained by leaving the matter primarily to the FAA, which is the expert public agency capable of taking into account all of the necessary considerations. Further, the dates and standards the bill would set appears to me to be very optimistic on the basis of present knowledge, though I recognize that predictions in this area are very difficult.

4. As to your specific inquiries, it is not possible on such short notice for me to give you useful responses. Beyond that, I do not believe that there is sufficient data presently available concerning retrofit, the cost of retrofitting, lend times and procedures respecting specific types of aircraft. One can only be sure that retrofit of older aircraft, including, as you suggest, new front fan treatment, would be enormously costly and disruptive, but it would be premature to make any dependable estimate along these lines. Rolls-Royce, of course, like other engine manufacturers, is expending great efforts with respect to those of its engines which power commercial aircraft. These include the Spey engine on the BAC 111 and Gulfstream II (efforts concerning the Spey being the subject of an article in Aviation Week for September 4, 1972), the Dart, which powers various types of aircraft, including the FD27, the Grumman Gulfstream I, the Viscount and others. The Conway engine, which is installed on the VC–10 and certain models of the Boeing 707 and Douglas DC–8, is not in service with any U.S. airline. All of the aircraft powered by Rolls-Royce engines do, however, utilize U.S. airports in international travel. The RB 211, which is installed on the Lockheed L–1011, is, of course, a new technology high thrust engine with outstanding noise characteristics, and it does not, I believe, fall within the ambit of your inquiry.

In a nutshell then, aside from my being able to make the remarks above, I do not think that there has been time enough to collect reliable data and to put it in a usable form for you. I am not at all sure that even if more time were available I would be able to give you comparative costs of retrofit and retirement and replacement, nor do I believe that I could make informed comments concerning aircraft which are powered by engines other than Rolls-Royce. I regret that I cannot do more at this time. If developments are such and the time available is expanded so that we can be of assistance in the future, and if we can be given sufficient advance notice to permit the development of appropriate data, we shall certainly do our best to assist you in any way we can.

Yours sincerely,

PHIL E. GILBERT, Jr.

LOCKHEED AIRCRAFT CORP.,
Burbank, Calif., September 14, 1972.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Committee on Public Works,
Washington, D.C.

DEAR SENATOR TUNNEY: We at Lockheed have been doing everything in our power to see that our new L–1011 transport has as low a level of noise as can practically be reached, and we are working hard with propulsion manufacturers and NASA seeking out any new ideas which will improve urban acceptability of future airplanes. I think we have demonstrated that a new "good neighbor" transport can be developed without destroying the inherent efficiency which has made our air transport system a mainstay of the national economy, and our aircraft the major element in sustaining our international balance of trade. I believe that the low certificated noise levels and our worldwide demonstrations of the L–1011 attest to the success of our efforts.

We appreciate the opportunity which you have afforded us to contribute our thoughts toward rational legislation for improving the over-all acceptability of an airport within a community, and we recognize that more must be done. Addressing the points which you have outlined in your letter, we have the following comments:

STATE OF TECHNOLOGY

Knowing that we would have to work within the framework of legislation and regulations when we first addressed the problem of reduced aircraft noise, we, with the rest of the Industry, pointed out that it was impossible to create products with design lead-times of three to five years, followed by production durations of ten to fifteen years, against a "floating target" for required noise performance.

Although our L–1011 has bettered current noise standards by several EPNdB, we see no reasonable way to achieve a 15 EPNdB improvement over Part 36 as your letter suggests. We have no promising clues to pursue and must await the results of research programs that have as yet not been formulated. The CARD Study done by the Department of Transportation suggested the possibility of 10 EPNdB below Part 36 might be possible in 1980. We believe that this is a reasonable target for certification of a new airplane, even though we still do not know how to achieve this goal with a practical design.

In our efforts to set targets for incorporating improvements as the state of the art changes, the legislation should identify potential *certification* dates rather than new airplane *delivery* dates. It is not clear in your letter whether "new aircraft types manufactured after date of enactment . . ." refers to any new airplane or only to new airplane types *certified* after enactment. If it means "all new aircraft manufactured" this will result in the shutting down of programs which fulfilled all regulations at their inception, and for which contracts have been entered into.

SPECIFIC REQUIREMENTS FOR NEW AIRCRAFT

Your suggestion that the regulations be lowered 15 EPNdB for any new aircraft type manufactured after date of the enactment of the legislation leads to major inconsistencies in the permissible noise levels of "old" and "new" aircraft. It would:

a. Allow the manufacture and operation of older type airplanes indefinitely utilizing a refanned powerplant or modest suppression techniques only meeting Part 36 noise requirements.

b. "New aircraft types", on the other hand, would have to meet a sound level 15 EPNdB below Part 36 by January of 1975. This would, in effect, force redesign of current wide-bodied aircraft now sold, all of which have utilized everything practically available in the state of the art to improve noise performance. In Lockheed's case, this would affect 100 to 200 airplanes which now are under firm contracts, or second buys, or additional follow-on airplanes from present customers.

c. If your reference to "new aircraft types manufactured . . . actually means "certified" after enactment, there is still a major problem with new versions of present designs, such as twin conversions, long-bodied modifications, extended range conversions, and similar models. These would all have to incorporate entirely new powerplants, and since we do not know how to meet a 15 EPNdB reduction, any such extension of our current models would be effectively stopped.

RETROFIT

Although Lockheed does not have current large transport aircraft which exceed the maximum noise level standards of Appendix C of Part 36 of the Federal Aviation Regulations, we recognize that most of the existing operational transports and some current production transports and business aircraft produce noise levels well above the regulations.

We also recognize that the airlines are in no financial position to modify these airplanes, even if a powerplant existed which would bring them into full compliance. The extent of the problem is dramatized by the estimates of research and development for such a powerplant installation that vary between $100 million and $200 million. To this must be added retrofit costs that approach $2 million for each four-engine transport. It is our estimate that between 400 and 500 of these airplanes would still have a useful economic life by January of 1976, all of which suggests that development and retrofit costs might approach $1.25 billion to bring these aircraft into noise compliance—a cost which the airlines and the aircraft manufacturers could not afford without major compensating increases in revenue.

This estimate does not include retrofit of the smaller twin and trijet transports which would certainly average $300,000 to $500,000 per aircraft. We estimate that approximately 1300 of these would still have an economic future in January 1976, and retrofit of this number would therefore be nearly another $700 million.

By introducing these costs, we do not wish to leave the impression that we oppose retrofit; we only want to emphasize the financial impact of the legislation which you propose, and to suggest that normal channels for financing such an endeavor do not exist to our knowledge.

It is our opinion that the best approach to retrofit is by the use of a new fan on existing four-engine aircraft to increase the bypass ratio of the powerplants. We believe that the alternate concept of massive muffling of present powerplants which are inherently noisy leads to major cost burdens and inefficiency as well as excessive operational difficulties. This same comment holds true when the use of similar massive suppression is proposed to achieve the very last dB of more modern engines which are quiet to begin with. Modern high bypass engines could, indeed, be further suppressed, but the noise alleviation is so small that it probably would be unrecognizable by the community. Furthermore, it is obtained at a cost in operational economy which will make new aircraft unattractive to domestic investors and foreign purchasers alike.

In summary, we recognize and applaud the national emphasis on aircraft noise reduction. The Industry, without special financial assistance from the Government has made monumental efforts to respond, and is now delivering "quiet" aircraft which have retained the earning power to make them attractive to domestic and foreign airlines. The problem now is to bring the existing airline fleet into compliance with the new noise standards which have already been set. This will require Government financing in some form, and the dates for accomplishment must be compatible with this financial support to prevent a disastrous turmoil within our air transport system. We urge that the creators of new legislation recognize the strides we have made, and address the real problem of making our existing fleet suitable for the community. We also urge that the setting of goals for future development remain with the FAA (DOT), ably supported by the technical talent within NASA.

Very sincerely yours,

D. J. HAUGHTON,
Chairman of the Board.

THE BOEING CO.,
Seattle, Wash., September 18, 1972.

Hon. JOHN V. TUNNEY,
U.S. Senate, Committee on Public Works, Washington, D.C.

DEAR SENATOR TUNNEY: Your letter of September 8, 1972, poses many complex questions that are of vital interest to all parties concerned with aircraft noise. The timing of your request and the complexity of the questions make complete answers difficult if not impossible. My first impression is that passage of a law with the language as suggested in your letter would inevitably bring air transportation, as we know it today, to a standstill.

My second impression is that legislating technology and schedule of accomplishment is unsound. There exists today industry and government sponsored research work aimed at producing a valid decisionmaking base. It is not clear how new legislative acts can establish both levels and schedules for noise reduction before government and industry can develop the technology required to do the job. It seems there is risk of establishing a law that is not enforceable.

Your proposal to require all aircraft landing at U.S. airports to meet Appendix C noise levels by January 1, 1976, could have a far reaching impact. It would stop a major portion of domestic and international air service. There is no apparent way the current JT8D and JT3D fleet of commercial aircraft could be retrofit or replaced by January 1, 1976, as you suggest, regardless of research and development funding or monetary support to the airlines.

The suggested 15 EPNDB reduction by January 1, 1975, cannot be commented on unless the specific meaning of "new aircraft types manufactured after" is interpreted. If this includes 747, DC–10 and L–1011 aircraft types, it would stop production of these new quieter airplanes. If the requirement applies only to future new type designs, it would stop development of new designs until that required noise reduction technology could be developed. Although certainly later than 1975, the timing for this accomplishment is unknown and is completely dependent upon an adequately funded research program. In either case, the noise reduction capability to accomplish this objective does not exist today.

Boeing is taking part in both the nacelle retrofit feasibility program and the new front fan program. Our original estimate for the required new front fan R&D was for about 130 million dollars. We most emphatically endorse pursuing the new front fan concept because of its great promise for meaningful noise reduction as well as airplane performance improvement. However, we are extremely concerned that a partially funded program will not produce timely results.

As you may know, the Aerospace Industries Association (AIA) has been opposed to giving prime responsibility to the EPA for prescribing and amending aircraft noise standards. We consider it inadvisable and potentially dangerous to the traveling public, as well as those living under flight paths to give authority to a new agency to rule on matters that can affect flight safety. Today air transportation has an enviable flight safety record and no action should be taken that puts this in jeopardy.

I share the frustrations that exist relative to the noise problem. Currently we have over 400 scientists, engineers and technicians at Boeing directly involved in noise reduction research and development. The attachment to this letter contains a summary of expenditures at Boeing since 1958 on noise reduction research. Over 43 million dollars of Boeing funds have been spent on this problem. Even though we have made significant progress through the use of these resources, the greatest lesson we have learned is that the problem is complex; and that simple, fast, inexpensive solutions do not exist.

Although not answering your questions to the extent I'm sure you desired, I hope these comments might be of help to the Public Works Committee in their deliberations on this very significant legislation. My recommendation for alternate rule language would be to suggest funding programs at a level to accomplish noise reduction to the extent technically feasible and at the rate the Congress and the Nation desires.

Very truly yours,

T. A. WILSON.

[Attachment.]

BOEING NOISE REDUCTION RESEARCH

[In millions of dollars]

	Boeing R. & D.	Government contract	Total
Year:			
1958	0.601		0.601
1959	.106		.106
1960	.282		.282
1961	.472		.472
1962	.550		.550
1963	.310	0.022	.332
1964	.140	.330	.440
1965	1.384	.210	1,594
1966	2.528	.925	3.453
1967	3.197	2.484	6.661
1968	10.957	6.878	17.835
1969	8.508	2.873	11.381
1970	4.447	1.082	5.529
1971	3.594	9.788	9.382
1972	6.031	10.918	16.948
Total	43.107	32.460	75.567

Note: Above expenditures do not include production development costs fof airplane noise reduction activities totaling over $23,000,000.

MCDONNELL DOUGLAS CORP.,
St. Louis, Mo., September 15, 1972.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I am writing in response to your letter of September 8 addressed to J. S. McDonnell, concerning provisions of the noise pollution control act (S. 3342) introduced by you and Senator Muskie. Clearly there is too much noise around airports and we are determined to do our part to help.

The attached letter from Jack McGowen, President of our Douglas Aircraft Company, to Jack Shaffer, Administrator of FAA, in response to his request for informal comments on tentative FAA regulations in this area, is a good statement of our position.

I would like particularly to emphasize that the current state of the art in technology makes it impossible to promise today that commercially viable airplanes and engines can be produced which generate far less noise than the requirements of F.A.R., Part 36, without cost and other penalties in excess of what the taxpaying public will accept. Research and development can undoubtedly improve our ability to produce airplanes which generate less noise, but there is no way to reliably evaluate the cost of reaching specific quantitative goals until after adequate research, development, testing and evaluation has been accomplished. I therefore urge that the government place great emphasis on expediting the necessary RDT & E so as to establish what is feasible, and only then stipulate dates when mandatory accomplishment will be required.

The FAA has experience in regulations of this kind, whereas the EPA has little. We would urge that advantage be taken of such experience in establishing the requirements and their administration.

McDonnell Douglas is devoting a great deal of attention to the problem of noise. If you or your staff would be interested in having one of our technical specialists provide a

briefing covering the many complex aspects of this problem, I would be most happy to arrange it.

Sincerely,

KENDALL PERKINS.

DOUGLAS AIRCRAFT CO.,
August 18, 1972.

Hon. JOHN H. SHAFFER,
Administrator, Federal Aviation Administration, Washington, D.C.

DEAR JACK: Your letter of August 11, 1972, in which you discussed a notice of proposed rule making that would require noise levels 10 EPNdB below FAR Part 36, for future production aircraft, has convinced me that you take the airport noise problem as seriously as I do. I really believe we must think in such terms if we are to achieve an air transportation system that meets the requirements for compatibility with communities around our airports.

I'm not suggesting that we know how to accomplish reductions which are in all cases as large as 10 EPNdB, nor am I suggesting that we could accomplish significant reductions by July 1, 1976. However, I believe that the industry and the FAA should get together to determine the noise reductions that can be accomplished and the time required to accomplish them. A quick look at our DC–10 would say we might be able to achieve noise levels between 5 and 10 EPNdB below FAR 36 depending on the reference location. Some of our research programs with your organization and with the NASA may also lead to similar possibilities for the low bypass ratio turbofan powered aircraft. Perhaps additional research may lead the way to the full 10 EPNdB below FAR Part 36.

One word of caution. All our studies show that regardless of how quiet we make the future production aircraft, the overall community noise situation will not benefit significantly until something is done to also reduce the noise of the JT3D and JT8D powered aircraft now in the fleet. Those aircraft must be considered along with future production aircraft. We recognize that the airlines do not have the resources to pay for a noise retrofit program and investigations to develop means of financing such a program should be conducted along with the research to develop the technology.

Frankly, I believe that other modifications to Part 36 that are currently being considered, such as temperature/altitude accountability and requiring future production aircraft to meet Part 36 offer no help to the noise problem and should be dropped in favor of a single modification to Part 36 which addresses the total problem and requires that all practical steps be taken to solve it. I would pledge my support to a program to develop such a modification.

We, at Douglas, will be most happy to work with you and your people both directly and through the Aerospace Industries Association to find solutions to this most serious problem.

With best regards.

Sincerely,

JACKSON R. MCGOWEN.

UNITED AIRCRAFT CORP.,
Hartford, Conn., September 16, 1972.

Hon. JOHN V. TUNNEY,
Committee on Public Works, U.S. Senate, Washington, D.C.

DEAR SENATOR TUNNEY: In your letter of September 8, 1972, you asked for comments on proposed changes by the Senate Public Works Committee to the aircraft noise control provisions of the noise pollution control act (S. 3342). As indicated in your letter, it is proposed that all existing aircraft comply with the maximum noise level standards in Appendix C of FAR Part 36 after January 1, 1976, and that all aircraft which could not be retrofitted economically to comply be replaced by a new generation of quieter aircraft. It is also proposed that new aircraft types manufactured after January 1, 1975 meet a noise level at least 15 EPNdB lower than FAR Part 36.

Because of the very short response time requested in your letter, my comments must be brief and general in nature since there is insufficient time to provide in-depth replies to your proposals.

We do not believe it is possible, either technically or logistically, to retrofit or replace current aircraft with quieter versions meeting FAR 36 noise requirements by January 1, 1976. The existing fleet of aircraft in question currently provides approximately 80% of the present U.S. domestic seat capacity, and we estimate that in 1976 these aircraft will still represent approximately 60% of the domestic seat capacity.

Both the FAA and NASA are funding extensive programs to establish noise reductions possible on 727, 737, DC–9, 707 and DC–8 aircraft through a retrofit program. The FAA retrofit feasibility program includes nacelle acoustical treatment and jet suppressors while the NASA program includes nacelle treatment and new front fan engine modifications. Most of the JT8D powered aircraft (727, 737 and DC–9) could probably be retrofitted with nacelle treatment alone to meet the noise limits of FAR 36. Because these aircraft are at present so close to meeting the FAR 36 requirement, however, the improvement resulting from such action would hardly be perceptible to the human ear, and thus would not provide any appreciable noise relief to the airport communities. The current FAA and NASA programs are planned to accomplish reductions in jet noise as well as fan noise for both JT8D and JT3D powered aircraft in order to obtain meaningful community noise reduction. Provided these programs continue at adequate funding levels, a decision on the appropriate action for a retrofit program is expected by late 1973 or early 1974. On this basis, aircraft retrofit could not be initiated sooner than 1976 or be completed earlier than 1979.

With regard to the proposal that current aircraft which cannot be economically retrofitted be replaced with new generation quieter aircraft already under construction, there are no new quiet aircraft under development to directly replace the smaller 727/737/DC–9 class of aircraft or the 707/DC–8 aircraft serving low density routes. Such new aircraft are not likely to be available in quantities earlier than the 1980's.

In the case of new aircraft/engine designs, industry does not have in hand either the technology or adequate funds to accomplish a noise level 15 EPNdB lower than FAR Part 36 for aircraft manufactured after January 1, 1975. With strong government support, the technology may be developed during the next few years to accomplish a noise level 10 EPNdB lower than FAR Part 36 for aircraft manufactured in the late 1970's or early 1980's.

We strongly recommend that prior to establishment of aircraft noise standards for future application, a joint task force, consisting of FAA, NASA and industry personnel, be established to recommend the noise levels which can be practically achieved within the 1970 and 1980 time periods. We further recommend that the FAA, for reasons of safety, be continued in the primary role for regulation of aircraft noise, with the EPA taking the advisory role.

As I am sure you know, the United States airlines have been suffering severe economic problems for several years. The financial burden of any prescribed retrofit program which provides no economic return to the airlines presents a major obstacle to its accomplishment, and may require that the government plan a significant role in making such a program financially possible.

Please be assured of our vital interest in the noise reduction question. We appreciate the opportunity you have afforded us to comment on your proposal, and we would be pleased to participate in further discussions or in any task force established to further define future requirements for noise certification.

Sincerely,

B. H. TORELL,
Division President,
Pratt & Whitney Aircraft Division.

NORTH AMERICAN ROCKWELL,
El Segundo, Calif., September 15, 1972.

Hon. JOHN V. TUNNEY,
Committee on Public Works,
U.S. Senate, Washington, D.C.
Attention: Mrs. Jane Frank

DEAR SENATOR TUNNEY: In Bob Anderson's absence, I am replying to your letter of September 8 asking for our comments on the additions which are being proposed to the noise pollution control act (S. 3342).

We are, of course, in general agreement that control of airport noise is an important objective and believe that industry would welcome assistance from the Government in the further development of noise abatement technology. However, in view of the present state of the art, we do not believe it is desirable to incorporate firm requirements in federal legislation at this time.

The specific questions which you have asked concerning the technical and economic aspects of retrofit can better be responded to by those companies who manufacture commercial aircraft. Our endeavors have been limited to general aviation aircraft. Airplanes of this type are a smaller part of the overall aircraft noise problem which is dominated by the large commercial aircraft. For one thing, it is not clear what portion of the airport noise problem results from the operation of general aviation aircraft. In this connection, we would particularly welcome the opportunity to work with Government agencies to develop the information necessary to determine the kinds of constructive actions which would be required.

Most of the engines for general aviation aircraft are well over ten years in production, and there are few practical engines in the 3,000-pound to 4,000-pound thrust class that would be available in the next few years. For engines in this class, we believe there is limited technical information available with respect to noise reduction. This has contributed to the impracticality of working up economics of retrofit or retirement and replacement.

In general, taking into account the wide spectrum between very small general aviation aircraft and the large commercial airliners as well as the limited technology regarding noise abatement, we believe that it is premature to establish absolute standards by legislation and that the flexibility permitted by regulatory rather than legislative control is desirable. A further point we would make is that separation of authority over noise control from responsibility for operational safety could lead to safety problems.

I am sorry that the timing of action by your committee on this bill does not permit us to give you a more extensive reply.

Sincerely,

WALLACE W. BOOTH.

AEROSPACE INDUSTRIES ASSOCIATION OF AMERICA, INC.,
Washington, D.C., September 14, 1972.

Hon. JOHN V. TUNNEY,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR TUNNEY: We are in receipt of your letter of September 8, 1972, informing us of proposed amendments to S. 3342 calling for new aircraft noise reductions.

First, it is the firm finding of our member

companies, which make up the bulk of the transport aircraft manufacturing industry and as such are amply qualified to make such judgments, that the new aircraft noise reduction schedule of 15 EPNdB below the Part 36 standard by January 1, 1975, proposed in your letter would be impossible to achieve. A 10 EPNdB reduction by 1981 was suggested by the Civil Aviation Research and Development Policy Study (CARD) published by the Department of Transportation. Industry considers this an attainable goal, providing the costly technological development involved continues to receive appropriate funding, public and private.

Second, to prohibit any aircraft which does not comply with the maximum standards in Part 36 by January 1, 1976, from landing in the United States could have the practical effect of ending commercial air service here as of that date.

It is difficult to believe that diminution of progress in either of these areas is the intention of the Committee on Public Works. It would certainly seem that further study of these proposed measures would be in order.

For instance, in response to your inquiry about the current state of technology with respect to front fan treatment in addition to nacelle treatment we can refer you to a NASA contract awarded this year on this very subject. The engine in question is an experimental rather than a production model, however, and the results of that contract will not be available for three years. Furthermore, this is not the only relevant research now underway. As you must be aware, the transport aircraft and engine manufacturers have, at great expense, made tremendous reductions in aircraft engine noise during the past several years and are acutely aware of the need for further reductions. Unfortunately the availability of the technology to accomplish these additional decreases cannot be effectively legislated.

We urge you to delve into the existing knowledge on this subject and for your convenience include a copy of an article on the subject which appeared in the Association's Aerospace Magazine.

In addition, we would again recommend that the FAA, for reasons of safety, exercise the primary responsibility, in consultation with the EPA, for setting aircraft noise standards. In the present context, we would urge also that the standards-setting agency not be limited by legislated noise reduction goals.

Yours very truly,

KARL G. HARR, Jr.

AMERICAN AIRLINES,
New York, N.Y., September 15, 1972.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for the opportunity to comment on the proposed modifications to the Noise Pollution Control Act (S. 3342.) We are mindful of the need to help develop solutions to the noise problem. Our commitment to this goal is illustrated by the fact that American Airlines developed the noise abatement specifications that were built into both the DC–10 and L–1011.

Because of the admitted urgency of finding a solution to noise developed by our older aircraft, we have been studying this matter in considerable depth from both the technical and financial point of view. We have come to certain conclusions which I am pleased to pass along to you:

(1) We believe it is technically possible to modify aircraft now in service to meet FAR 36 specifications, if sufficient time is made available to do so.

(2) The cost of retrofit, even within the minimum time limits that we consider achievable, is beyond the capability of the airline industry to support, and would require public funding.

(3) The January 1, 1976 date is not feasible. The earliest achievable date in our opinion is January 1, 1978.

(4) There are promising options to reduce the noise level of operations at such points as Los Angeles by altering take-off and approach procedures. These revised procedures offer a reasonable hope for more prompt relief than could be accomplished through aircraft retrofit.

(5) The proposed January 1, 1975 requirement for new aircraft to comply with FAR 36 minus 15dB is unrealistic.

Regarding conclusion (1), we believe that with the knowledge and material available to us today, it appears possible to develop a modification for each type of aircraft now in service so that compliance with these levels can be obtained. This cannot be done, however, without adequate time to design and test the specific hardware to be used. The retrofit design must not only produce the required noise levels, but must also be thoroughly tested to assure continued operational safety and reliability required to maintain airline service in the public interest.

To avoid unnecessary waste of resources, it is necessary to determine which retrofit approach is most effective and desirable. As you note in your letter, there are two basic approaches to noise reduction now being funded by the government: the nacelle and jet suppression treatment and the new front fan design. The latter approach is most desirable from an operational point of view, but it is already clear to us that the conversion cost is much higher. Given the magnitude of the retrofit problem, it would be unconscionable to make a forced choice between these two approaches until thorough testing of both solutions have been completed. This process can be expected to take at least two years at the rate at which the government has been funding these studies.

When the preferred approach is determined, our engineers estimate that it will take at least three years from the time of delivery of the first kit to install a modification on our complete fleet, assuming that all air carrier airplanes were simultaneously modified. The cost to our industry of attempts to speed up this time span increases at an enormous rate and I would estimate that our costs would double if, for example, a two-year time period were required. For the same reason, a considerable reduction in cost would be possible if the time period were extended.

With regard to conclusion (2), the cost of retrofit, we estimate that to comply with these programs by January 1, 1978, which we believe to be the earliest achievable date, the cost to the American Airlines would range from $120 to $315 million, depending on whether nacelle treatment or a new front fan approach is chosen. We believe these figures, expressed in 1972 dollars, are accurate to within plus or minus 20%. American Airlines cannot conceivably fund a program of this magnitude. The suggested alternative, which is to replace these airplanes by that date, is also unworkable. We would be required to retire ninety-seven 707-type aircraft. Even assuming that our route structure and traffic demand would permit replacement of the lift provided by these aircraft with DC–10's (which is not the case), we would have to purchase fifty-seven new DC–10's at a cost of approximately $1.1 billion. Faced with these staggering costs, which we believe are entirely realistic estimates, I cannot in any good conscience support a retrofit program of this nature, unless it is accompanied by an outright financial grant to make this modification in the public interest.

The foregoing explains the basis for our conclusion (3) that the proposed January 1, 1976 date is not feasible. If we were required to comply with FAR 36 by January 1, 1976, it would be impossible for us and other airlines to meet the public need for transportation and the requirements of our certificates of public convenience and necessity. Under such restrictions we could not provide service on a majority of the routes we are certificated to serve. While it is more difficult and time-consuming to modify some types of aircraft than others, the January 1, 1976 proposal is, in my opinion, impossible to achieve.

Regarding conclusion (4), we believe that strict compliance with FAR 36 by engine or nacelle retrofit may not be the most effective way to reduce noise. There are several promising options to reduction of noise level by altering take-off and approach procedures. We have already implemented new take-off and approach procedures which have reduced noise exposure, but considerably greater progress can be achieved, we believe, through our program of active testing, with support from NASA, of two-segment approach procedures. We believe it can already be established that noise relief of the magnitude you seek is possible by the use of this technique. This approach offers the best hope, in my opinion, of reasonably prompt relief in the Los Angeles area.

Noise abatement achieved by revised approach procedures could resolve a significant concern over another aspect of the retrofit proposal. Specifically, the difference between the current noise levels of certain aircraft (in our case the 727's) and the requirements of FAR 36 will be so minimal as to be almost imperceptible to the public. It would be a tragic waste of resources to effect this retrofit only to find that the public wholly unsatisfied. Relief through modification of approach procedures may consequently offer a better solution than retrofit, both in terms of cost impact and more prompt conformity with FAR 36. This is certainly true with respect to the quieter of the older aircraft, such as the 727's, and might provide an acceptable solution to the problem of the 707 and DC–types as well.

Regarding our conclusion (5) the proposed requirement that new types of aircraft to be manufactured after January 1, 1975 comply with FAR 36 minus 15dB is in the opinion of our engineers totally unrealistic. Such a requirement would necessitate the use of a new engine vastly quieter than any now existing. It has been our experience that an absolute minimum of four years is required to develop such a new engine even when the technology is in hand to permit commitment to the project.

It is also worth pointing out that prohibiting operation to the United States of aircraft of foreign registry that do not comply with these noise levels would present a most difficult international problem for our country. Foreign governments could hardly be expected to permit U.S. carriers to serve their countries if the operation of their own flag carriers to the U.S. was prohibited.

Sincerely,

GEORGE A. SPATER.

TRANS WORLD AIRLINES,
New York, N.Y., September 14, 1972.

Hon. JOHN V. TUNNEY,
U.S. Senate, Committee on Public Works,
Washington, D.C.

DEAR SENATOR TUNNEY: TWA is pleased to have this opportunity to respond to your letter query of September 8 on the control of aircraft noise.

As you know perhaps, TWA has been instrumental and successful through the years in forcing the development of quieter and more pollution free aircraft. TWA, along with several other leading airlines, has always contractually required the incorporation of the latest noise attenuation technology that is practical and effective when procuring aircraft. This continues to be our

policy and our objective. Current examples of good progress are the Boeing 747 and Lockheed 1011.

TWA has also studied the various programs and designs targeted toward the development of retrofit technology which have existed throughout the jet age. It is also familiar with current programs including the front fan and nacelle treatment programs mentioned in your letter. In fact, TWA just completed a comprehensive review of all known possibilities and programs last week.

Through the years, TWA has encouraged the development of those technologies which stand to reduce external aircraft noise. It was hoped that by now practical designs for effectively reducing noise from the older aircraft in our airport communities would be in hand. This is not the case and, unfortunately, little prospects for early practical solutions exist. However, all reasonable efforts to advance applicable technologies and to develop suitable designs should continue.

As matters now stand, either the predicted noise improvements are so low as to be completely cost ineffective or they are impossibly expensive and would occur in a time frame that would not permit completion of retrofit programs prior to the 1977–1981 time period. This is too late since by then the majority of the older narrow bodied four-engine jets will either have been retired or will be on the eve of retirement from commercial service.

You may be interested to know that four-engine aircraft retrofit capital costs are estimated to run from approximately $1,200,000 per airplane for the quiet nacelle to approximately $1,900,000 per airplane for the new and as yet undeveloped front fan. Parts obsolescence costs, revenue loss from added fuel consumption and/or empty weight increases, and loss of utilization during the conversion period are all in addition and would total a very appreciable amount. The capital costs alone would result in a minimum increase in seat mile cost of from approximately 7.0% to 13%. Capital required for TWA aircraft alone could total as much as $300 Million. This quite obviously would be totally unacceptable.

Costs and timing indicated herein are preliminary estimates since neither the quiet nacelles nor the new front fans are fully developed or have been tested in flight. The quiet nacelle being developed by Boeing Wichita will not fly until next year and the new front fan won't be in the air for several years and then only if engine ground tests are successful. It is of the greatest importance that such devices be tested for acceptibility by human ears on a controlled empirical basis. History shows that meters and forecasted results simply are not reliable in this regard. In no event should retrofit programs or implantation schedules be adopted until this is done.

Thus, summarily, the suggested FAR 36 compliance date of January 1, 1976 for all aircraft operating into U.S. airports is totally unrealistic and cannot be achieved. At this time it is impossible to rationally set a date for the mandatory achievement of this objective. Applicable technologies must be advanced, noise reduction effectivity determined by flight tests and economic feasibility established first. Any language additions to S. 3342 along the lines suggested in your letter of September 8 are premature and ill advised.

As to the proposed requirement that new types of aircraft manufactured after January 1, 1975 comply with noise standards 15 EpnDB less than FAR 36 App. C., TWA understands this subject is currently being considered by the FAA. TWA doubts that the attainment of a 15 EpnDB reduction is realistic by then and suggests that a 5 to 8 EpnDB reduction would be more realistic. However, since action is under way, language additions to S. 3342 would seem unnecessary and duplicative.

TWA respectfully suggests that prior to the inclusion of any language in S. 3342 on aircraft noise alleviation requirements or retrofit schedules that an informal meeting be held between you and/or your staff and selected airline representatives. Such a meeting could serve to discuss and clarify significant facets of retrofit to a greater extent than is practical in this letter. If you consider such a meeting appropriate, TWA would, of course, be happy to participate.

Very truly yours,

F. C. WISER.

INSTITUTE OF NOISE CONTROL ENGINEERING,
Cambridge, Mass., September 18, 1972.

Senator JOHN V. TUNNEY,
New Senate Office Building,
Washington, D.C.
(Attention: Mrs. Jane Frank).

DEAR SENATOR TUNNEY: I am pleased to respond to your letter of 12 September 1972 in which you solicit my views in regard to the Noise Pollution Control Act (S. 3342). The comments offered herein are based on assessment of the status of aircraft acoustics technology and regulation available to me as a Member of the Aeronautics and Space Engineering Board of the National Academy of Engineering and upon jet engine and airport noise research in studies performed by me and my colleagues as Bolt Beranek and Newman Inc.

The current state of technology supports the addition of language to S. 3342 that, "No aircraft could land at U.S. airports after 1 January 1976, unless such aircraft complied with the maximum noise level standards in Appendix C of Part 36 of the Federal Aviation Regulation." However, the requirement that new aircraft meet a noise level 15 EPNdB lower than the FAR Part 36 standard by 1 January 1975 is incompatible with development, manufacturing, and certification schedules and possibly beyond the state of art of noise-control technology for large transport aircraft. A careful look at available noise control technology and at the length of time it takes for manufacturing and certification schedules to be accomplished, convinces me that new aircraft could realistically be required to meet noise regulations that are 10 EPNdB lower than FAR Part 36 by 1 January 1978. In making this statement I have not balanced the technological and time schedule against economic considerations because I feel that this balance must be made by government and not by engineering people. A 15 EPNdB reduction below FAR Part 36 might be feasible by 1982, but further study is necessary to confirm this statement.

I strongly recommend that the Environmental Protection Agency be given the responsibility for specifying and enforcing noise exposure criteria for communities near airports. Although, the Federal Aviation Administration and the Department of Transportation along with NASA have supported technology development in this area, the FAA has shunned the responsibility for setting aircraft community noise exposure criteria. The EPA should be given the authority for selecting and enforcing these criteria, but the specific methods and individual aircraft numbers involved in meeting these goals should be selected in collaboration with NASA, which has responsibility for aeronautics research, and with the FAA, which has the ultimate responsibility for the refinement and application of aviation technology to the civil air transportation system.

If the Noise Pollution Control Act is still an issue during the next session of Congress, my colleagues in this country, in particular the NAE Board, INCE, and Bolt Beranek and Newman Inc. and other research companies would be pleased to provide you with detailed comments in regard to the present status of acoustical technology pertinent to the subject of aircraft retrofit and new aircraft development.

Sincerely,

LEO L. BERANEK,
President, INCE.

Mr. BROOKE. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BROOKE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. BROOKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 90, line 21, following "SEC. 502.", insert "(a)".

On page 91, following line 14, add the following subsection:

"(b) The Secretary of Transportation, after consultation with the appropriate Federal, State, and local agencies and interested individuals, shall conduct a study of the means of financing the retrofitting of existing jet aircraft (excluding aircraft owned or operated by any military agency) in order to carry out the purposes of this part, and shall make recommendations, taking into consideration what is economically reasonable, technologically practicable, and appropriate for the types of aircraft and aircraft engines to which the recommendations will apply. He shall report on such study to the Committees on Interstate and Foreign Commerce, and Ways and Means of the House of Representatives, and the Committees on Commerce, Finance, and Public Works of the Senate by July 1, 1973, together with his recommendations for whatever legislation may be required.

Mr. BROOKE. Mr. President, I believe this amendment is noncontroversial, and I hope that the distinguished Senator from California and the distinguished Senator from Delaware will agree to accept it.

This amendment requires the Secretary of Transportation to submit to the Congress by next July 1, a report on the various means of financing the retrofitting of jet aircraft, and to recommend appropriate legislation to achieve that goal.

While the Federal Government already has ample authority to promulgate noise standards for existing aircraft, no action has yet been taken officially to finance the means of meeting these standards. Depending on the extent of retrofitting, the estimated cost will be between one billion dollars and two and one-half billion dollars. And, no matter what the ultimate financing plan, the Federal Government will have a role to play, if only because airlines are a regulated industry.

The retrofitting/financing issue already has received considerable attention in Congress, the executive branch, and the industry itself.

On August 2, 1971, I introduced S. 2398, which would provide grants to the air carriers to pay for up to two-thirds of retrofitting costs. The source for these funds would be the trust fund created by the Airport and Airway Development

Act of 1970 as well as an increase from 8 to 10 percent in the air user tax.

My colleague Senator CRANSTON introduced S. 1566 on April 19, 1971. This bill would finance a retrofitting program by means of guaranteed loans. In addition, there have been other proposals that would provide financing through fare increases, stepped-up tax depreciation, and assumption of the costs by the airlines themselves, among others. There are advantages and disadvantages to each of these plans, and I am confident that I speak on behalf of both Senator CRANSTON and myself when I say that neither of us is wedded to our own proposal. Ultimately, I believe that the financing package will include a mix of several of the proposals that have been made.

The amendment which I now offer would allow us to have the benefit of the views of the executive branch on this crucial matter. In fact, it is my understanding that such a study is already under review within the executive branch, including the Department of Treasury and the Office of Management and Budget. Thus, adoption of this amendment will not require the executive branch to undertake a new study. It will simply set a date of July 1, 1973, for its completion, and require that legislative recommendations be made to the Congress if the Secretary of Transportation finds legislation to be necessary.

The amendment designates that Secretary of Transportation conduct the study because his Department has been in the forefront of administration efforts to reduce aircraft noise. Specifically, the Federal Aircraft Noise Abatement Plan has been developed by the Office of Noise Abatement within the Office of the Secretary of Transportation.

The amendment also authorizes the Secretary to consult with other appropriate Government and private agencies and individuals. Since the Federal Aviation Administration is within the Department of Transportation, it goes without saying that the FAA would be asked to contribute its extensive expertise in the formulation of the financing proposals.

Again, Senators should understand that this amendment complements plans already established by the executive branch to develop both the technology and financing of aircraft retrofitting. Its effect is simply to emphasize Congress' continuing interest in this vital issue, and to make sure that Federal programs will proceed quickly, so that citizens across the Nation can be relieved as soon as possible from the bombardment of jet aircraft noise.

Mr. TUNNEY. Mr. President, I have had an opportunity to look over this amendment with the distinguished Senator from Massachusetts. I think it is a good amendment. It demonstrates once again the leadership role that the Senator from Massachusetts has played in this area. It is quite true that studies are going on in the executive branch. However, the studies are no good unless they are completed and unless the information is available to the public at large and to the Congress in particular.

So I am going to be able to accept this amendment on behalf of the committee. I have discussed the matter with the distinguished Senator from Delaware, and he is also agreeable to having this amendment accepted by the committee.

We expect that any financing study will consider proposals like a ticket tax on airline users and not just consider Government subsidies.

Mr. BROOKE. The Senator is correct.

Mr. TUNNEY. I know that the Senator from Massachusetts feels the same way.

Mr. BROOKE. Mr. President, I thank the distinguished floor manager of the bill for accepting the amendment. I want to say again that I am very much encouraged that the Senator from California (Mr. TUNNEY) and the Senator from Delaware (Mr. BOGGS) are in the leadership role on this particularly important issue because it is so important to so many people across this country to have their understanding and sympathetic leadership on this important legislation. It is a matter of great consolation to the people who have waited and suffered so long to know that hope is at last on the way.

I pledge if I am reelected to the Senate to continue to work very closely with them during the years ahead.

Mr. TUNNEY. Mr. President, I thank my friend so much for those words. He has certainly demonstrated his leadership today and in years past by calling this matter continually to the attention of the Congress.

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

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mr. CRANSTON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 95, between lines 21 and 22, insert the following:

SUPERSONIC AIRCRAFT

SEC. 509. No civil aircraft capable of flying at supersonic speed shall land at any place under the jurisdiction of the United States unless in compliance with the noise levels prescribed for subsonic aircraft by the Administrator of the Federal Aviation Administration and in effect on September 1, 1972.

Mr. CRANSTON. Mr. President, in March of this year I introduced two proposals restricting supersonic transports such as the English-French Concorde and the Russian TU–144 in flights over and landings in U.S. territory.

The first of my proposals, prohibiting flight at supersonic speeds over the United States and its territorial waters or the contiguous zone, has been incorporated into the bill we are now considering and I think that is one of the fine features of this measure.

I will not take up the time of this body in outlining the need for such a restriction, other than to point out that if the Concorde were permitted to fly coast to coast at supersonic speeds it would create a path of successive sonic booms 50 miles wide and 3,000 miles long. According to conservative estimates, these sonic booms could cause $35 million to $160 million in property damages every flight.

My second proposal, which I have just introduced as an amendment to this bill, prohibits these same aircraft from landing in U.S. airports unless they meet the same noise emission standards which now are required for subsonic aircraft under FAA regulations.

At current levels, the Concorde produces 10 times the noise emitted by a 747. A single Concorde produces as much noise when it lands as 10 747's. Aircraft noise is measured in effective perceived noise decibels. FAA regulations now permit a maximum noise level of 108 EPNDB for subsonic aircraft. Measurement of the emission level of the Concorde places it in a range between 114 and 120 EPNDB.

When measured on a logarithmic scale, as noise calculations are made, the Concorde will produce between six and 12 times more noise than is permitted for subsonic planes. In terms of the total noise environment around an airport, this would be a dramatic step backward. The progress we have made toward making our environment more livable will suffer a serious setback. Though a single Concorde produces the same noise when it lands as 10 747's, it carries only 150 passengers compared to 350 carried by a 747. That means it would need to make more than twice the number of flights to deliver the same number of passengers while making 10 times the noise.

The high level of noise produced was one of the major reasons the American SST was discontinued. Can we apply lesser standards to European supersonic transports? The aircraft noise problem was realized, yet work continued on the Concorde. Britain and France had no reason to believe our position would be different on the Concorde than it was on the American SST. If the Concorde cannot meet acceptable noise standards, then it should not be allowed to land in the United States.

Mr. President, I want to stress that this amendment does not raise the questions about jurisdiction of FAA that have been involved in some of the controversy relating to this bill. I believe it is vitally necessary to protect both the American aircraft industry and the people who live around airports from this particular problem and the threat it poses to them.

If these planes start coming into American airports no one will know exactly what they are and there will be a new uprising at and around airports that will threaten our ability to continue airport operations; there will be new lawsuits and hang-ups, and people around airports will be unable to distinguish between new planes bringing this new noise and American planes.

All of us will suffer as a result.

I urge my colleagues to apply the same standards to supersonic aircraft as we mandated for subsonic aircraft.

Mr. TUNNEY. Mr. President, I have had an opportunity to review this

amendment with my distinguished senior colleague. I have not had an opportunity to consult with the distinguished Senator from Delaware. As far as the majority side of the committee is concerned, I can accept this amendment.

I think it is clear that we could require the same compliance for supersonic transport planes that we require for other airplanes that are landing at American airports. It is ony fair and there is no reason why the citizens of our country who live adjacent to international airports should be subjected to the deafening roar of supersonic aircraft simply because it is from a foreign manufacturer and owned by a foreign airline.

So on behalf of the majority of the committee——

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

Mr. TUNNEY. I yield.

Mr. CANNON. Mr. President, before the Senator accepts the amendment I would like to sound a note of caution. This type amendment can be very important with respect to international negotiations and the international aspects of air transportation. I would simply caution my friends that I hope they have considered this in consultation with the State Department to try to take into full account what the implications are that might be involved.

I can see that if a foreign air carrier is denied the right to fly any place in the United States with a particular aircraft, they might then impose the same type of refusal to fly all of our aircraft in foreign countries. This could be much more devastating to us than to them because we have the largest air carrier system in the world today, and it would be our carriers that would be affected if retaliatory action were taken.

Again, I am sounding a note of caution. I am not going to call for a rollcall vote if the Senate wants to accept it, but this is something that may have very grave implications in the field of international air transportation and may result in a very detrimental way to U.S. air carriers if it is adopted without some provision made, some escape provision or some outlet being taken into consideration so that these aircraft might be able to fly to some particular location in this country.

Mr. TUNNEY. I appreciate the Senator from Nevada raising those points. I think they are points that have been considered by the Senator from California. I think that they are strong points.

On the other hand, I cannot help but feel, after the Senate rejected a domestic SST which would have been heavily subsidized by our Federal Government, that we should say we are not going to allow our noise emission levels, which are health levels, to be violated by a foreign SST which is landing at our airports.

It would be my hope that we would not allow any American airline that violates our noise levels to land at our airports, so it is even-handed that we ask that foreign aircraft landing at our airports be subject to the same standards of health and welfare that our domestic lines are required to adhere to.

Mr. CANNON. Mr. President, will the Senator yield further?

Mr. TUNNEY. I yield.

Mr. CANNON. This is certainly a subject that comes under the jurisdiction of my Aviation Subcommittee. If the Senator is not of a mind to press this amendment at this time I would assure him that we would hold hearings on this very subject next year. We want to take whatever steps should be taken, but my caution comes from the fact that this is an important area of concern to our State Department and it is an important area of concern to U.S. carriers, and perhaps there should be some area defining what could be done at someplace in the country that would not be affected. If the Senator would care not to press the amendment my committee can hold hearings next year and consider these aspects and then if it is of a mind to do something, we would have the time because they are not going to be able to fly in here until next year.

Mr. CRANSTON. I thank the Senator for his concern. It would seem to me that if we were producing planes that would be as noisy as foreign supersonic planes when landing and taking off at subsonic levels of speed, we would recognize the right of other countries if they have standards to exclude them.

I do not believe other nations will retaliate against us in a totally arbitrary way not taking into account the noise factor of our planes.

Therefore, I do not believe we will have this sort of problem that has been suggested as a possibility. Certainly, I grant that it is a possibility. What I would prefer to do is to proceed with the amendment, but also to proceed in conjunction with the Senator to see if there might be problems that could indicate a modification of the provision.

I am afraid if we drop this matter it might not be possible for a vehicle to exist to prevent this problem affecting people who live around airports and in the long run we may find the American aircraft industry suffers as a result of the noise, with the accompanying lawsuits that would tie up the airports.

My friend and colleague from California has expressed a willingness to accept the amendment, and I deeply appreciate it. I took a moment of time to talk to the Senator from Delaware representing the minority on the committee. He said as far as he is concerned, the minority on the committee is perfectly willing to accept the amendment.

Mr. CASE. Will the Senator yield?

Mr. TUNNEY. I am delighted to yield to the Senator from New Jersey.

Mr. CASE. I ask that my legislative clerk, Mr. Gambock, be permitted to be on the floor throughout the session today.

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

Mr. THURMOND. Mr. President, I ask unanimous consent that Bill Hancock of my staff be allowed on the floor today and tomorrow.

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

Mr. CASE. I support the Senator's amendment, and I want the record to show that I do.

In that connection, I want to make one point, and that is that I am deeply distressed at the unwillingness of the FAA to give what I regard as adequate assurance to the neighborhoods and communities near airports of its consideration of their concerns about expansion, noise pollution, and other nuisances that are involved.

I have specifically in mind the community of Morris County, N.J., where Morristown Airport is located. The city of Morristown has an airport which is not within the city's own geographical boundaries, but outside the community where it is located and others adjacent to it, and is properly concerned about expansion without due consideration of the needs and interests of the residents.

I have been unable to get the kind of assurance that I think these communities are entitled to from the agency, but I am not going to give up trying.

I fully support the amendment, partly on that account, but in general on its own merits.

Mr. BELLMON. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. TUNNEY. Would the Senator be prepared, inasmuch as a yea-and-nay vote is now ordered, to yield back the balance of his time?

Mr. CRANSTON. Certainly. First, I want to take a minute to make one point.

In further reply to the Senator from Nevada in regard to the questions he raised, no supersonic planes will be ready to land in this country until 1975 or 1976. That would allow adequate time for the sort of hearings and inquiries that the Senator would like to make, to see if it is advisable to make any modifications.

Second, it will serve notice on the manufacturers of supersonic planes that they must reduce their noise. They have the capability technically now to do this. This will give them time to do that, and then we will not have a problem.

Mr. TUNNEY. Mr. President, I yield back the balance of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from California (Mr. CRANSTON). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGEE) is absent on official business.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Oregon (Mr. HATFIELD), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

On this vote, the Senator from Nebraska (Mr. CURTIS) is paired with the Senator from Arizona (Mr. GOLDWATER). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 62, nays 17, as follows:

[No. 553 Leg.]

YEAS—62

Allen	Eagleton	Packwood
Anderson	Ervin	Pastore
Bayh	Fulbright	Pearson
Beall	Gambrell	Pell
Bentsen	Gravel	Percy
Boggs	Griffin	Proxmire
Brock	Gurney	Ribicoff
Brooke	Hansen	Roth
Buckley	Hart	Schweiker
Burdick	Hartke	Smith
Byrd, Harry F., Jr.	Hughes	Sparkman
	Humphrey	Spong
Byrd, Robert C.	Inouye	Stennis
Case	Jordan, N.C.	Stevens
Chiles	Jordan, Idaho	Stevenson
Church	Mansfield	Symington
Cooper	Mathias	Talmadge
Cotton	Miller	Thurmond
Cranston	Mondale	Tunney
Dole	Montoya	Weicker
Dominick	Nelson	Williams

NAYS—17

Aiken	Fong	McClellan
Bellmon	Hollings	Moss
Bennett	Jackson	Saxbe
Cannon	Javits	Taft
Eastland	Long	Young
Fannin	Magnuson	

NOT VOTING—21

Allott	Harris	Metcalf
Baker	Hatfield	Mundt
Bible	Hruska	Muskie
Cook	Kennedy	Randolph
Curtis	McGee	Scott
Edwards	McGovern	Stafford
Goldwater	McIntyre	Tower

So Mr. CRANSTON'S amendment was agreed to.

Mr. HARTKE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Line 1 on page 98, insert after the words "to be" the words "necessitated by special local conditions and . . ."

Line 12 on page 100, insert after the words "to be" the words "necessitated by special local conditions and . . ."

Mr. HARTKE. Mr. President, one of the basic purposes of title V of this bill, as explained in the committee report, is to assure the maximum practical uniformity in regulating the noise characteristics of interstate carriers such as the railroads and motor carriers which operate from coast to coast and through all the States, and in hundreds of communities and localities.

Without some degree of uniformity, provided by Federal regulations of countrywide applicability which will by statute preempt and supersede any different State and local regulations or standards, there would be great confusion and chaos. Carriers, if there were not Federal preemption, would be subject to a great variety of differing and perhaps inconsistent standards and requirements from place to place. This would be excessively burdensome and would not be in the public interest.

At the same time, States and localities ought to have and retain the power to develop and enforce noise standards and regulations that are needed and designed to meet special local situations even though such standards and regulations may differ from the Federal rules.

The problem, of course, is to strike a proper balance that will take account of and protect all of these interests.

My amendment will do this. In essence it merely clarifies the intention of the bill as already stated in the committee report at page 19. The Federal regulations will, as a general proposition, supersede and preempt State and local standards that are different, but States and localities would be left with the right to establish and enforce such differing standards and controls, and even license or restrict the use and operation of equipment, to the extent necessitated by special local conditions and not in conflict with the Federal regulations. These determinations, again in order to achieve desirable and reasonable uniformity in carrier equipment and carrier operations, would be subject to review by the Environmental Protection Administrator in consultation with the Secretary of Transportation.

Mr. President, I have discussed this matter with the manager of the bill, and I think the wording of the bill is in conformity with what the manager thinks is the intent of the bill.

Mr. TUNNEY. It is my understanding that this amendment would substantially strengthen the Federal preemption.

Mr. HARTKE. Mr. President, I ask unanimous consent to modify the amendment to delete the word "and" at the end of the sentence and include the word "or".

The PRESIDING OFFICER. The amendment is so modified.

Mr. TUNNEY. Could the Senator indicate what the effect of that modification of his amendment would be?

Could the clerk restate the amendment?

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

Line 1 on page 98—insert after the words "to be" the words "necessitated by special local conditions and . . ."

Line 12 on page 100—insert after the words "to be" the words "necessitated by special local conditions and . . ."

Mr. TUNNEY. That was my understanding of the original amendment.

Do I correctly understand that the amendment as modified reads "necessitated by special and local conditions or"?

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

Mr. HARTKE. I yield.

Mr. CANNON. May we have some kind of explanation?

Mr. HARTKE. This amendment applies to an interstate carrier that moves across the Nation. It provides that they shall not be subjected to and harassed by unreasonable standards in separate localities. It provides that local communities can still have standards which are more strict than those at the Federal level, but that there shall be a standard in the regulations that shall be governed by such items which are necessities to deal with the local noise conditions. Otherwise, the trains and the carriers coming through could have 75 different regulations which would apply to them.

Mr. CANNON. Do I correctly understand, then, that the Senator is modifying the preemption provision that is now in the bill? It says that a local community could establish a different and more stringent standard than the national standards?

Mr. HARTKE. It would be a limitation on the local communities to the extent that it was necessitated by local conditions. In other words, we need some type of national standard for these carriers which are moving from State to State.

Mr. CANNON. I still do not understand.

Let me ask the Senator this: Does the amendment say that the local community can modify by reducing or increasing the amount of the national standard that is prescribed by either EPA or by EPA and the FAA?

Mr. HARTKE. No. It says, in effect, that the Federal Government shall preempt, generally speaking, all the local situations to the extent that they prescribe the standard. If a local community, under the bill presently, wants to prescribe standards which are at a higher level than Federal standards, it is permitted to do so.

This amendment says that shall be permitted only to the extent necessitated by local conditions—in other words, that they cannot put an unreasonable burden on a train, a bus, or a motor carrier coming through a community. Otherwise, there will be chaos in this industry. All of this is subject to the ultimate control of the Environmental Protection Agency. But they cannot lower the standards.

Mr. TUNNEY. I should like to make sure that I understand what the difference is between the amendment as originally offered and as modified.

Mr. President, could the clerk restate the amendment as modified?

The PRESIDING OFFICER. The clerk will state the amendment as modified.

The assistant legislative clerk read as follows:

Line 1 on page 98—insert after the words "to be" the words "necessitated by special local conditions or . . ."

Line 12 on page 100—insert after the words "to be" the words "necessitated by special local conditions or . . ."

Mr. TUNNEY. The Senator has discussed this matter with the committee staff, and it is my understanding that the amendment would not strengthen the preemption as it is in the bill. Is that correct?

Mr. HARTKE. The amendment still would provide that the Federal regulations would generally rule. The bill provides at the present time that local standards can be provided which are at a higher level than Federal levels.

This amendment says, basically, that to the extent that they are necessitated by special local conditions, they can do so. In other words, when you have a motor carrier going through, and if they are following the Federal standards and then are going to go ahead and have some local community put in an unreasonable standard, you might stop the whole operation of the interstate carrier.

This amendment also provides and still preserves that any regulation of this kind, before the preemption by the Federal Government would be effective, would still be subject to review by the Department of Transportation and by the Environmental Protection Agency.

In other words, the intent of it is in general accord with the bill, but at the same time to provide some type of uniformity for these interstate carriers.

Mr. TUNNEY. The committee, on page 19 of its report, indicated that the Federal regulatory program for railroads under this part completely preempts the authority of the State and local governments to regulate such noise after the effective date of adequate Federal standards, except where the administrator determines it to be necessitated by special local conditions or not in conflict with the regulations under this part.

Do I correctly understand that what the Senator is doing is merely clarifying in the bill the intention of the committee as expressed in the report? As I read the language, it would seem to be doing just that.

Mr. HARTKE. That is exactly right. In other words, it follows the intent of the report. It follows the intent of the bill, generally speaking. The wording must be changed to be in accord with the intent of the report as well.

Mr. TUNNEY. The committee clearly wanted to allow it, but to make exceptions if it is determined it was necessitated by special local conditions.

Mr. HARTKE. That is exactly right.

Mr. TUNNEY. As I understand the language, it is necessitated by local conditions that they are not in conflict with regulations promulgated under the bill and is consistent with what they intended.

Mr. HARTKE. That is right.

Mr. MAGNUSON. Mr. President, that is the trouble with the bill. It has not been thought out properly in many respects. Now we are getting down to surface transportation, and if we do not watch out, it will completely deny—there are 50 different regulations on interstate trucks, or railroads, or buses traveling across the country. We can have some minimum standards. The cities and towns now have their own standards. Some one city or some one town under the amendment, unless we have it cleared up, could establish something that would be absolutely impossible for buses or trucks to go through that territory. That is the trouble with this. We are getting into it so deeply that all the cities and towns now have regulations. I think we had better know what we are doing here. Sometimes, I think, some people around here would like to tie up all transportation because somebody makes a noise. But if one starts an engine running, it has to make some noise. I do not like noise. No one else likes noise either, but if we are going to start out making all these regulations about noise, that might tie up the whole thing. I do not know whether this amendment does that. We have preempted local people many times. That is traditional, particularly with many standards, and if they want to be tougher they can, but there should be a minimum. Is that what the Senator is trying to do?

Mr. HARTKE. That is right. We have done the same thing. This is what the framers of the bill intended. That is what is sought in the report. What we are saying is that we are not creating an unreasonable burden but at the same time we want to protect the rights of the Federal Government to proceed to establish the standards.

Mr. MAGNUSON. We have gone through this for years. It used to be that every State had different regulations on trucks as to the weight, size, how they would go, the number of axles, and so forth. At one time there were 36 different regulations. A truck going between States, going across the country, might have 15 different things to do, such as throwing off part of the cargo, or doing this or that. We worked for years through State organizations, and finally we have pretty much uniform laws now.

If this is going to be a uniform law on noise relating to surface transportation, that is fine——

Mr. HARTKE. That is what it does.

Mr. MAGNUSON. A number of towns today have certain ordinances that a railroad train cannot blow its whistle going through at night because it will wake the people up and that will be disastrous to them, because they could not get back to sleep. Many things happen on account of that. Many, many things happen. We finally had to straighten that out. I hope that this will be a step toward uniformity in this whole field. But I do not know whether it will be. Does the Senator from California think it will be?

Mr. TUNNEY. I have reviewed the amendment and it is in comformity with what the committee intended. The report states there is a complete preemption and also orders the administrator in conjunction with the Secretary of Transportation to grant exemptions where there are special local conditions. So it is clear it is a total preemption. We should also recognize that there may be local conditions which would necessitate that the national standard should not apply.

Mr. HARTKE. That is a local ordinance.

Mr. MAGNUSON. How many times have we driven around and there will be a big sign "Quiet, hospital zone"?

Mr. TUNNEY. This would give the Administrator——

Mr. MAGNUSON. A truck slows down for a little bit and does not make as much noise. But we are getting deeper into things here. Who will handle all this?

Mr. BAYH. Mr. President, I ask unanimous consent that Mr. Michael Helfer of my staff be permitted the privilege of the floor during debate on this bill and the spending bill.

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

Mr. TUNNEY. Mr. President, I should like to say in conclusion that I have studied this amendment and it in no way violates the principle of preemption which the Senator was pushing for as part of the bill. As a matter of fact, the language suggested by the Senator from Indiana (Mr. HARTKE) is almost the exact language in the committee report and has now been put into the bill.

Mr. MAGNUSON. That might be a step forward but on some of these things we should watch what we are doing here in the last few hours of this session.

Mr. JORDAN of North Carolina. Mr. President, would this permit the EPA Director to tell the man on the freight train not to blow his whistle going through a town or what the noise level should be?

Mr. TUNNEY. He has to do it in conjunction with the Secretary of Transportation.

Mr. JORDAN of North Carolina. Yes. In other words, we will tell the man on the freight train how many times he can blow his whistle, two short, or three long, or whatever it is, or not three long. This is going to get us into hot water wherever we go on this. I think it is totally beyond what we started out with on this airport bill.

Mr. TUNNEY. The reason we put this language into the bill was that we wanted to make it clear that it was Federal preemption for interstate trades and the railroads. It was not initially in the bill, so we put in the preemption so that we would give the railroads and the carriers some awareness and some security that they would not have to abide by 50 different State jurisdictions and Lord knows how many tens of thousands of local jurisdictions. It is in the bill now. It is a complete preemption.

Mr. JORDAN of North Carolina. Then this applies to trucks, automobiles, to everyone. They are all in there.

Mr. TUNNEY. Mr. President, I yield back my time.

Mr. HARTKE. I yield back my time.

The PRESIDING OFFICER (Mr. BEALL). The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. BEALL). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

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

Mr. CANNON. Mr. President, it is with great reluctance that I support the provisions of this otherwise very fine bill that relate to the control of noise from aircraft. As the Senate knows, this bill was only very recently reported by the Public Works Committee and because of the lateness of the date the Commerce Committee and the Aviation Subcommittee, which I chair, has had no opportunity whatsoever to formally consider it, nor have we had a chance to hold hearings on some of the issues which the bill presents.

Mr. President, the consideration of this bill in the form we are looking at today is a dangerous precedent in the legislative process. This bill has never been considered nor have we heard any witnesses on the vital aspects of air transportation and the interests of safety and reliability of transportation as affected by the bill. The Committee on Commerce has sole and total jurisdiction over civil aeronautics, we have the responsibility to protect the safety of the public from transportation disaster—airline crashes—as well as from unwarranted noise, but Mr. President, we are in a position of having a bill forced on us at a late hour in this session because of the fact that the American public and this Congress wants relief from noise.

Mr. President, the goals of this legislation are laudable and every Member of the Senate, of course, can support them. The public wants and needs protection from noise from all sources, not only aircraft, but from other transportation vehicles and from other sources in everyone's daily lives. The bill before the Senate today, however, as it relates to regulation of aircraft is far reaching in its scope and is inconsistent with a decision of Congress in 1958 in which we decided that aviation safety was of such paramount concern, that all Government regulation and control of aviation had to be vested in one single agency. The bill before us today negates that basic principle which I believe is still sound. But more importantly the process, as it has worked, has completely circumvented the committee which has the primary responsibility to insure safety in air transportation. Obviously the members of our committee were reluctant to take any action on the bill at this late hour which would result in its not being brought up. We were under great pressure to waive our jurisdiction on the matter and to simply acquiesce in the action of the Public Works Committee which is before the Senate today. In the spirit of cooperation, although feeling deeply about it, we did acquiesce. We waived the jurisdictional rights of our committee.

The Senator from California has been most gracious in meeting with me and discussing my concerns with the legislation and seeking to come up with amendatory language which would ease some of the more serious problems which I and the Committee on Commerce found in the bill. While I appreciate very much the support and the kindness shown me and the committee on this matter by the Senator from California, I still have grave concern about the bill itself. The Committee on Commerce in executive session decided that while it would waive jurisdiction of the bill, it would offer a floor amendment substituting the House passed language on aircraft noise control to the provisions in the Public Works bill. After considering the House language we found it to be responsible, workable and a step forward in the regulation of aircraft noise and a program that all could live with. After taking that action, however, we became convinced that the forces seeking to protect the environment were mobilized in strong opposition to our position and were unwilling to support passage of the House language. Therefore, very reluctantly, Senator MAGNUSON and I and others in the committee determined that we would seek to work out an agreement with Senator TUNNEY and others which we would hope would be agreeable to all of us. Therefore the committee determined that it will not offer on the floor today an amendment seeking to insert the House language on this matter and has reluctantly agreed to support the language which the Tunney amendment to the bill presently contains. Nonetheless, it is important to note the basic objection to the Tunney bill still remains. That is the splitting up of the authority to regulate noise from aircraft into two different governmental agencies both having vastly different responsibility. Under the Tunney proposal, as it is amended, the regulation of aircraft noise will be split between the Environmental Protection Agency and the Federal Aviation Administration. It is my view that any legislation which provides for fractionated authority to regulate in the public welfare is weak. It leads to diffusion, delay, inaction, bickering back and forth and often ineffective regulations. A far preferable situation would be to leave this authority within the Federal Aviation Administration, the supreme authority in the field of air commerce, and charge the administration with increasing its activities to regulate noise from aircraft. As the Senate knows well, the FAA has ample statutory authority at the present time under the bill passed in 1968 to regulate aircraft noise. Some think the FAA has gone too slow. Mr. President, this is a difficult, tedious and very costly matter and while I sometimes think the agency has not moved fast enough I am also very sympathetic to the problems faced by the agency and by the air transportation industry in trying to quiet its products.

There is no doubt that the industry and the FAA have made significant progress, as we all know. The new generation of jet aircraft equipment is quieter than older aircraft by half; promising breakthroughs on other phases are being made at this time. Technology apparently has been developed which might make it possible to reequip older jet aircraft with quieter engines, without compromising safety and reliability, and flying characteristics. But the costs of this kind of program could be very expensive, in fact, it could be prohibitively so. And I think while the Senate will hear much more on the subject from others on the floor today, we have not yet determined the feasibility and the practicability of moving forward at the present time with this new technology. I mention it only to point out that there has been much action in the area of aircraft noise control despite what some of the critics might have you believe. The FAA has recently adopted new regulations relating to the way aircraft are flown, the flight paths that must be followed and the flight regimens which must be maintained by the crews. These new regulations will result in aircraft being kept higher over our urban areas which will greatly reduce the amount of noise reaching the ground. The airlines themselves are beginning on their own initiative to impose certain flying characteristics on their airplanes and crews which result in reductions in power, consistent with safety, and of course protect the public from excessive noise. These things are being done today and they will continue to be done whether this bill is passed or not. But I also recognize that there is great sentiment within the Government and from without, that all environmental programs be coordinated by one agency; namely, the Environmental Protection Agency. While in most cases this may be a wise course to follow, I am not convinced of its wisdom in the area of regulating aircraft noise, therefore, my reservations with the Tunney bill. But in the spirit of cooperation and in the spirit of wanting to see noise legislation enacted during this session of Congress, I will vote for it despite my doubts of its wisdom.

Mr. BUCKLEY. Mr. President, I believe that certain important distinctions must be kept in mind in considering the merits of the Environmental Noise Control Act of 1972 as reported out by the Committee on Public Works.

The general responsibility of the Federal Government in the area of environmental protection is now generally recognized; but having said that, it then becomes necessary to distinguish between the various kinds of pollution which, taken together, adversely affect the human and natural environment, so that we can properly assess the extent of the role which the Federal Government ought to be asked to play in order to bring the various components of environmental pollution under appropriate control.

If one State or community is negligent in its approach to air and water pollution, the environment of other States will be adversely affected because the movement of water and air is unaffected by State lines. In most instances, however, the sources of noise pollution do not have an interstate impact. You can generate quite a bit of noise in Poughkeepsie, N.Y., before the neighbors in New Jersey and Connecticut will have cause for complaint.

The following provisions of the bill, in my view, go beyond what is the appropriate or useful role of the Federal Government in reducing the level of

noise in the environment. The benefits of certain of these provisions in achieving the objectives of the legislation at reasonable costs to the taxpayer; that is, administrative expenses, and to the consumer; that is, increased product costs, are probably of marginal significance. Other provisions represent expensive Federal intrusion even which are fully within the competence in State or local governments to compel, or into the private production and marketing of consumer goods.

To cite some examples:

Section 408, that provision which directs the Administrator to promulgate noise emission standards for categories of new products which he has found to be major sources of environmental noise, gives the Administrator authority to control over a broad variety of products which can be or already are effectively controlled at a lower level of government. Section 408 allows him to promulgate standards for construction equipment, transportation equipment, motors or engines, electrical and electronic equipment, among others. This permits yet another agency of the Federal Government to influence the design features of a wide variety of occupational equipment and consumer products. Mr. President, in my view it is not the proper concern of the Federal Government to attempt to control those forms of environmental pollution which can be controlled effectively by city ordinance or State regulations. It is clear that in the case of air pollution and water pollution the Federal Government does have a necessary and legitimate role. These pollutants are not constrained by artificial political boundaries. Air blows freely from State to State. Almost all streams or their tributaries cross State lines. Noise, on he other hand, is a very peculiar kind of polluant. Noise does not accumulate in the environment; it dissipates almost immediately. It would be the exception rather than the rule if noise crossed State or city lines.

I believe the Federal role ought to be restricted to the control of noise levels in automobiles, aircraft, trucks, and other products which in their normal use can be expected to cross political boundaries. It is on this basis that I can support those sections of this bill which authorize the establishment of Federal environmental regulations to control noise emissions from aircraft, railroads, motor carriers, and other transportation vehicles. However, I do not see why the Environmental Protection Agency ought to be in the business of setting emission standards for consumer goods which are used in the home, and equipment used in industry where workers are already protected through the Occupational Health and Safety Act. A number of communities, the city of Chicago is outstanding among them and New York City is about to follow suit, have established effective noise control codes which protect the public from the damaging effects of excessive noise. There is every reason to believe that this trend will spread to other communities and thereby obviate the need for a larger Federal program.

I also object strongly to the so-called "preemption" provision in section 408 which prohibits any State or local government from adopting or enforcing any noise emission standard which is not identical to the standard prescribed by the EPA Administrator. It is true that this section does not preclude or deny the right of any State or city to establish controls on environmental noise through the licensing, regulation or restriction of the use, operation, or movement of any product for which EPA has set emission controls. This limits the ability of State or local authorities to apply one of the most efficient devices for controlling noise.

A number of other provisions in this bill strike me as unnecessary and only marginally useful in controlling the level of noise in our environment. Some of these represent unnecessary Federal meddling into the production of consumer goods. They are the imposition of product warranties on a manufacturer, extensive labeling requirements, costly recordkeeping, and recording.

I also question whether it is wise for Congress to launch into yet another grant-in-aid program for noise control as provided in section 418. Would it not be better for the Federal Government to use the limited amount of money which would be available to enhance the technical assistance and the information base which would be of great value to State and local authorities?

Finally, section 419 authorizes $5 million for incentive purchases of low noise emission products. The provision is simply not necessary in order to achieve desired reduction of noise levels and it represents a large proportion of the total authorization for the program. These resources could be used more effectively elsewhere.

AIRCRAFT NOISE

If reports from my constituents who live in New York's great metropolitan areas are any indication, it is the noise emitted from aircraft flyovers which represents the most objectionable form of noise pollution. It has historically been the role of the Federal Government, acting through the Federal Aviation Administration, to control all aspects of air commerce. This helps to establish the validity of a Federal program to control noise emitted from aircraft. These two points convince me that if we are to have a Federal noise control program, it ought to be a program which places effective control on aircraft noise. If our bill is weak in the area of controlling aircraft noise, it is my personal preference to have no bill at all.

The major controversial issue in constructing an effective and responsible Federal program for aircraft noise emission control is which agency shall have the authority to set those admission standards: Environmental Protection Agency or Federal Aviation Administration. It is clear that a major portion of the expertise in the performance of commercial aircraft resides in the FAA. This agency has a mission; that is, to promote the development of an efficient, responsible, and safe system of civil aviation in the United States. By all indications, they have done an excellent job. A recent experience has indicated, however, that regulation of noise from aircraft is not necessarily consistent with that mission. The FAA has not moved as rapidly as some have expected in implementing the noise reduction which was required in the 1968 Federal Aviation Act. Since that bill passed, there has been created the EPA, whose primary responsibility is to effect all of the Federal Government's environmental policies. It is, therefore, appropriate that the EPA should set the emission standards for the control of noise emissions from aircraft.

The EPA, of course, should consult with those agencies having expertise in the field but the determination of the level of noise which would protect the public health and welfare, including taking into consideration a judgment on the cost of compliance should be made solely by the EPA. Of course, the FAA because of its responsibilities for air safety, should have a veto over any standard promulgated by EPA if the Administrator of the FAA determines that such standard would in any way jeopardize the safety of air travel.

Happily, amendments made on the floor now rest in the EPA, the appropriate authority, subject to the appropriate FAA veto where questions of safety are concerned. To this extent, the bill is constructive. But unfortunately, its fundamental effects far exceed the good; defects are too extensive to be subject to corrections through amendments offered on the floor.

Mr. PERCY. Mr. President, we now have an opportunity to respond to the unquestioned need for a comprehensive Federal noise control program in this country. The need for noise control legislation has been recognized by the administration, by all cognizant professional societies concerned about noise pollution, by the major labor unions, by countless citizens' organizations, and by millions of Americans exposed to excessive or unnecessary noise.

I feel very deeply about this issue due to the fact that constant exposure to the noise of aircraft engines and machine-gun fire, as a gunnery officer in the Naval Air Corps in World War II, destroyed my ability to hear certain higher frequency sound levels, a disability that has handicapped and bothered me ever since. Thank heavens the widespread use of ear mufflers at airports now and on firing ranges helps to minimize this hazard for those constantly exposed.

In 1972, the President's Council on Environmental Quality—CEQ—included a noise control proposal in the administration's package of environmental protection legislation. In complying with title IV of the Environmental Protection Act of 1970, the newly created Environmental Protection Agency reported to the President and Congress in December 1971, on the organizational deficiencies for noise control among several Federal agencies and the inadequacy of existing laws to remedy the situation.

S. 3342, the Environmental Noise Control Act of 1972, was reported favorably

by an overwhelming majority of the Committee on Public Works, from which so much of our environmental protection legislation has originated. I consider S. 3342, as reported, a considerable achievement in reflecting a fine balance between the concerns of affected industry and those of environmental purists. This bill consolidates responsibility for the establishment of national noise control standards and guidelines from a variety of sources within the EPA, the agency created to deal with environmental problems. Most importantly, in my judgment, title V of the measure requires control of noise and its exposure upon people caused by transportation sources arising in interstate commerce—a requirement the States and localities cannot accomplish for themselves.

Approximately 80 million Americans are adversely affected by noise. In addition to hearing damage, other health effects from noise include loss of sleep, anxiety, and interference with classroom learning and with normal conversation. Under this bill the EPA would be given unchallenged authority to regulate noise emissions from such sources as electric blenders, vacuum cleaners, jackhammers, buses, trucks, and trains.

Neither logic nor the demands of a comprehensive program justify excepting aircraft from this authority. For the first time, through EPA-required actions, aircraft noise emission levels would be based on public health and welfare needs—with FAA review on grounds of technological availability and safety. Current FAA regulations require that new planes, such as the Boeing 747 and the McDonnell Douglas DC–10 meet stringent noise abatement standards. They do not, however, set such standards for other existing jet aircraft.

I think that the policy is totally inadequate, and I believe it is imperative that existing jets be retrofitted or otherwise be made to conform to strict noise abatement standards, so that our citizens living in the vicinity of great airports such as O'Hare can live more normal lives, free from earsplitting intrusions throughout each day.

What then is the difficulty in passing S. 3342? It appears to be primarily the airline industry that opposes this needed legislation, although I note that the airport operators, through the Airport Operators Council International, have strongly indicated their support of S. 3342 with strengthening amendments.

What is the root of this opposition? The airlines claim that shifting lead agency responsibility for aircraft noise control from FAA to EPA might imperil flight safety procedures.

In this context, it is important to look to the history of FAA, and before it the Civil Aeronautics Administration—CAA—regulation of aircraft noise. In summary, such regulation has been virtually nonexistent. Perhaps the best illustration of FAA inertia in the area of aircraft noise control is the agency's failure to implement an operating rule for noise abatement.

The "Report of the President's Airport Commission—The Airport and Its Neighbors," submitted to President Truman in May 1952, urged adoption of a variety of aircraft noise abatement measures with particular emphasis on the regulation of operating procedures. During the intervening 20 years, the National Aeronautics and Space Administration, individual airlines, the National Aircraft Noise Abatement Council and, more recently, the Boeing Co. have strongly advocated the use of operating procedures for reduced community noise. That such procedures exist, have long been available, and can be effective cannot be denied. Let me quote the two conclusions of the Boeing Co.'s testimony before a public hearing held by the EPA in Washington, D.C., November 10, 1971:

(1) Significant reductions in community noise can be attained through early adoption of readily available regulatory and procedural operations changes in the vicinity of airports. Such changes can be made at little cost, would require no particular increase in pilot skill or pilot workload, and are not considered to have any effect on safety.

(2) Further noise reduction benefits are available through certain additional operating procedures requiring development of techniques and equipment modifications to avoid increasing pilot workload.

What has been the FAA's response to Boeing and to the NASA and American Airlines successful demonstration over a year ago of an effective and safe two-segment approach procedure? I refer my colleague to a letter from FAA Administrator John Shaffer, dated July 17, 1972, responding to my inquiries regarding the abominable noise conditions around Chicago's O'Hara Airport. Mr. Shaffer says:

The Federal Aviation Administration has taken several recent steps at the national level to reduce aircraft noise. Federal Air Regulation Part 36 requires that all newly certified turbo-jet aircraft meet stringent noise requirements. As a result, new aircraft such as the McDonnell-Douglas RC–10 and the Lockheed–1011 are significantly quieter than their predecessors. As more of these aircraft are produced they will be replacing older, noisier turbo-jet aircraft. FAA is now evaluating a program to reduce engine noise on the remaining jet fleet. We will proceed with this program when it is determined to be technically effective and economically feasible. The FAA is also sponsoring a number of other research projects on ways and means of reducing engine noise. We work closely with the Department of Defense and the National Aeronautics and Space Administration to assure a proper emphasis in their particular areas of interest and to prevent any duplication of effort in noise reduction research.

At O'Hara, as well as all other major terminal areas, we are constantly working to develop procedural innovations in handling aircraft so as to reduce noise. For example, the controllers keep jet aircraft as high as possible prior to landing and get them as high as practical as soon as possible after departing. When weather conditions permit, runways are changed periodically in order that aircraft do not proceed over a given area for long periods of time. When wind conditions preclude shifting of runways, controllers will vary the headings of departing aircraft after leaving the runway to ensure that there will not be a concentration of aircraft passing over a small area for extended periods. Also the preferential runway system used during the night is designed to avoid the most noise-sensitive areas, generally located east of the airport.

To me, this response says that "we're aware of the problem, trying to do something about it and hope that things will straighten themselves out." My constituents near airports will not consider that kind of response satisfactory, particularly when FAA has had, over the years, comprehensive rulemaking authority to reduce aircraft noise pollution which it steadfastly refuses to exercise.

In his communications to the Congress and public pronouncements, Administrator Shaffer calls attention to the "exemplary cooperation" for noise abatement purposes between the FAA and the airlines. He refers to the "voluntary" adoption of a noise abatement takeoff procedure in August of this year by all the airlines. I am reliably informed that all airlines do not follow the "voluntary" procedure and that it does not in fact provide meaningful relief for close-in airport community residents, such as those around O'Hara Airport, whose problem is most severe.

The FAA has abdicated the regulatory responsibilities Congress has entrusted to it. Provisions of the Federal Aviation Act of 1908 and the Aircraft Noise Certification Act of 1968, Public Law 90–411, require the Administrator to adopt measures for "the present and future relief from aircraft noise—for the benefit of persons on the ground."

The FAA claims that the reduced noise generating qualities of second generation high bypass ratio engines and new aircraft types is attributable to FAA and airline efforts. But should not credit go to airframe and engine manufacturers for their foresight and ingenuity in introducing new quieter aircraft with reduced exhaust emissions?

While claiming on the one hand that it alone has authority for the regulation of aircraft operation for aircraft noise abatement, the FAA simultaneously maintains aircraft noise control is a local problem. Yet when States and localities attempt measures to protect citizens from excessive aircraft noise levels, FAA asserts Federal preemption rights.

This is a situation which the Congress cannot allow to continue. S. 3342 goes a long way toward correcting the errors of the past and providing for a responsible and comprehensive plan of noise pollution control whatever the source. I strongly urge adoption of this vital legislation.

I would like to take this opportunity to express my gratitude to George J. Franks, chairman/president of the O'Hare Area Noise Abatement Council, to Theodore Berland, president of Citizens Against Noise, to John D. Varble, village president of Bensenville, Ill., and director/secretary of NOISE, and to Herbert H. Behrel, mayor of the city of Des Plaines—each of whom has taken a leadership role in the worthy struggle for aircraft noise abatement and, together with many others, has endeavored to keep me informed of the personal traumas suffered by over more than 4½ million Illinois citizens in some 21 communities subject to noise depredations around O'Hare Airport.

Mr. TUNNEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TUNNEY. Mr. President, I yield back my time.

Mr. BOGGS. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the bill has now been yielded back.

The bill having been read the third time, the question is, Shall the bill pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Oregon (Mr. HATFIELD), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 75, nays 5, as follows:

[No. 554 Leg.]

YEAS—75

Aiken	Fulbright	Packwood
Bayh	Gambrell	Pastore
Beall	Goldwater	Pearson
Bennett	Gravel	Pell
Bentsen	Griffin	Percy
Boggs	Gurney	Proxmire
Brock	Hansen	Ribicoff
Brooke	Hart	Roth
Burdick	Hartke	Saxbe
Byrd, Harry F., Jr.	Hollings	Schweiker
Byrd, Robert C.	Hughes	Smith
Cannon	Humphrey	Sparkman
Case	Inouye	Spong
Chiles	Jackson	Stennis
Church	Javits	Stevens
Cooper	Jordan, Idaho	Stevenson
Cotton	Long	Symington
Cranston	Magnuson	Taft
Dole	Mansfield	Talmadge
Dominick	Mathias	Thurmond
Eagleton	McClellan	Tunney
Eastland	Miller	Weicker
Ervin	Mondale	Williams
Fannin	Montoya	Young
Fong	Moss	
	Nelson	

NAYS—5

Allen	Bellmon	Jordan, N.C.
Anderson	Buckley	

NOT VOTING—20

Allott	Hatfield	Mundt
Baker	Hruska	Muskie
Bible	Kennedy	Randolph
Cook	McGee	Scott
Curtis	McGovern	Stafford
Edwards	McIntyre	Tower
Harris	Metcalf	

So the bill (S. 3342) was passed.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the Committee on Commerce and the Committee on Public Works be discharged from further consideration of H.R. 11021.

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

Mr. TUNNEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 11021.

The PRESIDING OFFICER. The bill will be stated by title.

The bill was read by title as follows:

A bill (H.R. 11021) to control the emission of noise detrimental to the human environment, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California?

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

Mr. TUNNEY. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and that the language of S. 3342, just passed by the Senate, be inserted in lieu thereof, and that the Senate bill be indefinitely postponed.

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

The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

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

The bill (H.R. 11021) was read the third time and was passed.

Mr. TUNNEY. Mr. President, I ask unanimous consent that H.R. 11021 be printed, and printed in the RECORD as passed by the Senate.

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

The bill (H.R. 11021) as passed is as follows:

H.R. 11021

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

SECTION 1. This Act may be cited as the "Environmental Noise Control Act of 1972".

SEC. 2. Title IV of the Clean Air Act Amendments of 1970 is amended to read as follows:

"SHORT TITLE; TABLE OF CONTENTS

"SEC. 401. This Act, including the following table of contents, may be cited as the 'Environmental Noise Control Act'.

"TABLE OF CONTENTS

"Sec. 401. Short tile; table of contents.
"Sec. 402. Findings and policy.
"Sec. 403. Office of Noise Abatement and Control.
"Sec. 404. Definitions.
"Sec. 405. Research, investigation, training, and other activities.
"Sec. 406. Federal programs.
"Sec. 407. Noise criteria and control technology.
"Sec. 408. Noise emission standards for new products.
"Sec. 409. Labeling.
"Sec. 410. Imports.
"Sec. 411. Prohibited acts.
"Sec. 412. Enforcement.
"Sec. 413. Citizen suits.
"Sec. 414. Emergency situations.
"Sec. 415. Judicial review.
"Sec. 416. Records, reports, and information.
"Sec. 417. Federal procurement.
"Sec. 418. Grants for support of environmental noise planning and control programs.
"Sec. 419. Development of low-noise-emission products.
"Sec. 420. Authorization of appropriations.

"FINDINGS AND POLICY

"SEC. 402. (a) The Congress finds—

"(1) that environmental noise presents a growing danger to the health and welfare of the Nation's population, particularly in urban areas;

"(2) that the major sources of noise emissions include aircraft, vehicles, machinery, appliances, and other products in commerce; and

"(3) that, while primary responsibility for control of environmental noise rests with State and local governments, Federal regulatory action is essential to deal with major noise emission sources, and Federal assistance is necessary to encourage and support programs for the control of environmental noise.

"(b) The Congress declares that it is the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their public health or welfare. To that end, it is the purpose of this Act to establish a means for effective coordination of Federal research and activities in environmental noise control, to authorize the establishment of Federal noise emission standards for new products, to provide information to the public of the noise emission and noise reduction characteristics of new products, to encourage and support State and municipal programs for the control of environmental noise through planning and program grants to State and local environmental noise control agencies, and to provide information to the public on the control of environmental noise through regulation of use of products and other methods and procedures to reduce environmental noise.

"(c) Public participation in the development, revision, and enforcement of any regulation, noise emission standard, program or plan established by the Administrator or any State or municipality under this Act shall be provided for, encouraged, and assisted by the Administrator and the States and municipalities. The Administrator, in cooperation with the States and municipalities, within ninety days after enactment of this section, shall develop and publish regulations specifying minimum guidelines for public participation in such processes.

"OFFICE OF NOISE ABATEMENT AND CONTROL

"SEC. 403. (a) The Administrator shall establish within the Environmental Protection Agency an Office of Noise Abatement and Control, and shall carry out through such Office a full and complete investigation and study of noise and its effect on the public health and welfare and administer the provisions of this Act.

"(b) The Administrator is authorized to prescribe such regulations as are necessary to carry out his function under this Act. The Administrator may delegate to any officer or employee of the Environmental Protection

Agency such of his powers and duties under this Act, except the making of regulations, as he may deem necessary or expedient.

"(c) Upon the request of an environmental noise control agency, personnel of the Environmental Protection Agency may be detailed to such agency for the purpose of carrying out the provisions of this Act.

"(d) Payments under grants made under this Act may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administrator.

"DEFINITIONS

"SEC. 404. For purposes of this title and title V of this Act:

"(a) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(b) The term 'person' means an individual, corporation, partnership, or association, and (except as provided in section 413(a)(1) of this Act) includes any officer, employee, department, agency, or instrumentality of the United States, a State, or any political subdivision of a State.

"(c) The term 'product' means any manufactured article or goods or component thereof; except that such term does not include—

"(1) any aircraft, aircraft engine, propeller, or appliance, as such terms are defined in section 101 of the Federal Aviation Act, as amended (49 U.S.C. 1431); or

"(2)(A) any military aircraft, rockets, weapons, or equipment which are designed for combat use; or (B) any aircraft, rockets, launch vehicles, spacecraft, or equipment which are designed for research, experimental, or developmental work to be performed by the National Aeronautics and Space Administration, as determined by the President under section 406 of this Act.

"(d) The term 'ultimate purchaser' means the first person who in good faith purchases a product for purposes other than resale.

"(e) The term 'new product' means a product the equitable or legal title to which has never been transferred to an ultimate purchaser. Products remanufactured or rebuilt by a manufacturer from used products to restore original functions shall be considered to be new products for the purposes of this title and title V of this Act.

"(f) The term 'manufacturer' means any person engaged in the manufacturing, assembling, or importing of new products, or who acts for, and is controlled by, any such person in connection with the distribution of such products, but shall not include any dealer with respect to any new product received by him in commerce.

"(g) The term 'dealer' means any person engaged in the sale or the distribution of new products to the ultimate purchaser who may prepare a product for sale or distribution to the ultimate purchaser: *Provided*, That when such dealer's preparatory or final assembly work involves modifications which increase the noise emission characteristics of such product, such dealer shall then be considered a manufacturer of such product for the purposes of this title and title V of this Act.

"(h) The term 'commerce' means trade, traffic, commerce, or transportation—

"(1) between a place in a State and any place outside thereof, or

"(2) which affects trade, traffic, commerce, or transportation described in paragraph (1) of this subsection.

"(i) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

"(j) The term 'Federal agency' means any department, agency, or instrumentality of the United States including United States Postal Service.

"(k) The term 'environmental noise control agency' means any of the following:

"(1) A single State agency designated by the Governor of that State as the official State environmental noise control agency for purposes of this Act;

"(2) An agency established by two or more States and having substantial powers or duties pertaining to the prevention and control of environmental noise;

"(3) A city, county, or other local government authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of environmental noise; or,

"(4) An agency of two or more municipalities located in the same State or in different States and having substantial powers or duties pertaining to the prevention and control of environmental noise.

"(l) The term 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

"(m) The term 'noise emission standard' means a statement of a noise level or other acoustical characteristic which may not be exceeded under specified conditions or method of operation. Such standard shall include the test procedures to be followed and shall be stated in terms of performance rather than design criteria.

"(n) The term 'environmental noise' means the intensity, duration, and character of sounds from all sources.

"(o) The term 'cumulative noise exposure' means the exposure of individuals in defined areas around airports to noise from aircraft operations weighted by time of day."

"RESEARCH, INVESTIGATION, TRAINING, AND OTHER ACTIVITIES

"SEC. 405. (a) The Administrator shall establish a national research and development program for the prevention and control of environmental noise and as part of such program shall—

"(1) conduct, and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and control of environmental noise;

"(2) conduct and finance research by contract with any person, on the effects, measurement, and control of noise, including but not limited to—

"(A) investigation of the direct or indirect effects of noise on humans (including physiological and psychological effects), and the direct or indirect effects of noise on domestic animals, fish, wildlife, and property, and determination of acceptable levels of noise on the basis of such effects; and

"(B) development of improved methods and standards for measurement and monitoring of noise in cooperation with the National Bureau of Standards, Department of Commerce.

"(3) encourage, cooperate with, and render technical services (including the drafting of model ordinances) and provide financial assistance to environmental noise control agencies and other appropriate public or private agencies, institutions and organizations, and individuals in the conduct of such activities;

"(4) conduct investigations and research and make surveys concerning any specific problem of environmental noise in cooperation with any noise pollution control agency with a view to recommending a solution of such problem, if he is requested to do so by such agency or if, in his judgment, such problem may affect any community or communities in a State other than that in which the source of the matter causing or contributing to the noise is located; and

"(5) establish technical advisory committees composed of recognized experts in various aspects of noise to assist in the examination and evaluation of research progress and proposals and to avoid duplication of research, and for other purposes.

"(b) In carrying out the provisions of the preceding subsection the Administrator is authorized to—

"(1) collect and make available, through publications and other appropriate means, the results of activities pursuant to subsection (a) and other information, including appropriate recommendations by him in connection therewith, pertaining to such research and other activities;

"(2) cooperate with other Federal agencies, with environmental noise control agencies, with other public and private agencies, institutions, and organizations, and with any industries involved, in the preparation and conduct of such research and other activities, including technical assistance;

"(3) make grants to environmental noise control agencies, to other public or nonprofit private agencies, institutions and organizations, and to individuals, for purposes stated in subsection (a) of this section;

"(4) contract with public or private agencies, institutions and organizations, and with individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5);

"(5) provide training (without fee) for, and make training grants to personnel of environmental noise control agencies and other persons with suitable qualifications;

"(6) establish and maintain research fellowships, in the Environmental Protection Agency and at public or nonprofit private educational institutions or research organizations;

"(7) collect and make available through publications and other appropriate means, in cooperation with other Federal departments and agencies, and with other public or private agencies, institutions, and organizations having related responsibilities, basic data on physical, and human and other effects of varying levels of noise and other information pertaining to noise and the prevention and control thereof; and

"(8) develop effective and practical processes, methods, and prototype devices for the prevention or control of environmental noise.

"(c) In carrying out the provisions of subsection (a) of this section the Administrator shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons by the various known noise sources.

"(d) In carrying out research pursuant to this Act, the Administrator shall give special emphasis to research on the short- and long-term effects of environmental noise on public health and welfare.

"FEDERAL PROGRAMS

"SEC. 406. (a) The Congress authorizes and directs that Federal agencies shall, to the fullest extent consistent with their authority under Federal laws administered by them, carry out the programs within their control in such a manner as to further the policy declared in section 402 of this Act.

"(b) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the emission of noise shall comply with Federal, State, interstate, and local requirements respecting control and abatement of environmental noise to the same extent that any person is subject to such requirements. The President may exempt any single activity or facility, including noise emission sources or classes thereof, of any department, agency, or instrumentality in the executive branch from compliance with any such requirement if he determines it to be in the paramount interest of the United States to do so; except that no exemption, other than for those products specified pursuant to section 404(c)(2) of this Act may be granted from the requirements of sections 408, 511, and

521 of this Act. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year from the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting such exemption.

(c)(1) The Administrator shall coordinate the programs of all Federal agencies relating to environmental noise research and environmental noise control. Each Federal agency shall furnish to the Administrator such information as he may reasonably require, to determine, as provided under section 309 of the Clean Air Act, if the nature, scope, and results of the noise research and environmental noise control programs of the agency are consistent with the purposes of this Act.

"(2) Each Federal agency shall consult with the Administrator in prescribing any regulations respecting environmental noise. If at any time the Administrator has reason to believe that a standard or regulation, or any proposed standard or regulation of any Federal agency, respecting noise, does not protect the public health and welfare to the extent he believes to be required he shall request such agency to review and report to him on the advisability of revising such standard or regulation to provide such protection. Any such request shall be published in the Federal Register and shall be accompanied by a detailed statement of the information on which such request is based. Such agency shall complete the requested review and report to the Administrator within 180 days after the date of the publication in the Federal Register of the request. The report shall be published in the Federal Register and shall be accompanied by a detailed statement of the findings and conclusions of the agency respecting the revision of its standards or regulation.

"(3) On the basis of regular consultation with appropriate Federal agencies, the Administrator shall compile and publish annually a report to the Congress on the status and progress of Federal activities relating to environmental noise research and environmental noise control. This report shall describe the environmental noise control programs of each Federal agency and assess the contributions of those programs to the Federal Government's overall efforts to control environmental noise.

"NOISE CRITERIA AND CONTROL TECHNOLOGY

"SEC. 407. (a) The Administrator shall, after consultation with appropriate Federal, State, and municipal agencies, and other appropriate persons, within nine months after the date of enactment of this section, issue noise criteria. Such criteria shall reflect the scientific knowledge most useful in indicating the kind and extent of all identifiable effects on the public health or welfare which may be expected from differing quantities and qualities of noise, and such criteria shall set forth levels of environmental noise the attainment and maintenance of which in defined areas under various conditions are requisite to protect the public health and welfare with an adequate margin of safety.

"(b) The Administrator, after consultation with appropriate Federal, State, and municipal agencies, and other appropriate persons, shall within fifteen months after date of enactment of this section compile and publish a report or series of reports (1) identifying products (or classes of products) which on the basis of information available to him appear to be major sources of noise, and (2) giving information on the processes, procedures, or operating methods which result in the control of the emission of noise, to implement noise emission control standards under section 408, 501, 503, 511, and 521 of this Act, which such information shall include technical and other data, including costs, as are available on alternative methods of noise control.

"(c) The Administrator, after consultation with appropriate Federal, State, and municipal agencies, and other appropriate persons, shall compile and provide information on methods and techniques of controlling environmental noise through, among other means, product use control, land use regulation, and construction and building standards. Such information shall be compiled and published to assist State and local governments in establishing and enforcing environmental noise control programs supported under section 418 of this Act.

"(d) The Administrator shall from time to time review and, as appropriate, revise or supplement any criteria or reports published under this section.

"(e) Any report under subsection (b)(1) of this section identifying major noise sources shall be published in the Federal Register. The publication or revision of any criteria or information on control techniques under this section shall be announced in the Federal Register, and copies shall be made available to the general public.

"NOISE EMISSION STANDARDS FOR NEW PRODUCTS

"SEC. 408. (a)(1) The Administrator shall publish proposed regulations establishing noise emission standards for new products or classes of products—

"(A) identified in any report published under section 407(b)(1) of this Act as a major source of noise, and

"(B) which falls in one of the following categories:

"(i) Construction equipment.

"(ii) Transportation equipment (including snowmobiles, motorcycles, and recreational vehicles and related equipment).

"(iii) Any motor or engine (including any equipment of which an engine or motor is an integral part).

"(iv) Turbines and compressors.

"(v) Electrical and electronic equipment, except those products which are designed for the production or reproduction of music or sound (to the extent such reproduction is identical, except in amplitude, to the source reproduced).

"(vi) Percussion and explosive equipment.

"(2)(A) Regulations proposed under paragraph (1) shall be promulgated not later than eighteen months after the date of enactment of this Act, and shall apply to any appropriate new product described in paragraph (1) which is identified (or in a class identified) in any report published under section 407(b)(1) of this Act on or before the date of publication of such initial proposed regulations.

"(B) In the case of any new product described in paragraph (1) which is identified (or is part of a class identified) as a major source of noise in a report published under section 407(b)(1) of this Act after publication of the initial proposed regulations under subparagraph (A) of this paragraph, regulations under paragraph (1) of this subsection for such new product shall be promulgated by the Administrator not later than nine months after such report is published.

"(b) The Administrator may publish proposed regulations establishing noise emission standards respecting any new product for which he is not required to establish standards under subsection (a) of this section but for which, in his judgment, noise emission standards are requisite to protect the public health and welfare. Not later than six months after the date of publication of such regulations respecting such new product, he shall promulgate regulations establishing noise emission standards for such new product.

"(c)(1) Any noise emission standard prescribed under subsection (a) or (b) of this section respecting a new product shall set limits on noise emissions from such new product over the useful life of the product (as determined by the Administrator taking into account the range of possible uses for the same type of product) and shall be a standard which in the Administrator's judgment, based on information published under section 407 of this Act, reflects the degree of noise reduction achievable through the application of the best available technology, taking into account the cost of compliance. In establishing such standards for any new product the Administrator shall assure that such standards are compatible with standards under other laws respecting emission of air or water pollutants and safety, including (but not limited to) any standard under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), the Clean Air Act (42 U.S.C. 1857 et seq.), or the Federal Water Pollution Control Act (33 U.S.C. 1151 et seq.). Any standard prescribed under subsection (a) or (b) of this section may contain provisions respecting instructions of the manufacturer for the maintenance or use of the product.

"(2) After publication of any proposed regulations under this section, the Administrator shall allow the public an opportunity to participate in rulemaking in accordance with section 553 of title 5, United States Code.

"(3) The Administrator may revise any noise emission standard prescribed by him in accordance with this section.

"(4) Any regulation prescribed under this section (and any revision thereof) shall take effect after a period not to exceed two years or such lesser time as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period. Standards prescribed under this section shall apply to products manufactured on or after the effective date of such standards.

"(5) The Administrator may prescribe regulations defining 'effective date' for the purpose of assuring that products manufactured before the effective date of a regulation under this section were not manufactured for purposes of circumventing the effective date of such regulations.

"(d)(1) On and after the effective date of any standards prescribed under this section, the manufacturer of each new product shall warrant to the ultimate purchaser and each subsequent purchaser that such product is (A) designed, built, and equipped so as to conform at the time of sale with applicable regulations under this section, and (B) free from defects in materials and workmanship which cause such product, under normal use, operation, and maintenance to fail to conform with applicable regulations for its useful life, as determined by the Administrator, taking into account the range of uses for such product.

"(2) Any cost obligation of any dealer incurred as a result of any requirement imposed by paragraph (1) of this subsection shall be borne by the manufacturer. The transfer of any such cost obligation from a manufacturer to any dealer through franchise or other agreement is prohibited.

"(3) If a manufacturer includes in any advertisement a statement respecting the cost or value of noise emission control devices or systems, such manufacturer shall set forth in such statement the cost or value attributed to such devices or systems by the Secretary of Labor (through the Bureau of Labor Statistics). The Secretary of Labor, and his representatives, shall have the same access for this purpose to the books, documents, papers, and records of a manufacturer as the Comptroller General has to those of a recip-

ient of assistance for purposes of section 311 of the Clean Air Act, as amended.

"(e)(1) No State or political subdivision thereof may adopt or enforce, with respect to (A) any product manufactured after the effective date of a regulation prescribed by the Administrator under this section or (B) any component incorporated into such product by the manufacturer of such product, any standard setting a limit on noise emissions from such product enforceable against the manufacturer which is not identical to the standard prescribed by the Administrator.

"(2) Subject to paragraph (1) of this subsection, nothing in this section shall preclude or deny the right of any State or political subdivision thereof to establish and enforce controls on environmental noise through the licensing, regulation, or restriction of the use, operation, or movement of any product or combination of products: *Provided,* That such control, licensing, regulation, or restriction shall not, in the case of any motor carrier engaged in interstate commerce or any equipment or facility of a surface carrier engaged in interstate commerce by railroad, result in a limit on noise emissions for any carriers, equipment, or facility different than any limit contained in any regulation applicable thereto prescribed by the Administrator under this section or title V of this Act, except that in the case of such carriers the Administrator may by regulation, upon the petition of a State or political subdivision thereof and after consultation with the Secretary of Transportation, permit such more restrictive limits on such noise emissions through the application of use, operation, or movement controls or regulations as in his judgment are necessitated by special local conditions.

"(3) If, after promulgation of any standards and regulations under this section and prior to their effective date, a product is manufactured in compliance with such standards and regulations such standards and regulations shall, for the purposes of paragraph (1) of this subsection, become effective with respect to such product on the date of such compliance.

"LABELING

"SEC. 409. (a) The Administrator shall by regulation for any new product (or class thereof)—

"(1) identified pursuant to section 407(b)(1); or

"(2) which is sold wholly or in part on the basis of its effectiveness in reducing noise, require either (1) that a notice of the level of noise emission including the relationship to any applicable noise emission standard under section 408, or notice of the effectiveness in reducing noise (as the case may be) supplied by the manufacturer, be affixed to the new product and to the outside of its container at the time of its sale to the ultimate purchaser, or (2) that such notice of such level or effectiveness supplied by the manufacturer otherwise be given to the prospective user. He shall prescribe the form of the notice and the methods and units of measurement to be used for this purpose. Section 408(c)(2) shall apply to the promulgation of any regulation under this section.

"(b) This section does not prevent any State or political subdivision thereof from regulating product labeling in any way not in conflict with regulations promulgated by the Administrator under this section.

"IMPORTS

"SEC. 410. Any product offered for entry into the United States for which a standard or regulation has become effective pursuant to this title, which is not accompanied by certificate of compliance in the form prescribed by the Administrator, shall be refused entry into the United States. If a product is refused entry, the Secretary of the Treasury shall refuse delivery to the consignee and shall cause disposal or storage of any product refused delivery which has not been exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe, except that the Secretary of the Treasury may deliver to the consignee such product pending examination and decision in the matter on execution of bond for the amount of the full invoice value of such product, together with the duty thereon, and on refusal to return such product for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding it from the country, or for any other purpose, said consignee shall forfeit the full amount of said bond. All charges for storage, cartage, and labor on products which are refused admission or delivery under this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

"PROHIBITED ACTS

"SEC. 411. (a) Except as otherwise provided in subsection (b) of this section, the following acts or the causing thereof are prohibited:

"(1) In the case of a manufacturer, the sale in, the offering for sale in, or the introduction or delivery for introduction into, commerce of any new product, aircraft, or aircraft engine manufactured after the effective date of noise emission control standards prescribed under sections 408, 501, 503, 511, and 521 of this Act which are applicable to such product, unless such product is in conformity with such standards.

"(2)(A) The removal or rendering inoperative by any person, other than for purposes of maintenance, testing, repair, or replacement, of any device or element of design incorporated into any product, aircraft, or aircraft engine in compliance with noise emission standards promulgated under sections 408, 501, 503, 511, and 521 of this Act prior to its sale or delivery to the ultimate purchaser or during its term of use, or (B) the use of a product after such device or element of design has been removed or rendered inoperative.

"(3) In the case of a manufacturer, the sale in, the offering for sale in, or the introduction or delivery for introduction into, commerce of any new product manufactured after the effective date of regulations promulgated under option (1) in section 409(b) of this Act (requiring information respecting noise) which are applicable to such product, unless it is in conformity with such regulations.

"(3)(A) In the case of a manufacturer or dealer, the assistance of any person in a violation of paragraph (2)(A) of this subsection or the furnishing of information with respect to a violation of paragraph (2)(A) of this subsection.

"(B) In the case of a manufacturer, the sale in, the offering for sale in, or the introduction or delivery for introduction into, commerce of any new product manufactured after the effective date of regulations promulgated under option (1) in section 409(a) of this Act (requiring information respecting noise) which are applicable to such product, unless it is in conformity with such regulations.

"(4)(A) The removal by any person of any notice affixed to a product or container pursuant to regulations promulgated under section 409(a) of this Act prior to the sale of the new product to the ultimate purchaser, or (B) the sale of such product or container from which such notice has been removed.

"(5) The importation into the United States by any person of any new product in violation of regulations promulgated under section 410 of this Act that are applicable to such product.

"(6) The failure of any person to comply with any order issued under section 412(d) or 414 of this Act.

"(b)(1) The Administrator may after publice hearings exempt for a specified period of time not to exceed one year, any new product, or class thereof, from paragraphs (1), (2), (3), and (5) of subsection (a) of this section upon such terms and conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.

"(2) A new product intended solely for export, and so labeled or tagged on the outside of the container and on the product itself, shall be subject to noise emission standards of the country which imports such product. In no event shall the Administrator allow the export from the United States of any product subject to section 414 of this Act as a product, the noise emissions from which are an imminent and substantial endangerment to public health.

"ENFORCEMENT

"SEC. 412. (a) Any person who willfully or negligently violates paragraph (1), (3), (5) or (6) of subsection (a) of section 411 of this Act shall be punished by a fine of not more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both. In the case of a violation of paragraph (1) or (6) of subsection (a) of section 411 of this Act the fine shall be not less than $2,500 per day of violation. If the conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or by both.

"(b) For the purpose of this section, each day of violation of section 411(a) of this Act shall constitute a separate violation of that section.

"(c) The district courts of the United States shall have jurisdiction of actions brought by and in the name of the United States to restrain any violations of section 411(a) of this Act.

"(d)(1) Whenever any person is in violation of section 411(a) of this Act, the Administrator may issue an order specifying such relief as he determines is necessary to protect the public health and welfare. Such relief may include an order requiring such person to cease such violation, to notify ultimate purchasers of the risks associated with such violation, to make public notice of such risks, to recall any products responsible for such violation, to repurchase any such products, or to replace any such products. Such order may also require the seizure of any such products by the Administrator.

"(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 of the United States Code.

"(e) When authorized by State law—

"(1) The Administrator may, by agreement with any environmental noise control agency with or without reimbursement, authorize law enforcement officers or other officers or employees of such environmental noise control agency to bring civil actions in the appropriate State courts to restrain any person from violating section 411(a).

"(2) The courts of such State may entertain any such civil action.

Nothing in this section shall affect the authority of an environmental noise control agency to commence a civil action under section 413 of this Act.

"CITIZEN SUITS

"SEC. 413. (a) Except as provided in subsection (b) of this section, any person may commence a civil action on his own behalf—

"(1) against any person (including (A) the United States, and (B) 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 noise control requirement (as defined in subsection (f) of this section), or

"(2) against—

"(A) the Administrator of the Environmental Protection Agency where there is alleged a failure of such Administrator to perform any act or duty under this Act which is not discretionary with such Administrator.

"(B) the Administrator of the Federal Aviation Administration where there is alleged a failure of such Administrator to perform any act or duty under this Act or section 611 of the Federal Aviation Act of 1958 which is not discretionary with such Administrator.

The district courts of the United States shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such noise control requirement or to order such Administrator to perform such act or duty, as the case may be.

"(b) No 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 of the Environmental Protection Agency (and to the Federal Aviation Administrator in the case of a violation of a noise emission control requirement with respect to aircraft under this Act or section 611 of the Federal Aviation Act as amended) and (ii) to any alleged violator of such requirement, or

"(B) if an Administrator has commenced and is diligently prosecuting a civil action to require compliance with the noise control requirement, but in any such action in a court of the United States any person may intervene as a matter of right; or

"(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice to the defendant that he will commence such action.

Notice under this subsection shall be given in such manner as the Administrator of the Environmental Protection Agency shall prescribe by regulation.

"(c) In an action under this section, the Administrator of the Environmental Protection Agency or, if appropriate, the Administrator of the Federal Aviation Administration, 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 noise control requirement or to seek any other relief (including relief against an Administrator).

"(f) For purposes of this section, the term 'noise control requirement' means any prohibition, standard, or requirement under section 408, 411, 501, 503, 508, 511, or 521 of this Act or a prohibition, standard, rule, or regulation issued under section 611 of the Federal Aviation Act of 1958, as amended.

"EMERGENCY SITUATIONS

"SEC. 414. (a) The Administrator or the Attorney General shall file, in a district court of the United States having venue thereof, an action against any product the noise emissions from which are an imminent and substantial endangerment to public health, or against any person who manufactures for sale, sells, or offers for sale, in commerce, or imports into the United States, such product. Such an action may be filed, notwithstanding the existence or nonexistence of a noise emission standard applicable to a product, or the pendency of administrative proceedings initiated pursuant to this Act.

"(b) The district court in which such action is filed shall have jurisdiction to declare such product a product the noise emissions from which are an imminent and substantial endangerment to public health, and to grant (as ancillary to such declaration or in lieu thereof) such temporary or permanent equitable relief as may be necessary to protect the public from such risk. Such relief may include a mandatory order requiring the notification of the original purchasers of such product of such risk, public notice, the recall, the repurchase, the repair, the replacement, or the seizure of such product.

"JUDICIAL REVIEW

"SEC. 415. Any judicial review of final regulations promulgated under this Act shall be in accordance with sections 701–706 of title 5 of the United States Code, except that:

"(a) a petition for review of action of the Administrator in promulgating any standard or regulation under section 408, 501, 511, or 521 of this Act or any labeling regulation under section 409 of this Act may be filed only in the United States Court of Appeals for the District of Columbia. Any such petition shall be filed within ninety days from the date of such promulgation, or after such date if such petition is based solely on grounds arising after such ninetieth day. Action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil proceedings for enforcement except as to whether the administrative and judicial procedures of this Act have been observed;

"(b) if a party seeking review under this Act applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the information is material and was not available at the time of the proceeding before 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 the court may deem 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;

"(c) with respect to relief pending review of an action by the Administrator, no stay of an agency action may be granted unless the reviewing court determines that the party seeking such stay is (1) likely to prevail on the merits in the review proceeding and (2) will suffer irreparable harm pending such proceeding.

"RECORDS, REPORTS, AND INFORMATION

"SEC. 416. (a) Such manufacturer of a new product, aircraft, or aircraft engine to which standards or regulations under sections 408, 501, 503, 511, or 521 of this Act or regulations under section 409 apply shall (1) establish and maintain such records, make such reports, provide such information, and make such tests, as the Administrator may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this Act, (2) upon request of an officer or employee duly designated by the Administrator, permit such officer or employee at reasonable times to have access to such information and the results of such tests and to copy such records, and (3) make new products coming off the assembly line or otherwise in the hands of the manufacturer available for testing by the Administrator, to the extent required by regulations of the Administrator.

"(b) For the purpose of obtaining information to carry out titles IV and V of this Act, the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In cases of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator, to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(c) Any records, reports, or information obtained under this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information or particular part thereof (other than noise emission data) to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act. Nothing in this section shall authorize the withholding of information by the Administrator or any officer or employee under his control, from the duly authorized committees of the Congress.

"(d) Any communication from a person to the Administrator or any other employee of the Agency concerning a matter presently under consideration in a rulemaking or adjudicatory proceeding in the Agency shall be made a part of the public file of that proceeding unless it is a communication entitled to protection under subsection (c) of this section.

"(e) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

"FEDERAL PROCUREMENT

"SEC. 417. (a) No Federal agency may enter into any contract for the procurement of goods, materials, or services with any person, who has been convicted of a criminal offense under section 412(a) of this Act and who, upon consideration of the gravity of the violation and the good faith of the person charged in attempting to achieve rapid compliance, the Administrator determines should be subject to the prohibition of his section. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition giving rise to a conviction has been corrected.

"(b) The Administrator shall establish procedures to provide all Federal agencies

with the notification necessary for the purposes of subsection (a) of this section.

"(c) In order to implement the purposes and policy of this Act, the President shall, not more than one hundred and eighty days after its enactment, cause to be issued an order (1) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purposes and policy of this Act in such contracting or assistance activities, and (2) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.

"(d) The President may exempt any contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount interest of the United States, and he shall notify the Congress of such exemption.

"GRANTS FOR SUPPORT OF ENVIRONMENTAL NOISE PLANNING AND CONTROL PROGRAMS

"SEC. 418. (a)(1). The Administrator may make grants to environmental noise control agencies in an amount up to two-thirds of the cost of planning, developing, establishing, or improving, and up to one-half of the cost of maintaining programs for the prevention and control of environmental noise.

"(2) Before approving any grant under this subsection to any environmental noise control agency within the meaning of sections 404(k)(3) and 404(k)(4) of this Act, the Administrator (when appropriate) shall receive assurances that such agency provides for adequate representation of State, interstate, local, and international interests in its area of jurisdiction. Before approving any grant under this subsection the Administrator shall determine that the recipient is the appropriate environmental noise control agency for the jurisdictions involved in order to minimize overlap and duplication of effort.

"(3) Before approving any planning grant under this subsection to any environmental noise control agency within the meaning of sections 404(k)(3) and 404(k)(4) of this Act, the Administrator shall receive assurances that such agency has the capability of developing and enforcing a comprehensive environmental noise control plan.

"(4) Before approving any grant for purposes other than developing a program under this section to any environmental noise control agency within the meaning of section 404 of this Act, the Administrator shall determine that such agency has the authority—

"(A) to regulate the location, modification, and construction of any facilities within the area of jurisdiction of such agency which may result in the generation of environmental noise; and

"(B) to assure that the use of any product in the area of jurisdiction of such agency will not exceed applicable noise control levels;

"(C) to (i) identify, if appropriate, sources of environmental noise within the jurisdiction of such agencies, and (ii) set forth procedures, processes, and methods (including land use requirements and design and construction standards) to control such sources to the extent feasible;

"(D) to acquire, maintain, and operate noise monitoring facilities in the field and otherwise, making public reports of noise emissions and levels of environmental noise disclosed by such monitoring, which reports shall be related to any applicable standards or limitations; and

"(E) to issue abatement orders.

"(b) From the sums available for the purposes of subsection (a) of this section for any fiscal year, the Administrator shall from time to time make grants to environmental noise control agencies upon such terms and conditions as the Administrator may find necessary to carry out the purposes of this section. In establishing regulations for the granting of such funds the Administrator shall, so far as practicable, give due consideration to (1) the population, (2) the extent of the actual or potential environmental noise problem, and (3) the financial need of the respective agencies. No agency shall receive any grant under this section with respect to the maintenance of a program for the prevention and control of environmental noise unless the Administrator is satisfied that such grant will be so used as to supplement and, to the extent practicable, increase the level of State, local, or other non-Federal funds that would in the absence of such grant be made available for the maintenance of such program, and will in no event supplant such State, local, or other non-Federal funds. No grant shall be made under this section until the Administrator has consulted with the appropriate official as designated by the Governor or Governors of the State or States affected.

"(c) Not more than 10 per centum of the total funds appropriated or allocated for the purposes of subsection (a) of this section shall be granted for environmental noise control programs in any one State. In the case of a grant for a program in an area crossing State boundaries, the Administrator shall determine the portion of such grant that is chargeable to the percentage limitation under this subsection for each State into which such area extends.

"(d) The Administrator, with the concurrence of any recipient of a grant under this section, may reduce the payments to such recipient by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of any officer or employee to the recipient under section 403(c) of this Act, when such detail is for the convenience of, and at the request of, such recipient and for the purposes of carrying out the provisions of this Act. The amount by which such payments have been reduced shall be available for payment of such costs by the Administrator, but shall, for the purpose of determining the amount of any grant to a recipient under subsection (a) of this section, be deemed to have been paid to such agency.

"(e) There is authorized to be appropriated for this section $5,000,000 for fiscal year ending June 30, 1973, $7,500,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

"DEVELOPMENT OF LOW-NOISE-EMISSION PRODUCTS

"SEC. 419. (a) For the purpose of this section:

"(1) The term 'Committee' means the Low-Noise-Emission Product Advisory Committee.

"(2) The term 'Federal Government' includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia.

"(3) The term 'low-noise-emission product' means any product which emits noise in amounts significantly below the levels of other products in the competitive market for such product at the time of procurement.

"(4) The term 'retail price' means (A) the maximum statutory price applicable to any type of product; or (B) in any case where there is no applicable maximum statutory price, the most recent procurement price paid for any type of product.

"(b)(1) The Administrator shall determine which products qualify as low-noise-emission products in accordance with the provisions of this section.

"(2) The Administrator shall certify any product—

"(A) for which a certification application has been filed in accordance with paragraph (5)(A) of this subsection;

"(B) which is a low-noise-emission product as determined by the Administrator; and

"(C) which he determines is suitable for use as a substitute for a type of product at that time in use by agencies of the Federal Government.

"(3) The Administrator may establish a Low-Noise-Emission Product Advisory Committee to assist him in determining which products qualify as low-noise-emission products for purposes of this section. The Committee shall include the Administrator or his designee, a representative of the National Bureau of Standards, and representatives of such other Federal agencies and private individuals as the Administrator may deem necessary from time to time. Any member of the Committee not employed on a full-time basis by the United States may receive the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule for each day such member is engaged upon work of the Committee. Each member of the Committee shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(4) Certification under this section shall be effective for a period of one year from the date of issuance.

"(5)(A) Any person seeking to have a class or model of product certified under this section shall file a certification application in accordance with regulations prescribed by the Administrator.

"(B) The Administrator shall publish in the Federal Register a notice of each application received.

"(C) The Administrator shall make determinations for the purpose of this section in accordance with procedures prescribed by him by regulation.

"(D) The Administrator shall conduct whatever investigation is necessary, including actual inspection of the product at a place designated in regulations prescribed under subparagraph (A).

"(E) The Administrator shall receive and evaluate written comments and documents from interested persons in support of, or in opposition to, certification of the class or model of product under consideration.

"(F) Within ninety days after the receipt of a properly filed certification application the Administrator shall determine whether such product is a low-noise-emission product for purposes of this section. If the Administrator determines that such product is a low-noise-emission product, then within one hundred and eighty days of such determination the Administrator shall reach a decision as to whether such product is a suitable substitute for any class or classes of products presently being purchased by the Federal Government for use by its agencies.

"(G) Immediately upon making any determination or decision under subparagraph (F), the Administrator shall publish in the Federal Register notice of such determination or decision, including reasons therefor.

"(c)(1) Certified low-noise-emission products shall be acquired by purchase or lease by the Federal Government for use by the Federal Government in lieu of other products if the Administrator of General Services determines that such certified products have procurement costs which are no more than 125 per centum of the retail price of the least expensive type of product for which they are certified substitutes.

"(2) Data relied upon by the Administrator in determining that a product is a certified low-noise-emission product shall be incorporated in any contract for the procurement of such product.

"(d) The procuring agency shall be required to purchase available certified low-

noise-emission products which are eligible for purchase to the extent they are available before purchasing any other products for which any low-noise-emission product is a certified substitute. In making purchasing selections between competing eligible certified low-noise-emission products, the procuring agency shall give priority to any class or model which does not require extensive periodic maintenance to retain its low-noise-emission qualities or which does not involve operating costs significantly in excess of those products for which it is a certified substitute.

"(e) For the purpose of procuring certified low-noise-emission products any statutory price limitations shall be waived.

"(f) The Administrator shall, from time to time as he deems appropriate, test the emissions of noise from certified low-noise-emission products purchased by the Federal Government. If at the time of purchase he finds that the noise-emission levels exceed the levels on which certification under this section was based, the Administrator shall give the supplier of such product written notice of this finding, issue public notice of it, and give the supplier an opportunity to make necessary repairs, adjustments, or replacements. If no such repairs, adjustments, or replacements are made within a period to be set by the Administrator, he may order the supplier to show cause why the product involved should be eligible for recertification.

"(g) There are authorized to be appropriated for paying additional amounts for products pursuant to, and for carrying out the provisions of, this section, $1,000,000 for the fiscal year ending June 30, 1973, and $2,000,000 for each of the two succeeding fiscal years.

"(h) The Administrator shall promulgate the procedures required to implement this section within one hundred and eighty days after the date of enactment of this section.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 420. There are authorized to be appropriated to carry out this Act (other than sections 418 and 419) $18,000,000 for the fiscal year ending June 30, 1973; $36,000,000 for the fiscal year ending June 30, 1974; and $50,000,000 for the fiscal year ending June 30, 1975."

SEC. 3. The Clean Air Act is amended to add a new title V as follows:

"TITLE V—MAJOR MOVING SOURCES

"PART A—CONTROL AND ABATEMENT OF AIRCRAFT NOISE AND SONIC BOOM

"SEC. 501. (a) In order to afford present and future relief and provide protection to public health and welfare from aircraft noise and sonic boom—

"(1) the Administrator of the Environmental Protection Agency, after consultation with the Administrator of the Federal Aviation Administration, shall promulgate and amend standards for the measurement of aircraft and aircraft engine noise and sonic boom; and

"(2) the Administrator of the Environmental Protection Agency shall promulgate and amend regulations with respect to noise emission standard for aircraft and aircraft engines which he determines are necessary and adequate to protect the public health and welfare with an adequate margin of safety.

"(b)(1) Any regulations under this section or amendments thereof, with respect to noise emissions from types of aircraft or aircraft engines, shall reflect the degree of noise reduction achievable through the application of the best available demonstrated technology, taking into account the reasonableness of the cost of compliance and the demonstrable public benefit that will result, as determined by the Administrator of the Environmental Protection Agency after consultation with the Administrator of the Federal Aviation Administration and shall not be promulgated until the Administrator of the Federal Aviation Administration has determined that such regulations are consistent with the highest degree of safety in air commerce and that any proposed standard, rule, or regulation has been demonstrated to be technologically available for application to types of aircraft, aircraft engine, appliance, or certificate to which it will apply.

"(2) All standards, rules, and regulations prescribed pursuant to section 611 of the Federal Aviation Act, as amended, prior to the date of enactment of the Environmental Noise Control Act of 1972 shall remain in effect until amended or revoked by subsequent standards, rules, or regulations promulgated and approved pursuant to this part: *Provided, however,* That the Administrator of the Environmental Protection Agency, within nine months of the date of enactment of this Act, shall review all noise emission standards, rules, or regulations in effect under section 611 of the Federal Aviation Act, as amended, prior to the date of enactment of the title.

"(c) Each Federal agency with regulatory authority over air commerce, aircraft or airport operations, or aircraft noise emissions, shall exercise such regulatory authority so as to reduce noise in airport environments and surrounding areas.

"SEC. 502. (a) The Administrator of the Environmental Protection Agency, after consultation with appropriate Federal, State, and local agencies and interested persons, shall conduct a study of the (a) adequacy of Federal Aviation Administration flight and operational noise controls; (b) adequacy of noise emission standards on new and existing aircraft, together with recommendations on the retrofitting and phaseout of existing aircraft; (c) implications of identifying and achieving levels of cumulative noise exposure around airports; and (d) additional measures available to airport operators and local governments to control aircraft noise. He shall report on such study to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committees on Commerce and Public Works of the Senate within one year after enactment of this title.

"(b) The Secretary of Transportation, after consultation with the appropriate Federal, State, and local agencies and interested individuals, shall conduct a study of the means of financing the retrofitting of existing jet aircraft (excluding aircraft owned or operated by any military agency) in order to carry out the purposes of this part, and shall make recommendations, taking into consideration what is economically reasonable, technologically practicable, and appropriate for the types of aircraft and aircraft engines to which the recommendations will apply. He shall report on such study to the Committees on Interstate and Foreign Commerce, and Ways and Means of the House of Representatives, and the Committees on Commerce, Finance, and Public Works of the Senate by July 1, 1973, together with his recommendations for whatever legislation may be required.

"SEC. 503. (a) The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall promulgate regulations to insure compliance with all standards promulgated by the Administrator under section 501 of this Act. The regulations of the Secretary of Transportation shall include provisions making such standards respecting noise emissions from any type of aircraft applicable in the issuance, amendment, modification, suspension, or revocation of any certificate authorized by the Federal Aviation Act, as amended, or the Department of Transportation Act, as amended. Such Secretary shall insure that all necessary inspections are accomplished, and may execute any power or duty vested in him by any other provision of law in the execution of all powers and duties vested in him under this section.

"(b) In any action to amend, modify, suspend, or revoke a certificate in which violation of aircraft noise or sonic boom standards, rules, or regulations applied to aircraft or aircraft engines existing on the date of enactment of the Environmental Noise Control Act of 1972, is at issue, the certificate holder shall have the same notice and appeal rights as are contained in section 609 of the Federal Aviation Act, as amended, except that in any appeal to the National Transportation Safety Board, the Board may amend, modify, or revoke the order of the Secretary of Transportation only if it finds no violation of such standards, rules, or regulations, and that such amendment, modification, or revocation by the Board is consistent with safety in air transportation.

"SEC. 504. The Administrator of the Federal Aviation Administration shall not issue a type certificate under section 603(a) of the Federal Aviation Act, as amended, for any aircraft, or for any aircraft engine, propeller, or appliance that affects significantly the noise or sonic boom characteristics of any aircraft, unless such type certificates apply all of the standards promulgated by the Administrator of the Environmental Protection Agency prior to the date of issuance of such certificates.

"SEC. 505. No State or political subdivision thereof may adopt or enforce any standard respecting noise emissions from any aircraft or engine thereof.

"SEC. 506. Terms used in this part (other than Administrator) shall have the same meaning as such terms have under section 101 of the Federal Aviation Act of 1958, as amended. Notwithstanding any other provision of this Act, the sole authority to establish aircraft noise emission standards is contained in part A of this title.

"CIVIL AIRCRAFT SONIC BOOM

"SEC. 507. (a) No person may operate a civil aircraft over the territory of the United States, the territorial sea of the United States, or the waters of the contiguous zone (as defined under Article 24 of the Conservation of the Territorial Sea and the Contiguous Zone) at a true flight mach number greater than 1 except in compliance with the conditions and limitations in an authorization to exceed mach 1 issued to the operator under this section.

"(b) For a research and development flight in a designated flight test area an authorization to exceed mach 1 may be issued if the applicant shows one or more of the following:

"(1) The flight is necessary to show compliance with an airworthiness regulation or is necessary for aircraft development.

"(2) The flight is necessary to determine the sonic boom characteristics of the airplane, or is necessary to establish means of reducing or eliminating the effects of sonic boom.

"(3) The flight is necessary to demonstrate the conditions and limitations under which speeds greater than a true flight mach number of 1 will not cause a sonic boom to reach the land or water surface of the earth.

"(c) An application for an authorization to exceed mach 1 must be made on a form and in a manner prescribed by the Federal Aviation Administrator in consultation with the Administrator of the Environmental Protection Agency. In addition, for an authorization covered by subsection (b) of this section, each application must contain—

"(1) information showing that operation at speeds greater than mach 1 is necessary to accomplish one of the purposes specified in subsection (b) of this section;

"(2) a description of the flight test area proposed by the applicant; and

"(3) conditions and limitations that insure that no sonic boom will reach the land

or water surface outside of the designated flight test area.

"(d) An application for an authorization to exceed mach 1 shall be denied whenever the Administrator of the Environmental Protection Agency finds that such research and development flight or flights will adversely affect public health or welfare or the quality of the environment.

"(e) An authorization to exceed mach 1 is effective until it expires, or until it is surrendered, and shall be terminated by the Administrator whenever he finds that such action is necessary to protect public health or welfare or the quality of the environment.

"(f) Any violation of this section shall be subject to the penalties prescribed under subsection (a) of section 412 of this Act.

"SUPERSONIC AIRCRAFT

"SEC. 508. No civil aircraft capable of flying at supersonic speed shall land at any place under the jurisdiction of the United States unless in compliance with the noise levels prescribed for subsonic aircraft by the Administrator of the Federal Aviation Administration and in effect on September 1, 1972.

"PART B—RAILROAD NOISE EMISSION STANDARDS

"SEC. 511. (a) Within nine months after the date of enactment of this title, the Administrator shall publish proposed noise emission regulations for surface carriers engaged in interstate commerce by railroad. Such proposed regulations shall include noise emission standards setting such limits on noise emissions resulting from operation of the equipment and facilities of surface carriers engaged in interstate commerce by railroad which reflect the degree of noise reduction achievable through the application of the best available technology, taking into account the cost of compliance. These regulations shall be in addition to any regulations that may be proposed under section 408 of this Act.

"(b) Within ninety days after the publication of such regulations as may be proposed under subsection (a) of this section, and subject to the provisions of section 415 of this Act, the Administrator shall promulgate final regulations. Such regulations may be revised from time to time, in accordance with this section.

"(c) Any standard or regulation, or revision thereof, proposed under this section shall be promulgated only after consultation with the Secretary of Transportation in order to assure appropriate consideration for safety and technological availability.

"(d) Any regulation or revision thereof promulgated under this section shall take effect after such period as the Administrator finds necessary, after consultation with the Secretary of Transportation, to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period.

"SEC. 512. The Secretary of Transportation, after consultation with the Administrator, shall promulgate regulations to insure compliance with all standards promulgated by the Administrator under section 511 of this Act. The Secretary of Transportation shall carry out such regulations through the use of his powers and duties of enforcement and inspection authorized by the Safety Appliance Acts, the Interstate Commerce Act, and the Department of Transportation Act. Regulations promulgated under this section and section 511 of this part shall be subject to the provisions of sections 411, 412, 413, 415, and 416 of this Act.

"SEC. 513. Notwithstanding any other provision of this Act, after the effective date of regulations under this part, no State or political subdivision thereof may adopt or enforce any standard respecting noise emissions resulting from the operation of equipment or facilities of surface carriers engaged in interstate commerce by railroad unless such standard is identical to a standard applicable to noise emissions resulting from such operation prescribed by any regulation under this section: *Provided, however,* That nothing in this section shall diminish or enhance the rights of any State or political subdivision thereof to establish and enforce standards or controls on levels of environmental noise, or to control, license, regulate, or restrict the use, operation, or movement of any product as the Administrator, after consultation with the Secretary of Transportation may determine to be necessitated by special local conditions or not in conflict with regulations promulgated under this part.

"SEC. 514. The terms 'carrier' and 'railroad' as used in sections 511, 512, and 513 of this part shall have the same meaning as such terms have under section 22 of title 45 of the United States Code.

"PART C—MOTOR CARRIER NOISE EMISSION STANDARDS

"SEC. 521. (a) Within nine months after the date of enactment of this title, the Administrator shall publish proposed noise emission regulations for motor carriers engaged in interstate commerce. Such proposed regulations shall include noise emission standards setting such limits on noise emissions resulting from operation of motor carriers engaged in interstate commerce which reflect the degree of noise reduction achievable through the application of the best available technology, taking into account the cost of compliance. These regulations shall be in addition to any regulations that may be proposed under section 408 of this Act.

"(b) Within ninety days after the publication of such regulations as may be proposed under subsection (a) of this section, and subject to the provisions of section 415 of this Act, the Administrator shall promulgate final regulations. Such regulations may be revised from time to time, in accordance with this section.

"(c) Any standard or regulation, or revision thereof, proposed under this section shall be promulgated only after consultation with the Secretary of Transportation in order to assure appropriate consideration for safety and technological availability.

"(d) Any regulation or revision thereof promulgated under this section shall take effect after such period as the Administrator finds necessary, after consultation with the Secretary of Transportation, to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period.

"SEC. 522. The Secretary of Transportation, after consultation with the Administrator shall promulgate regulations to insure compliance with all standards promulgated by the Administrator under section 521 of this part. The Secretary of Transportation shall carry out such regulations through the use of his powers and duties of enforcement and inspection authorized by the Interstate Commerce Act and the Department of Transportation Act. Regulations promulgated under this section and section 521 of this part shall be subject to the provisions of sections 411, 412, 413, 415, and 416 of this Act.

"SEC. 523. Notwithstanding any other provision of this Act, after the effective date of regulations under this part no State or political subdivision thereof may adopt or enforce any standard respecting noise emissions resulting from the operation of motor carriers engaged in interstate commerce unless such standard is identical to a standard applicable to noise emissions resulting from such operation prescribed by any regulation under this section: Provided, however, That nothing in this section shall diminish or enhance the rights of any State or political subdivision thereof to establish and enforce standards or controls on levels of environmental noise, or to control, license, regulate, or restrict the use, operation, or movement of any product as the Administrator, after consultation with the Secretary of Transportation, may determine to be necessitated by special local conditions or not in conflict with regulations promulgated under this part.

"SEC. 524. The term 'motor carrier' as used in sections 521, 522, and 523 of this part shall have the same meaning as those terms as defined in section 303(a) (14), (15), and (17) of title 49 of the United States Code."

SEC. 4. There is hereby authorized to be transferred to the Administrator any function or personnel of the Department of Transportation with respect to the control and abatement of aircraft noise which the President determines is necessary to carry out section 3 of this Act.

Mr. TUNNEY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

REVENUE SHARING—PRIVILEGE OF THE FLOOR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of the Senator from Arizona (Mr. FANNIN) that Mr. George W. Pritts have the privilege of the floor during the debate on the conference report on the revenue-sharing bill and the debt ceiling bill.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of the Senator from New York (Mr. JAVITS), that Mr. J. Scales have the privilege of the floor during the discussion of this conference report.

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

DEBT CEILING BILL—PRIVILEGE OF THE FLOOR

Mr. HANSEN. Mr. President, I ask unanimous consent that from the Joint Committee on Internal Revenue, Dr. Larry Woodworth, Al Buckberg, Bob Shapiro, Mike Bird; and from the Finance Committee, the following staff members: Mike Stern, Bob Best, Bob Willan, Bill Morris may be permitted on the floor during the debate and the vote on the debt ceiling and spending limitations debate.

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

Mr. HANSEN. Mr. President, I ask

unanimous consent that, during the debate and the votes on the debt ceiling bill, my legislative assistant, Mrs. Kester, may be granted the privilege of the floor.

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

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 635. An act to amend the Mining and Minerals Policy Act of 1970; and

H.R. 10729. An Act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, October 13, 1972, he presented to the President of the United States the enrolled bill (S. 635) to amend the Mining and Minerals Act of 1970.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. BEALL) laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Armed Services.

(The nominations received today are printed at the end of Senate proceedings.)

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 98) authorizing the printing of the manuscript entitled "Separation of Powers and the National Labor Relations Board: Selected Readings" as a Senate document.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17034) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. WHITTEN, Mr. EVINS of Tennessee, Mr. OBEY, Mr. FLOOD, Mr. CASEY of Texas, Mr. SIKES, Mr. MCFALL, Mr. STEED, Mr. BOW, Mr. JONAS, Mr. CEDERBERG, Mr. MICHEL, Mr. CONTE, and Mr. ROBISON of New York were appointed managers on the part of the House at the conference.

REVENUE SHARING—CONFERENCE REPORT

Mr. YOUNG. Mr. President, I submit a report of the committee of conference on H.R. 14370, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

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

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of September 26, 1972, at pp. 32156–32161.)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. Richard Fay have the privilege of the floor during the consideration of the conference report and the debt limit bill.

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

Mr. LONG. Mr. President, I ask for the yeas and nays on the conference report on the revenue sharing bill.

The yeas and nays were ordered.

Mr. LONG. Mr. President, we have been successful in getting the House conferees to accept a great many of the vital changes in the House bill that we developed so painstakingly here in the Senate. As a result, the conference report now embodies most of the improvements that were incorporated in our bill—improvements in such areas as the formulas for the distribution of the aid funds, greater flexibility for the local governments in the use of these funds, and reform of the Federal matching program for social services. The provisions in this conference report are, of course, not always in the precise form that we enacted them since we have naturally had to accommodate the House views and could not have our way in all matters. But I think that after examining this report, Senators will agree with me that it contains the substance of what the Senate developed in its bill. As a result, what we have here is good legislation which will effectively provide sorely needed aid to our States and local governments and which will provide a real measure of reform in Federal matching expenditures for social services.

Mr. President, I ask permission to include in the RECORD a table which compares the amounts appropriated for aid to the States and localities by the conference report with the amounts appropriated under the House and Senate bills by fiscal years.

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

	Conference agreement	House bill	Senate amendment [1]
Period:			
Jan. 1, 1972, through June 30, 1972	2,652.39	2,650	2,652.39
Fiscal year beginning July 1, 1972	5,642.28	5,450	5,954.78
Fiscal year beginning July 1, 1973	6,054.78	5,750	6,754.78
Fiscal year beginning July 1, 1974	6,204.78	6,050	7,054.78
Fiscal year beginning July 1, 1975	6,354.78	6,350	7,354.78
July 1, 1976, through Dec. 31, 1976	3,327.39	3,325	3,827.39
Total	30,236.40	29,575	33,598.90

[1] These amounts are based on (1) the appropriations contained in sec. 102 of the Senate amendment as limited by sec. 104(a) thereof, and (2) the appropriations contained in sec. 121(a) of the Senate amendment.

Mr. LONG. Mr. President, the table shows that over the life of the program the payments under the conference report are about $600 million larger than those scheduled under the House bill and about $3.4 billion less than the total payments provided under the Senate bill. However, the total payments under our bill included some $4 billion of payments in lieu of grants for social services over the period July 1, 1972, through December 31, 1976, which, in conference, have been deleted and included in matching grants which are given directly. So actually, the revenue sharing funds provided by the conference report are also about $600 million larger than those that were originally scheduled in the Senate bill.

Perhaps the most difficult matter that we wrestled with in conference concerns the formulas that are to be used in distributing the revenue sharing funds. This, of course, touches the heart of the matter since it determines how much of the revenue sharing funds each State and local government will get.

The bill that the Senate passed, in my opinion, used a distribution formula that was highly successful in putting the money where the needs are. Under our bill, the funds would be distributed to the States and their localities on the basis of one single formula; namely, population weighted by relative income and weighted again by general tax effort. This had the virtue of giving a relatively larger share of the funds to governmental units which had relatively poor residents and which made a greater than average tax effort.

The House bill, on the other hand, uses different formulas for allocating

the funds to local governments and to States. The distributions to the States are based one-half on income tax collections and the other half on general tax effort. The distributions to the local governments are based on three factors: population, urbanized population, and population inversely weighted by per capita income.

In conference, we were faced with a difficult problem, because we wanted our distribution formula and the House conferees wanted theirs. We finally agreed to resolve this issue by computing the total State area allocation on the basis of the House formula or the Senate formula, whichever produced the higher payment.

In the first year of the revenue-sharing program, the additional cost involved in using whichever formula is more liberal is offset by a 9-percent reduction in the allocation which is initially determined for each State area on the basis of the particular formula that the States select. This was necessary to bring the cost of the program in the first year of operation within the total figure of $5.3 billion appropriated for this purpose. In the subsequent years of the program, the additional cost resulting from the option is absorbed for the most part by reducing the annual increases in payments that were provided under both the Senate and the House bills, from $300 million a year to $150 million.

Mr. President, I ask permission to include in the RECORD a table comparing the allocations to the various State areas under the conference report with those resulting under the Senate bill and the House bill for calendar year 1972.

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

TABLE 1.—COMPARISON OF ESTIMATED DISTRIBUTION OF FUNDS TO THE STATES UNDER THE HOUSE BILL, SENATE BILL, AND CONFERENCE AGREEMENT FOR CALENDAR YEAR 1972

[In millions of dollars]

State	House bill	Senate bill [1]	Conference agreement			
			Before scaling to 5.3 billion	After scaling to 5.3 billion	State share [4]	Local share [5]
United States, total	5,300.0	5,300.0	5,821.1	5,303.9	1,767.8	3,536.1
Alabama	80.2	127.6	127.6	116.1	38.7	77.4
Alaska	6.6	5.5	[2] 5.5	[3] 6.3	2.1	4.2
Arizona	46.1	55.1	55.1	50.2	16.7	33.5
Arkansas	38.3	60.4	60.4	55.0	18.3	36.7
California	610.8	510.4	610.8	556.1	185.4	370.7
Colorado	59.4	60.0	60.0	54.6	18.2	36.4
Connecticut	72.6	57.5	72.6	66.2	22.1	44.1
Delaware	17.3	12.9	17.3	15.8	5.3	10.5
District of Columbia	26.0	14.1	26.0	23.6	7.9	15.7
Florida	150.0	160.3	160.3	146.0	48.7	97.3
Georgia	103.4	120.7	120.7	109.9	36.6	73.3
Hawaii	25.9	22.7	[2] 22.7	[3] 23.8	7.9	15.9
Idaho	15.4	21.8	21.8	19.9	6.7	13.2
Illinois	301.8	250.9	301.8	274.7	91.5	183.2
Indiana	113.8	114.6	114.6	104.3	34.8	69.5
Iowa	67.8	84.6	84.6	77.0	25.6	51.4
Kansas	47.7	58.0	58.0	52.8	17.6	35.2
Kentucky	71.8	95.9	95.9	87.3	29.1	58.2
Louisiana	83.2	124.8	124.8	113.6	37.9	75.7
Maine	19.9	34.2	34.2	31.1	10.3	20.8
Maryland	117.5	94.8	117.5	107.0	35.7	71.3
Massachusetts	179.0	143.5	179.0	163.0	54.3	108.7
Michigan	243.7	210.9	243.7	221.9	74.0	147.9
Minnesota	114.1	108.2	114.1	103.9	34.6	69.3
Mississippi	46.0	99.6	99.6	90.7	30.2	60.5
Missouri	107.6	108.5	108.5	98.8	33.0	65.8
Montana	16.7	22.6	22.6	20.6	6.9	13.7
Nebraska	34.5	47.1	47.1	42.9	14.3	28.6
Nevada	12.2	11.9	12.2	11.1	3.7	7.4
New Hampshire	13.5	16.7	16.7	15.2	5.1	10.1
New Jersey	179.7	142.6	179.7	163.6	54.5	109.1
New Mexico	22.5	36.5	36.5	33.2	11.0	22.2
New York	649.6	507.1	649.6	591.4	197.1	394.3
North Carolina	113.0	148.8	148.8	135.5	45.2	90.3
North Dakota	12.0	21.7	21.7	19.7	6.5	13.2
Ohio	227.4	185.4	227.4	207.0	69.0	138.0
Oklahoma	52.9	65.3	65.3	59.4	19.8	39.6
Oregon	60.1	61.8	61.8	56.2	18.7	37.5
Pennsylvania	300.9	290.2	300.9	274.0	91.3	182.7
Rhode Island	25.9	23.1	25.9	23.6	7.9	15.7
South Carolina	57.9	89.5	89.5	81.5	27.2	54.3
South Dakota	13.5	27.6	27.6	25.1	8.4	16.7
Tennessee	79.3	108.1	108.1	98.4	32.8	65.6
Texas	248.3	268.6	268.6	244.5	81.5	163.0
Utah	29.0	34.5	34.5	31.4	10.5	20.9
Vermont	11.0	16.3	16.3	14.8	4.9	9.9
Virginia	115.6	109.7	115.6	105.2	35.0	70.2
Washington	79.1	92.3	92.3	84.1	28.1	56.0
West Virginia	36.4	57.5	57.5	52.3	17.4	34.9
Wisconsin	137.0	147.1	147.1	133.9	44.6	89.3
Wyoming	6.1	10.7	10.7	9.7	3.2	6.5

[1] Excluding social service grant.
[2] Before adjustment for noncontiguous States.
[3] After adjustment for noncontiguous States.
[4] 1/3 to State governments and 2/3 to local governments.
[5] Local share includes amounts redistributed to the States because of limitation. These amounts are shown in the tabulation which follows on the 1st page for each State.

Note: Details may not add to totals because of rounding.

Mr. LONG. Mr. President, for calendar year 1972, most State areas will receive payments coming within 9 percent of the payments that they would receive under the higher of the Senate or the House distribution formulas. And in subsequent years, the payments to each State area will at least be equal to the higher of the amounts computed under the Senate and the House formulas.

Once the total allocations to State areas have been determined, the procedure used under the conference report to distribute funds to specific States and specific localities closely follows the Senate provisions. I am glad to report the distribution of the total funds set aside for the local governments in each State to specific local governments is made on the basis of the Senate formula—population weighted by relative income and weighted again by general tax effort. This has the virtue of distributing a relatively larger share of the funds than would the House bill to the poorer rural localities and also to the poor core cities.

We were also successful in persuading the House conferees to accept a number of other Senate provisions which make the distribution formulas more equitable. This includes giving the State governments the right by law to select alternative formulas to govern the distribution of funds to their local governments.

The conference agreement also accepts a Senate amendment which specifies that the per capita allocation to any specific local government is not to be less than 20 percent nor more than 145 percent of the average per capita allocation to local governments throughout the State. This limitation prevents the allocations to specific local governments from being either unduly low or unduly high.

The House conferees also accepted the Senate amendment which provides larger allocations to the States of Alaska and Hawaii because the costs of providing government services are unusually high in those States. Finally, the conference report adopts, with certain changes, the Senate amendment to grant aid funds to Indian tribes which are self-governing units.

I want to say a few words now about the question of how the local governments are to spend the aid funds. As Senators know, the Senate bill did not provide any limitation on the local governments in this regard. Local governments, like the State governments, were left free to determine how they would spend the revenue sharing funds. This was in accord with the theory that they would know better than people in Washington what their needs are and could make more efficient use of these funds if they were not hampered by restrictions.

The House, however, did not agree with us on this. Their bill required the local governments to spend the revenue sharing funds on a specified list of high priorities.

This is because the House seemed to believe that the Federal Government should provide guidance as to how the local governments should spend the funds furnished to them by the Federal Government.

In conference, we were not able to shake the House conferees from their position. Although I think it would have been preferable to eliminate this priority expenditure requirement entirely, in practice, I finally concluded that little harm has been done by permitting a modified version to stay in the bill. One reason for this is that we were able to get the House conferees to agree to expand the list of permissible expenditures for the local governments. As a result, the list of priority expenditures in the conference report now includes necessary maintenance and operating expenses not

only for public safety, environmental protection and public transportation as under the House bill, but also expenditures for health, recreation, libraries, social services for the poor and aged, and financial administration, which were not included in priority expenditures under the House bill.

In addition, under the conference bill, we were successful in expanding the permissible capital expenditures for local governments to include all ordinary and necessary capital expenditures authorized by law. The House bill limited funds for capital expenditures to those for sewage collection and treatment, refuse disposal systems, and public transportation.

In other words, in the conference agreement, we have expanded the list of eligible priority expenditures to the point where they now include the bulk of the items on which local governments ordinarily spend their money.

The conferees also accepted basically as the Senate passed them a whole series of relatively technical amendments including those dealing with State maintenance of effort, requirements for reporting by local governments, antidiscrimination at the State level, and a Davis-Bacon requirement.

The conference report also provides for the Federal collection of State income taxes on a voluntary basis. As Senators will recall, both the Senate and the House bills provided for this "piggyback" procedure. Under the conference report, the piggyback provision becomes effective on January 1, 1974, provided at least two States whose residents filed 5 percent or more of all Federal income tax returns during 1972 to elect to have their taxes collected by the Federal Government. This requirement is very nearly the same as that in the Senate bill.

Finally, I am glad to report that the bill as it came from the House contains provisions which are designed to bring the present costly and rapidly expanding program of Federal matching grants to State and local governments for social services under control. The House bill contained no provision on this subject. However, the Senate adopted remedial provisions in the revenue sharing bill because this matching program was clearly going out of control.

Under the Senate amendment, 75 percent Federal matching for social services would have been limited to child care and family planning services with an overall ceiling of $600 million for these two services. In addition, the Senate bill provided $1 billion in supplementary revenue-sharing funds in recognition of the termination of funding for other social services. The conferees agreed instead to retain the social services provisions of present law but to place an overall limit on Federal funding for social services.

Under the substitute, Federal matching for social services under programs of aid to the aged, blind and disabled and aid to families with dependent children would be subject to a State-by-State dollar limitation, effective beginning with fiscal year 1973. Each State would be limited to its share of $2,500,000,000 based on its proportion of population in the United States. Child care, family planning, services provided to a mentally retarded individual, services related to the treatment of drug addicts and alcoholics, and services provided a child in foster care could be provided to persons formerly on welfare or likely to become dependent on welfare as well as present recipients of welfare. At least 90 percent of the expenditures for all other social services, however, would have to be provided to individuals receiving aid to the aged, blind and disabled or aid to families with dependent children. Until a State reaches the limitation on Federal matching, 75 percent Federal matching would continue to be applicable for social services as under present law.

Under the substitute, services necessary to enable AFDC recipients to participate in the Work Incentive Program would not be subject to the limitation described above; they would continue as under present law, with 90-percent Federal matching and with funding of these services limited to the amounts appropriated. In addition, the conference substitute incorporates the provision of the State bill reducing Federal matching for emergency social services from 75 to 50 percent.

The conference substitute directs the Secretary of Health, Education, and Welfare to issue regulations prescribing the conditions under which State welfare agencies may purchase services they do not themselves provide.

In the conference we were told that the Secretary of Health, Education, and Welfare has issued new regulations requiring States to report how social services funds are used. We expect the Secretary to have available detailed information on how social services funds have been spent and are being spent, and on the effectiveness of the programs we are paying for.

In conclusion, I want again to emphasize the importance of this legislation and the need for its prompt adoption. This has not been an easy bill to develop. There are so many different considerations to be taken into account under many of the provisions that probably none of us is completely satisfied with every aspect of this bill. However, we have tried to reach as good a balance in dealing with these various problems as possible. In my opinion, the legislation that we now have before us achieves such a balance. It will provide urgently needed assistance to State and local governments and at the same time will provide sorely needed reform in the program of Federal matching for social services. This legislation merits our support, and I urge the Senate to adopt it.

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

Mr. LONG. I yield to the Senator from Alaska.

Mr. STEVENS. First, I want to express the appreciation of the Senators from Hawaii and Alaska to the manager of the bill and the ranking minority member of the Finance Committee for taking to conference the question of the cost of living in Hawaii and Alaska, and I am grateful for what has resulted in the final conference report.

I have discussed the language with the Senator from Louisiana and the Senator from Utah, and, as they will recall, we do have an amendment on H.R. 1 concerning the problem of the small States, in particular, that have been providing services in excess of those which will now be permitted on the population formula.

I have called to the attention of the Senator from Louisiana the statements made by the chairman of the Ways and Means Committee last night on the floor of the House of Representatives, and I would like to put them in the RECORD here.

Representative MILLS said last evening:

> I would not be for that, frankly.

He was talking about a hold harmless provision. He said:

> I have suggested that if the Senate would add an amendment to the bill that we could consider that would allow a redistribution under the formula of moneys that are not to be used by the States or by some States within this $2.5 million ceiling, so that some States could get more because some other States were not using all of their part, then I would have no objection to such an amendment and I would support it, but I cannot go beyond that.

The chairman of the Ways and Means Committee also said specifically:

> Another State adversely affected is Alaska. I was told by representatives of the State government of Alaska that in their social services program—I do not know how many people they have, but I understand it is somewhere around 300,000—they had over 2,000 people on the payroll in Alaska trying to render services in the nature of social services who would lose jobs following this distribution.

We have a great problem in dealing with the highest unemployment in the country and the largest percentage of native and Indian population in the country, and I am naturally anxious to see this matter resolved. On the other hand, I understand the chairman's position.

I would like to ask, if the Senator from Louisiana will tell me, have the conferees reached the point yet on the H.R. 1 conference where the amendment the managers accepted in connection with this problem has been discussed there?

Mr. LONG. No; we have not.

I might say that in the limited time available to us, working on the mammoth bill that is H.R. 1, the conference is coming along very well, but we have not yet come to the provision the Senator is referring to. When we do, I will make it a point to show the chairman of the House conferees what he said on the floor. I have no doubt that the chairman of the Committee on Ways and Means is a man of his word. If he says something, he has a way of backing it up.

I see no reason at all to think that we could not prevail upon the House conferees to accept the amendment which was sponsored by the Senator from Alaska to H.R. 1, to achieve what the Senator is discussing here, in view of what was said on the House floor.

We would be forced to resist such an amendment if it were offered on the bill now, because we want to agree to this conference report and send the bill on to the President. But the provision is in

H.R. 1. I am confident that we will bring back a conference report on H.R. 1. I see no reason to believe that we will deadlock in conference. The conference is going along very well. Both sides seem to be conciliatory to one another, as we always have been. I see no reason to think that if the chairman of the House conferees would take it on this bill, he would not take it on H.R. 1, to which it is relevant and germane.

Mr. STEVENS. I am grateful to the Senator from Louisiana for that statement.

I think we are in a strange situation. The statement was made by the chairman of the Ways and Means Committee last evening. As I take it, he must have been referring to H.R. 1, since the matter was subject to amendment in the House at that time, with this one amendment, No. 20, which is in disagreement at this time, as I understand.

I am inclined to rely again, as we have done in the past, on the assistance of the Senator from Louisiana and the Senator from Utah in trying to prevail with respect to our amendment to H.R. 1. It is a matter of great consequence to us, because we have determined, if what the chairman has said is correct, that there will be 2,000 people who are presently providing services to the Indians, the Eskimos, alcoholic services, family planning, with various types of contracts outstanding—approved, incidentally, by HEW—and they have been outstanding for a period of time and will have to be canceled because we have such a very small population. We would get the very lowest amount under this population formula.

Strangely enough, I might point out that the other State that would be harmed the greatest is the State of New York, with its very large population. It is one of those strange things, and I am sure the Senator knows that the Senator from New York (Mr. JAVITS) has been very interested in this matter.

We have determined that at this time we will rely on the amendment that was offered and is in H.R. 1; and I can only hope and pray that the Senator will prevail in that conference and bring us back a portion, if not all, of the amendment we put on that bill.

Mr. LONG. I thank the Senator. I assure him that we certainly respect the will of the Senate. We will direct the attention of the chairman of the House conferees to the fact that he did say he would agree to such amendment if it were offered on some other legislation. We think that the appropriate bill on which it belongs is the one it is already on, H.R. 1. In view of his statement, I would think there is every reason to anticipate that the chairman would support it and that his conferees would go along with him.

Mr. STEVENS. I am entirely in accord with the Senator from Louisiana, because many of the services provided under H.R. 1—the child centers, the increased asistance to States to maintain such services—will come into play by the end of this fiscal year. All our amendment did was to provide the bridge between the existing social services program and the time when H.R. 1 assistance will be available to the States. It was available only for fiscal 1973.

I am grateful to the Senator from Louisiana, and I hope he will succeed in connection with that conference.

Mr. JAVITS. Mr. President, as the Senator knows, we are seriously hurt in New York by the situation which finally developed in revenue sharing on social services, our request was over $800 million, while this bill provides only $223 million.

But I should like to ask the Senator from Louisiana as follows: If our hopes are dashed with respect to the Stevens amendment where it is now, would the Senator be willing to see it put on some other bill where it might have a better likelihood of success in view of the fact that this is all for this fiscal year and it has to be done within an approximate time for the States to know where they stand?

Mr. LONG. Mr. President, my guess is that we have a good chance of getting this provision accepted on H.R. 1. If we cannot get it accepted on H.R. 1, to which it is germane, then I do not think we will have any way to persuade the same House conferees to accept it on any other bill. I think I would be less than forthright if I presented it to the Senator in any other way. But the prospects are good.

Mr. JAVITS. That is fair. I should like to endorse what the Senator from Alaska (Mr. STEVENS) has said, although it is cutting us very badly in New York, but I know that the Senator is now really trying to help us.

Mr. LONG. We also accepted the Javits amendment to the Stevens amendment, which gives New York an additional $5 million, and I hope the House agrees to it.

Mr. JAVITS. I appreciate that. I should like to endorse what the Senator from Alaska (Mr. STEVENS) has said.

Mr. LONG. I yield to the Senator from Arkansas.

Mr. McCLELLAN. I ask the distinguished Senator whether there is anything in the bill that would prevent the President from making reductions in the authorized payments to the States in order to reduce expenditures and bring the amount down to the $250 billion limit that is authorized and directed by H.R. 16810, which has been passed by the House and which will be considered by the Senate before adjournment.

Mr. LONG. Nothing in this bill would prevent him from doing that.

Mr. McCLELLAN. Unless there are some provisions, unless some formula is provided in H.R. 16810, it would appear to me that the President would have the power to cut very heavily into the funds that are being authorized and that are being appropriated under this law, the payment of this revenue sharing to the States.

Mr. LONG. I say to the distinguished Senator from Arkansas, the chairman of the Committee on Appropriations, that the President would have the power to hold up every nickel of it.

Mr. McCLELLAN. That is what I wanted to emphasize.

Mr. LONG. To be entirely forthright with the Senator, I should add that the Secretary of the Treasury testified that he did not intend to hold up any of it. But the President has the power to hold up all of it. If the debt limit as it is before the Senate, to be the next order of business, is passed as it stands, he would have the power to hold up every nickel of it.

Mr. McCLELLAN. So there is at least another $5 billion item that the President cannot touch in trying to reduce expenditures to $250 billion, if that pledge is to be kept.

Mr. LONG. They told us that they were not going to do it; yet, they have the power, under this proposal, to hold up all of it.

Mr. McCLELLAN. Does the Senator agree with me that it might be wise to have some kind of formula, some limitations or restrictions on the power of the President to manipulate the expenditures?

Mr. LONG. Not only do I agree with the Senator, but also, I sought his advice on the subject and followed it. Unfortunately, those who tend to partake of that point of view did not prevail. We failed on a tie vote.

Mr. McCLELLAN. That is not the final answer. We still have an opportunity to make a determination about that in this body before the enactment of H.R. 1681.

I think—I am just presenting the idea—it is something that this body and this Congress should consider, along with granting to the President all the power to cut wherever he might wish, in any program Congress has authorized and for which we have appropriated money. That is the feature that gives me concern. I think we have to cut expenditures. I do not question that. If we have to do it as a last resort, perhaps we must give this power to the President. I think it is possible and prudent for Congress to work out some formula by which it can share in that responsibility and not completely abdicate its responsibility to the President.

I just project this as a thought at this moment. H.R. 16810 will come up later for the Senate's consideration.

Mr. LONG. I want to make the point clear that, in my judgment, the legislative responsibility for a spending limitation more properly belongs in the Committee on Appropriations than it does in the Committee on Finance. It is only because the bill came to the Senate with that amendment in it—the spending limitation—that it is there now, so far as this Senator is concerned. It was not the suggestion of the Senator from Louisiana that it be in the bill. That is how the House sent it to us. When we took a spending limitation from here to them earlier this year, the conferees for the Ways and Means Committee made the point to us that this was a matter on which their own Appropriations Committee would proceed and would properly want to exercise its judgment. So we recognize that in this matter. I personally think, as one person looking at the problem, that it would be better procedure if Congress would make its plans on a

spending limitation and get all the appropriations bills passed as soon as possible. Then if the total is beyond the estimated revenues of the Government, pass a final resolution or a supplemental bill to reduce the overall level of spending and try to get it within our estimated revenues and, if not, then to get it as near as we can.

Mr. McCLELLAN. I agree with the Senator in many respects. I think it is the primary duty of Congress and the responsibility of Congress to determine the amount of expenditures of the Federal Government, but it has been the practice of appropriating far in excessive revenues and is rapidly becoming a tradition in Congress. I think we have reached the point where some critical action must be taken. This is certainly a kind of radical departure from the responsibilities of the two branches of Government, what we are doing when we give him authority to reduce wherever he wants to.

So I think it is imperative that Congress try to retain, even in this critical situation, as much of its responsibilities as possible. It may well be that each year we would have to do as the Senator suggests, that is, after adding up the total of all the appropriations, make some overall provision insofar as reductions are concerned to bring them to a tolerable total consistent with sound fiscal policy. That may well be. But even doing that, I think that Congress should share and should assume some responsibility in doing it and not shift that burden and responsibility altogether to the President of the United States. I just mention this at the time of consideration of this problem.

I now have to leave the floor to go to a conference on the supplemental appropriation bill, but we will have up the other measure later, the House bill to which I have referred.

I think we should, and I hope that my colleagues will begin to think about some of these problems which, I say, are involved here, and maybe we can find, not a complete or satisfactory solution, but we can do something to minimize the abdication of power and authority that we are being asked by this debt limit proposal to do.

I thank the distinguished Senator from Louisiana for yielding to me.

Mr. AIKEN. Mr. President, will the Senator from Louisiana yield for a question?

Mr. LONG. I yield.

Mr. AIKEN. On page 21 of the report, section 103, it lists the purposes for which revenue funds will be used. Included in that list is "Libraries." The use of funds for educational purposes is clearly excluded from the list. However, on line 2, it authorizes the use of funds for ordinary and necessary capital expenditures authorized by law. Is that intended to permit the building of schoolhouses?

Mr. LONG. Yes, it can.

Mr. AIKEN. It can. I thank the Senator.

Mr. STEVENSON. Mr. President, first, I want to commend the distinguished chairman of the Finance Committee who has labored long, hard, and heroically on behalf of revenue sharing. I cannot support the result; revenue sharing is a governmental monstrosity, giving away the taxpayers' money for State and local governments to spend as they please is not sound public policy either for the Federal Government or for the State and local governments.

Mr. President, I intend to vote against accepting the conference committee report on revenue sharing for the same reasons I opposed the legislation when it was originally before the Senate. Revenue sharing is a program which makes little sense for the Nation and even less sense for my own State of Illinois.

Illinois citizens will pay $371 million in Federal income taxes to finance the $5.3 billion revenue-sharing program, but the State and its localities will receive only $274.6 million back. Revenue sharing will mean a loss of $96 million for the State I have been elected to represent. In addition the conference committee placed a $2.5 billion limit in funding for the existing social services program and changed the method of allocation to a per capita formula basis. As a result, Illinois, which now receives $182 million in Federal social services funds, will now receive only $135 million—a net loss of $47 million—even though it will contribute $172.5 million in taxes to finance the program. So the conference committee report before the Senate represents a net loss of $143 million for Illinois.

But my objections to revenue sharing go far beyond the inequitable manner in which my own State is treated.

During my service in the Illinois State Legislature and as Illinois State Treasurer, I became increasingly alarmed over the financial crisis facing some—but not all—States and local governments. But I did not believe then and I do not believe now that giving away the taxpayers' money for State and local governments to spend as they please is sound public policy either for the Federal Government or for States and local governments.

The Federal Government has an obligation to account for each and every dollar which it raises by taxing the income of American families. I do not see how providing Federal tax dollars for other governments to use for any purpose can be considered consistent with that obligation.

It is particularly ironic that revenue sharing should become law at a time when the call for reordering our national priorities is being increasingly heard. For revenue sharing sets no priorities at all. It delegates that responsibility of the Federal Government, and of Congress in particular, to State and local governments.

Furthermore, revenue sharing is a luxury the Federal Government simply cannot afford. At this moment in history the Federal Government does not have revenues to share. The Federal deficit for the last fiscal year was $23 billion; the Federal deficit predicted for this fiscal year is $35 billion.

The President has now come to Congress and asked it to abrogate its constitutional responsibility by allowing him to cut whatever programs he wishes, in order to keep the budget under control. He did not feel so moved by the need for fiscal responsibility when he pushed through Congress his revenue-sharing proposal adding $5.3 billion to this year's budget deficit.

A recent study by the highly respected American Enterprise Institute projects a 1975 full employment budget deficit of $20 to $21 billion under President Nixon, should he be reelected, and places a substantial portion of the blame for this deficit on the revenue-sharing program. The study entitled "Nixon, McGovern, and the Federal Budget" concluded:

> The federal government is apparently in the process of impoverishing itself while putting the states and local governments as a group in a position of relative fiscal affluence. The combination of sharply higher federal aid through revenue sharing and other programs and reduced pressures for spending as school enrollments slow down or even fall and population grows more slowly looks as if it may put the state and local government sector in a position to sharply reduce revenue growth, or increase spending, or both.

Mr. President, I ask unanimous consent that a more detailed account of the American Enterprise Institute's findings be inserted in the RECORD at this point.

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

EXCERPT

Effect on State and Local Government Finances. The AEI budget model also produces projections of state and local budget expenditures and receipts for each set of federal expenditure and receipts projections. The base on which each major type of state and local tax is levied (personal taxable income, corporate profits, consumption) is projected and then revenues are projected using the historical responsiveness (including legislated changes) of various sources of state and local government tax revenue to the growth in the tax base. Expenditure projections are built around two demographic variables, the projected number of students enrolled in public education at all levels and projected population. In addition, a "quality adjustment" is built in—that is, allowance is made for the trend rate of increase since 1954 in *real* state and local education expenditures per pupil and real per capita expenditures for other purposes.

The result of projecting state and local budget receipts and expenditures under the Nixon and McGovern programs, together with the recent behavior of this sector's spending and receipts, provides useful insight into one basic ingredient in the federal budget "crunch." It also may suggest avenues for alleviating the budget situation at the federal level.

Table 8 shows projected state and local receipts, expenditures, and surpluses for 1975–80 under the budgets of the two candidates as projected in this study. In both instances, we find the state and local governments incurring large surpluses over the projection period. Under the Nixon budget projection, these surpluses are large but decline slightly from almost $24 billion in 1975 to under $21 billion in 1980. Under the McGovern budget projection, the surplus in the state and local sector is both larger and growing: it ranges from some $47 billion in 1975 to just over $60 billion in 1980.

TABLE 8.—PROJECTED STATE AND LOCAL RECEIPTS, EXPENDITURES AND SURPLUS, NIXON AND McGOVERN BUDGETS, 1975–80

[NIA basis, bill ons of current dollars]

	Calendar year					
	1975	1976	1977	1978	1979	1980
Nixon budget:						
Receipts	225.5	241.5	259.3	279.0	300.7	324.2
Expenditures	201.5	218.9	237.3	257.6	279.6	303.5
Surplus	23.9	22.6	22.0	21.4	21.1	20.6
McGovern budget:						
Receipts	235.3	251.1	268.9	288.9	310.5	334.2
Expenditures	188.2	203.0	218.5	235.5	253.4	273.1
Surplus	47.2	48.1	50.4	53.4	57.1	61.1

Note: Details may not add due to rounding.

Source: LRBP estimates.

Aside from the differences in the state and local government surpluses indicated under the budgets of the two candidates, the fact that such large surpluses exist at all is significant. If World War II years are excluded, in the whole period from 1929 to 1969, the state and local government sector never produced a surplus for any one year of over $2 billion (in 1946 it was $1.9 billion). Typically, this sector comes in with a balance of $2 billion, plus or minus. Based on this experience, it would seem reasonable to argue that state and local governments will either cut taxes (or at least forego some increases in rates) or spend more or do both and, in any event, will end up with little if any surplus. However, since the first quarter of 1971, the state and local government sector has not only run surpluses, but surpluses that have grown at an astonishing rate (Table 9). As of the second quarter of 1972, the surplus in the state and local government sector was running at an annual rate of close to $15 billion![1] Given such rapid change, it is difficult to predict the path of the state and local government sector's overall surplus without further study.

TABLE 9.—STATE AND LOCAL GOVERNMENT SURPLUSES, QUARTERLY, 1970–I TO 1972–II

[Seasonally adjusted at annual rates; billions of dollars]

Period	State and local government		
	Receipts	Expenditures	Surplus
1970:			
I	130.1	126.5	3.6
II	133.6	129.8	3.8
III	137.1	134.1	2.9
IV	139.1	138.2	.9
1971:			
I	144.2	142.2	2.0
II	150.1	145.2	5.0
III	154.0	147.8	6.2
IV	158.7	152.7	6.0
1972:			
I	164.8	157.7	7.1
II	175.2	160.4	14.8

Note: Details may not add due to rounding.

Source: Department of Commerce, "Survey of Current Business," various issues.

Regardless of the outcome, such large potential surpluses may be indicative of the overall fiscal outlook for the state and local government sector. However they might be used, the fact that they may be there at all represents a marked lessening of the fiscal strain this sector has experienced over the past decade or so. At the same time, individual units in the state and local sector may continue to face a fiscal squeeze, reflecting loss of population, industry and tax base, the costs of equalizing school outlays between districts, or special expenditure needs not foreseen, or accounted for, in the projection of aggregate outlays.

[1] The $14.8 billion surplus is partly a statistical aberration. Federal grants were abnormally high in 1972–II because of an advance payment of one-month's public assistance money. This raises the figure some $3 billion above what it would have been, but the remaining $12 billion or so is still large.

If this outlook for the state and local sectors is generally correct, it may explain much of the federal budget dilemma facing both Nixon and McGovern. In response to the pressing needs of state and local governments in the 1960s—when school enrollments were soaring and needs for other public services were pressing because of rapid family formation—the federal government sharply increased its aid to this sector. In the years ahead, large increases in federal financing will be continuing as pressures on total state and local spending may well be abating—although some parts of the sector will still be in a fiscal bind. To oversimplify: *the federal government may be in the process of beggaring itself to relieve many state and local governments from having to finance outlays that may never be needed, while failing to provide enough help to some "pockets of poverty" that remain.* This would indicate that the problem is now one of bringing federal aid to state and local governments more in line with their overall future needs, not the needs of the past, and to see that such aid goes to those states, cities, and towns where real fiscal distress remains.

The projections in this study show large surpluses for state and local governments because they reflect the thinking of Nixon, McGovern and their advisers that aid to state and local governments should continue to have high priority. Under the Nixon budget, general revenue sharing becomes operative and a new welfare program would relieve states of part of their share of the costs of welfare. McGovern not only embraces general revenue sharing, but would also have the federal government finance all welfare, and in addition, his health insurance plan would relieve states of their share of the cost of medicaid. The result would be a net decrease of state and local spending of $13 billion in 1975 under the McGovern budget. Coupled with a rise in grants of some $7 billion (net of reduced grants under medicaid and welfare) and increases in tax revenues of $3 billion (due to the higher GNP path), the aggregate state and local surplus under McGovern would be $23 billion higher than that under Nixon in 1975.

Mr. STEVENSON. Mr. President, the cause of fiscal responsibility would be much better served by congressional disapproval of irresponsible and expensive programs such as revenue sharing than by a congressional delegation of its constitutional authority to the President.

Equally important our States and cities will not be well-served by mindlessly providing them with free Federal funds. Money alone will not solve problems; structural reform is needed at the State and local level as well as better management, new ideas, and, most important, the will to act.

Revenue sharing is an incentive to spend for the sake of spending. It would embalm the status quo. And it is not temporary. If revenue sharing begins under the pressures we have all felt it will not be stopped against even greater pressures.

Revenue sharing is a threat to the very viability of State and local governments. In the future they will look to the Federal Government to provide them with funds rather than to their own initiative. As a consequence, States and local governments will become increasingly more dependent upon the Federal Government and increasingly more impotent themselves.

There is no doubt in my mind that the Federal Government must help hard-pressed State and local governments. But it can help best by providing assistance in a manner consistent with its responsibility to solve national problems. I, therefore, again urge that the Senate direct its attention to truly pressing problems such as the need for welfare reform, general aid to education, and public service employment. Constructive legislation in these areas would represent sound and responsible public policy at the same time as it would relieve the fiscal pressure on States and localities.

Mr. President, I would point out in conclusion, that under revenue sharing the Federal Government drives itself deeper and deeper into debt in order to finance greater and greater surpluses at the State and local government levels. The point has been overlooked in the course of the debate, but according to the American Enterprise Institute, which has projected State finances and local finances, as well as Federal finances, the Federal budget is subject to continued deficits while State and local budgets face growing surpluses.

State and local governments have since the first quarter of 1971 run surpluses that have grown at an astonishing rate—from $2 billion at an annual rate in the first quarter, to $6 billion at an annual rate in the fourth quarter of 1971.

The aggregate State and local fiscal surplus amounted to approximately $5 billion in fiscal 1971. In the second quarter of fiscal 1972, the aggregate State and local surplus climbed to $14 billion on an annual basis.

The American Enterprise Institute projects a State and local surplus of $24 billion for 1975 under President Nixon's projected budget, and a surplus of $47 billion under that of the McGovern administration. At the same time it projects a very substantial deficit for the Federal Government.

Under this proposal we are beggaring the Federal Government, starving Federal programs, driving us further into debt and toward increased taxes in order to finance the surpluses of governments at the State and local levels.

I submit that does not make any sense. For that reason, I will oppose the conference report, I also shall offer at the

appropriate moment an amendment to the debt ceiling bill which will require the President to withhold expenditures for revenue sharing before he withholds any other funds in order to meet the ceiling for Federal expenditures.

It seems to me that the Federal Government ought to finance its Federal activities before it undertakes to finance activities of other governments when those other governments, State and local, are increasing their surpluses.

Mr. President, I thank the chairman of the committee for yielding.

Mr. FANNIN. Mr. President, I note that while the priority areas in section 102(a) of the House bill seem to be defined broadly, the bill does not contain a definition of law enforcement and I have been unable to get a clear picture of the scope of law enforcement from the legislative history to date. Since both the House and the Senate wanted to provide broad latitude for the state and local governments, in the choice of programs to be funded, and since both bodies intended to have maximum participation by all major levels of government, including counties, it appears that a definition of law enforcement broad enough to insure this broad latitude in law enforcement programs that could be funded was intended.

In explaining the House special expenditure categories, the Ways and Means Committee interpreted these categories to be identical to those listed in the Bureau of Census reports on expenditure and employment data, but the committee did not make it clear whether all the criminal justice categories were included within the definition of "law enforcement."

The Census report for law enforcement expenditures in fiscal year 1969 lists five major categories of criminal justice activity: Police protection, judicial, prosecution, indigent defense and correctional.

A review of the law enforcement expenditures for fiscal year 1969 in the 128 largest county governments reveals that the "police protection" category represented only 33.5 percent of the total law enforcement expenditures. The other four categories were as follows: Judicial, 30.2 percent; prosecution, 7.4 percent; indigent defense, 1.7 percent; and correctional, 27.3 percent.

Mr. President, I believe it is imperative that the Senate clearly indicate that its understanding of the definition of law enforcement as a high-priority category includes police, courts, and corrections.

Mr. President I would like at this time to pose a couple of questions to the distinguished chairman of the committee.

First, could the distinguished committee chairman tell me what the understanding of the conference committee was on the scope of law enforcement programs?

Mr. LONG. Mr. President, it is my interpretation that since the Senate did not have limited categories and receded to the House on this point, the Senate conferees did so with the understanding that law enforcement was to include, police, courts, and corrections.

Mr. FANNIN. Mr. President, it is then the chairman's opinion that all the programs included in the definition of law enforcement in the Omnibus Crime Control and Safe Streets Act, such as crime prevention and control, activities of the criminal courts, and activities of corrections, including probation, parole, juvenile delinquency prevention, and drug rehabilitation, can be funded under the public safety category in the conference bill.

Mr. LONG. Yes, I believe a broad range of programs was intended to be included in the scope of law enforcement and public safety.

Mr. FANNIN. Mr. President, I certainly thank the distinguished chairman and manager of the bill. I am pleased with the chairman's answers.

It will enable the counties to be full partners with the States and local units of government. Since a large portion of the law enforcement expenditures by the counties is in the fields of courts and corrections, I believe that law enforcement must be broadly defined to include police, courts, corrections, and juvenile delinquency prevention and control to insure that the revenue-sharing program is to be equitable for all levels of government.

Mr. DOLE. Mr. President, in studying the Revenue Sharing Act of 1972 as reported by the conference committee, I noted with considerable concern the language chosen to describe one of the special categories made eligible for receipt of Federal matching funds in the social services section of the act.

I was disappointed that the conferees stipulated "aid to the mentally retarded" as one of the categories rather than "aid to the developmentally disabled." I believe this change is of such importance that it should be clarified.

Mr. President, I want to discuss with the chairman whether or not the term, the phrase, in the conference report "mentally retarded" would include cerebral palsied and epileptic children and adults or whether there is any intention on the part of the conference report to leave out those suffering from cerebral palsy and epilepsy in this favored category, currently called mentally retarded.

Mr. LONG. There are some people who have epilepsy who are mentally retarded and some who are not.

The conference agreement retains the provision of present law providing Federal matching for services to family members "for the purpose of preserving, rehabilitating, reuniting, or strengthening the family, and such other services as will assist members of a family to attain or retain capability for the maximum self-support and personal independence."

If a "developmentally disabled" person is mentally retarded, then Federal matching is available whether or not the person is on welfare. If "developmentally disabled" persons are not mentally retarded, then they fit in the category in which 90 percent of the funds must go for welfare recipients.

Mr. DOLE. The Developmental Disabilities Act of 1970 established the precedent that mentally retarded persons were made part of the classification of "developmentally disabled," which also included persons who were disabled because of cerebral palsy and epilepsy. The statute reflected a realization that agencies with a categorical focus could cooperate to provide comprehensive programs to serve individuals suffering from a variety of serious disabilities. The trend since 1970 has been to avoid separating particular disabilities by categories and provide services to disabled persons requiring similar types of services regardless of the cause of their disabilities. Related needs, rather than diagnostic labels, became the primary consideration for serving the disabled.

The social services program has helped the cerebral palsied and other substantially handicapped persons make progress toward two goals. The first goal is to restore them to their homes and communities by getting them out of State institutions. The second and related goal is to enable them to function more independently in their homes and reduce their dependence on public assistance.

But the language adopted by the conference could limit social services to the mentally retarded with the result that the cerebral palsied and other substantially handicapped will be excluded from coverage; thus, many of them could become more dependent on the State, be forced to remain in State residential facilities, and remain on welfare and other forms of assistance.

It would be incorrect to assume that broadening the category from "mentally retarded" to "developmentally disabled" will increase the total number of eligible persons and result in substantially increased expenditures under the social services program. Not all of the 6 million mentally retarded persons in the United States—3 percent of population—require social services. Of this number, some 5 million people—2.5 percent of the population—are classified as mildly retarded, and with adequate educational and vocational training, most of them can eventually take their place in society. Combining a variety of data, it is estimated that there may be as many as 3.5 million developmentally disabled adults and between 3 and 4 million children in the United States who require services—3.5 million included the mentally retarded, cerebral palsied, and epileptic.

I hope that a colloquy with the chairman of the Senate Finance Committee will clarify the true intent of the language used.

I understand the term "mentally retarded" in one of the special categories would excude children and adults that suffer from epilepsy and cerebral palsy.

I wonder what the intent of the conference might have been in that regard.

Mr. LONG. It would depend on whether they are aslo mentally retarded. One person can have epilepsy and not be mentally retarded, and yet another person can have epilepsy and be mentally retarded. So, if he were mentally retarded he would be treated as mentally retarded under the conference agreement. But it is not our view that a person is mentally retarded just because he has epilepsy.

Mr. DOLE. Nor is it the intent of the conferees to exclude anyone suffering from cerebral palsy or epilepsy or some other disability, I understand. The point is that we had this Development Disabilities Act of 1970 that used the broad

term "developmentally disabled." Now, in the conference report, the more restrictive term "mentally retarded" is used.

The Senator from Minnesota is in the Chamber and may wish to comment because of his interests. Some children suffering from epilepsy or cerebral palsy would be excluded from any benefits under revenue sharing. It is my hope that it was the intent of the conferees not to exclude them though some may not be mentally retarded.

Mr. LONG. Even if a developmentally disabled person were not mentally retarded, we still have provided a 10-percent leeway, so that in addition to the people on welfare, 10 percent of those who are benefited by the program can be persons who are not on the welfare rolls.

It is the thought that the person who has cerebral palsy may also be mentally retarded, but that is not necessarily the case. But he can be benefited from social services as a result of being on the welfare rolls or by being one of the 10 percent not on the welfare rolls. If he is mentally retarded in addition to being developmentally disabled, the 10-percent limitation would not apply.

I know this will not please those who are interested in the program as much as they would like, but it leaves a considerable area in which they could benefit from the 75 percent Federal matching and the $2.5 billion in funds made available.

Mr. DOLE. I know it is too late to do so, but understand if the term were broadened to "developmentally disabled" it would not be a greatly increased number and would not be forcing those suffering from cerebral palsy or epilepsy on to welfare. I was not a conferee but hope in the administration of revenue sharing those who have the responsibility for funding and directing various programs, particularly under special categories, keep in mind that cerebral palsied and epileptic children and adults suffer from developmental disabilities. Some may suffer from some form of mental retardation, and some may not. We are shoving some into the category of welfare because they may not be retarded.

It seems to be a strange distinction, and I hope the matter can be taken care of.

If the chairman has any comment which might be helpful, it would be appreciated.

Mr. LONG. I would think this area is one of those in which we might act further and provide more funds. As meritorious as the case may be, sometimes it is not within our capabilities to solve all these problems at one time. I hope the Senator will bring this matter back before our attention so far as the program we have fails to provide for some of these people.

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

Mr. LONG. I yield.

Mr. HUMPHREY. I thank the Senator from Kansas for bringing this point to the attention of the Senate. The whole subject of development for physically, mentally, and emotionally disabled is of tremendous importance. I think it is wrong for us to differentiate between these different categories. I hope we can treat them all alike.

As a colleague was saying privately, a person with epilepsy most likely is not mentally retarded. As a matter of fact, some people who might be considered geniuses have been epileptic. I would not want to put them in that category. Many times they need developmental assistance or a particular rehabilitative assistance.

It seems to me there should not be this breaking off into different categories but rather to include them all; for example, if they are educable, or can be trained to be self-sufficient, or if they are victims of a physical or biological handicap they should be given the same treatment.

I hope the proper officials take notice of the record that is being made here. This causes trouble in the States. There is an attempt in my State to include all these groups under one kind of program.

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

Mr. LONG. I yield.

Mr. DOLE. There is an effort to categorize and fragmentize the benefits that may be available to those suffering developmental disabilities. Whether a person has cerebral palsy or some other specific disability, the benefits should be consistent. I hope we can pursue it early next year.

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

Mr. LONG. I yield.

Mr. CHILES. Along the same vein, as I understand it, some of the people in Florida have been able to ascertain what they think is in the conference report, which they have not had a chance to thoroughly study.

We had a program under social services which was going to run $114 million. With the CAP Florida's share would be $90 million, with the provision to provide that in other than the categories which were expanded by the House and Senate conferees. But even so, Florida is one of those States, following existing legislation, that was able to come up with programs to keep people off welfare and not just taking people off of welfare and transferring that money to the State government. Because of those programs Florida failed to receive some $40 million of those $90 million.

Mr. LONG. Of course, that is a problem. On the other hand, Florida does receive $146 million in revenue sharing funds. Of that amount, $48 million of that goes to the State level and about $98 million goes to the local level.

Mr. CHILES. What is going to happen is we are going to have $42 million on the State level and transfer it to keep up with programs.

We are not going to have that many dollars if we want to keep those existing programs. Once we put the cap on of $2.5 billion, why handicap the States, within what their social services can do, if 90 percent have to be welfare recipients, if they have a program that is going to keep somebody off welfare?

Mr. LONG. As the Senator knows, this program had been expanded far beyond anything that anybody had in mind when we enacted the social services program. You in Florida had a good administrator, Jim Bax. He saw the possibility of the expansion of social services in the State and, as a good administrator, he explained the program to take full advantage of Federal funds in all the categories where he thought it could be done. Both as a Florida official and also as one who retained an interest in Florida even when he came to Washington, obviously he would encourage Florida to go ahead in areas of this sort. I applaud him for doing it. I think it was wise that Florida did.

But that program has gotten so completely out of control by expanding it in so many ways that those of us who voted for it initially did not have in mind, that we had to try to get it back into control. Of course, a State can use revenue-sharing money in areas where it deems it desirable.

I have not the slightest doubt in my mind that any State in this Union that has taken full advantage of the possibilities open to it in social services has a lot of fat in there. There are programs of relatively low priority that States have put into effect, and in some cases have shifted money from areas that would have had higher priority, if they were using their own money, into this program because there was 75 percent Federal matching.

So it is very difficult for me to believe that, as they look at the funds available to them and think of the areas that they think it best to put money into, they are not going to have money to put in the area of services for which they do claim priorities, such as the one the Senator is addressing himself to, whereby, by a mere rearrangement of priorities, they can take care of retarded children, children with cerebral palsy, for example, and perhaps reduce some other program that they claim has a less demanding priority.

We have in conference H.R. 1, in which is contained an amount of $800 million in additional moneys for child care. I do not know what the result of the conference will be. We have not reached that stage in the conference between the Senate and the House. But I would point out that if that $800 million of additional money for child care should be agreed to by the House conferees, that will free more money and make it available in the child care area, and offer the States an opportunity to provide more money for the kind of services the Senator is speaking to.

Mr. CHILES. The major point of the Senator from Florida is that under the cap of $2.5 billion, we would get $90 million, but of that $90 million under our existing program, we are going to be able to use only $50 million, because of the formula that 90 percent has to go to welfare recipients.

Mr. LONG. The Senator from Florida has a good point. I have to concede that. But that is a great deal more than Florida would have had under the Senate amendment, because the Senate amendment would have given Florida less.

Mr. CHILES. The Senator will recall

that I said, in the first part of my statement. God bless the House, because they certainly helped in that cause.

Mr. LONG. Of course, Senator, there may be some good services that will have to be reduced. I can only suggest that when we come back next year, if the Senator from Florida feels that the Federal Government should make a contribution to some desirable services, he can advocate it. I will be glad to cooperate in trying to see that such a proposal is considered.

Keep in mind that we had a program that started with an estimate of $40 million a year in cost. We found it had the prospect of costing $4.7 billion for this coming fiscal year. We found it was projected to cost $7 billion next year and that it would eventually cost $20 billion or more. So we had to put a lid on it.

Mr. CHILES. I do not disagree with the CAP.

Mr. LONG. Having done that, we now find that there are some very worthy services that a number of States are performing—the point of the Senator from Florida is well taken—which will be restrained, not because they were not good, but because we did not have that in mind when we initiated the program of social services for welfare recipients, and now we are trying to put the program under control.

I would think that next year would be a good time to look at these various programs, such as the one the Senator is concerned about, and perhaps early in the year we might say, "Perhaps we cut back too much with regard to some States. Let us see what we can do about it."

At this time this is the best we can work out. I think the Senator will agree that it is an even better solution from his standpoint than it was when we went to conference.

Mr. CHILES. I certainly do.

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

Mr. LONG. I yield.

Mr. FULBRIGHT. I think the Senator did an excellent job in bringing back this conference report. It is well balanced. It takes into account as much of the position of the Senate as possible. I share the sentiments raised by the Senator from Illinois. Still, I think the Senator from Louisiana brought back the best bill possible.

Mr. HUGHES. Mr. President, in a very short time, perhaps just a matter of days, we will probably witness via our television screens another historic bill signing. I suspect that every Governor, every county official, and every mayor throughout the land would like to be present. For on that occasion President Nixon will sign into law "An act to provide fiscal assistance to State and local governments, to authorize Federal collection of State individual income taxes, and for other purposes." In other words, Mr. President, revenue sharing.

As revenue sharing becomes law, I think it appropriate for us to give credit where credit is due, to the man who has been consistently behind the idea of revenue sharing from the first. I refer to our distinguished colleague from Maine (Mr. MUSKIE). Senator MUSKIE introduced the first revenue sharing bill in 1969—over 3 years ago. One of the key elements of his program then was the need factor, which has been largely carried over into today's legislation.

The story of Senator MUSKIE's involvement with revenue sharing is ably told by Don Larrabee in the Maine Sunday Telegram of September 17, 1972. I urge all Senators to read it, and I ask unanimous consent that it be printed in the RECORD at this point.

Without objection the article was ordered to be printed in the RECORD, as follows:

[From the Maine Sunday Telegram, Sept. 17, 1972]

REVENUE SHARING: MUCH OF IT WAS SENATOR MUSKIE'S DOING

(By Don Larrabee)

WASHINGTON.—Now that a program of revenue-sharing is about to become law, it is fascinating to look back 18 months to a time when the legislation was virtually written off as a hopeless gesture by the Nixon Administration.

While the concept of providing states and cities with large chunks of general financial assistance had bi-partisan support, there were powerful men in Congress who questioned the approach. One of these was Chairman Wilbur Mills, D-Ark., of the Ways and Means Committee who frankly agreed to hold hearings in June of 1971 only as an exercise to justify killing the bill.

The surprising conversion of Wilbur Mills to revenue sharing may well have started June 1 when Sen. Edmund S. Muskie, D-Me., jumped the gun on the Ways and Means Committee with his own revenue sharing hearings.

The Muskie Subcommittee on Intergovernmental Relations had a vested interest in the subject but, from a purely technical standpoint, it had no jurisdiction. Revenue bills must originate in the House.

But the Maine Senator informed Mills that he wanted to give mayors, governors and other interested senators a chance to explain why they thought the revenue sharing idea would be helpful. The Arkansas Democrat interposed no objections and, in turn, invited Muskie to visit his committee and make the case at a later date.

Muskie's interest in revenue sharing was sparked during the Johnson Administration by Dr. Walter Heller, LBJ's Economic Adviser, who made the mistake of allowing his proposal to surface before the President was ready to embrace it. Johnson never sent it to Congress.

When President Nixon took office, he talked vageuly of revenue sharing but while he was trying to decide on a formula, Muskie introduced the first bill. It called for a $5.3 billion annual program, combining $3.5 billion in direct assistance and $1.8 billion in income tax credits for the states.

Joining with Muskie on the bill in 1969 was former Sen. Charles Goodell, the New York Republican who was purged by the White House in the 1970 campaign. There were seven days of hearings then but not much indication of a congressional groundswell for the idea.

In 1970, the President advanced a modest program which was ignored by Congress. Last year, the White House produced the $5 billion package that will soon go on the statute books, with some major refinements by Congress. Chief of these will probably be a guarantee that the greatest help will go to those cities and counties that need it the most.

The "need" factor was not in the Nixon program. It was a key element of the Muskie bill and is now a part of both the Senate and House versions, although not in precisely the form Muskie suggested two years ago.

When he went before Mills' committee on June 9 last year, the Maine senator played heavily to the Arkansan's vanity. And he played up the "deficiencies" in the Nixon Administration's proposal which were causing Mills the most concern—the failure to emphasize "need," the lack of incentives to the states to improve their own systems of raising revenue and the lack of protective provisions against the shared revenues being used in a discriminatory manner.

The Nixon formula distributed assistance at the local level solely on the basis of revenues raised. This, Muskie said, would not get maximum help to the cities and counties that need it the most nor did it take into account the eroding tax bases of the cities.

Muskie's own bill recognized population and tax effort but also apportioned financial assistance on the basis of a "poverty" ratio—the percentage of families within a city receiving public assistance and the percentage with annual incomes below the poverty line.

The conference committee on the revenue sharing bill will probably end up with something along these lines and it may very well contain an incentive to the states to improve their own systems of taxation.

Muskie succeeded in building steam for the revenue sharing program on the Senate side. His hearings showed the extent of bi-partisan support and reflected the strong sentiment of the mayors for having a "need" factor.

When Muskie went before the Mills committee, he was ready for some tough questioning by the chairman. It never happened. Mills slipped out of the room, without as much as a comment and turned the gavel over to a subordinate, as Muskie was completing his formal presentation. Was Mills showing his disdain for the whole idea or was he trying to avoid a confrontation with the man who, at that time, was the acknowledged front-runner for his party's presidential nomination?

Later in the day, there was an auspicious meeting between several mayors, Muskie, Mills and Senate Democratic Leader Mike Mansfield. It was not generally known at the time but Mills agreed on the spot not to hold up the revenue sharing bill. He promised there would, indeed, be legislation to help the cities, particularly those in the deepest trouble.

Wilbur Mills told Muskie quietly that day that there would be a bill and that he was particularly impressed with the Muskie concept of a "need" formula. It might not be called revenue sharing, he said with a twinkle, but there would be a state and local assistance act. And it appears now, some 15 months later, that there will be.

For Maine, this will mean in the neighborhood of $30 million a year, depending upon the final settlement by the Conference Committee. The House bill allocates $19.9 million to Maine. The Senate version provides an additional $16.8 million or roughly $36.7 million. There will be a compromise to help the larger states which suffer under the Senate version.

The bill that emerges from the House-Senate conference won't have Muskie's name attached but the legislative history of revenue sharing, as it is known to the bill's supporters in Congress, bears the Muskie imprint as much as anyone's.

Mr. TAFT. Mr. President, for several years I have been a stanch advocate of the principle of revenue sharing as being vital to our States and local governments. From 1960 to 1969, employment of State and local governments increased several times more rapidly than the civilian em-

ployment of the Federal Government. During the last 25 years, State and local expenses have increased twelvefold. State revenues, on the other hand, are relatively inelastic. I believe that it is more socially desirable to finance State and local needs through the more progressive Federal income tax system.

If State and local governments are to be responsive to the needs of the people our State and local officials will have to have the resources to do the job.

The bill passed by the Senate, however, was a serious blow to the State of Ohio. If the revenue-sharing funds were divided on a per capita basis, Ohio's share would be $277.7 million. The Senate, however, short-changed Ohio by over $90 million. It costs just as much to solve the problems of crime, pollution, and urban decay in Ohio as it does in other States. If anything, an urban State, such as Ohio, should receive more than its per capita share; but certainly nothing less. The conference committee raised Ohio's share, but we are still $70 million short.

The disparities between States resulted from the fact that the factors used in the allocation formula were multiplied together. Consequently, instead of allocating a third of the funds according to each of the three factors—population, relative income, and tax effort—the Finance Committee decided to multiply the factors together. This multiplication tended to distort the entire allocation for any State which had one low factor.

In addition, the tax effort factor is unfair to the people of Ohio because we receive no credit for license fees, proceeds of State liquor sales, and the profits earned by municipal powerplants. Other States, however, receive full credit for severance taxes and use taxes paid by nonresidents.

Because of the inequities in this formula, Ohio is short-changed and there are wide disparities between communities within the State. In one county the per capita allocation among comparable communities varies by 738 percent.

While the Senate rejected my attempts to improve the formula, I hope that next year the Congress will recognize how unfair this formula is and undertake corrective action. Meanwhile, I shall reluctantly note for the conference report, because I believe the principle of revenue sharing is sound. Only our execution of it is faulty.

Mr. DOLE. Mr. President, the Congress has today taken one of the most important and far-reaching actions in recent years by granting final passage to general revenue sharing. This legislation is a bold first step in the unprecedented new concept proposed by President Nixon to revitalize State and local governments and thereby establish a more workable balance within the federal system.

The revenue sharing concept, since it was first put forward by President Nixon nearly 2 years ago, has gained the overwhelming support of State, city, and local officials throughout the Nation. These officials have backed the concept because they feel that they are most aware of the problems in their local communities and best understand solutions which are suitable for meeting their specific needs. They justifiably feel that all they need to enable them to solve their own problems in their own way is adequate financial resources—not increased Federal programs and redtape.

Revenue sharing helps meet the financial needs of States and local governments by authorizing the disbursement to them of $33.5 billion over the next 5 years. These funds will have substantial impact on the ability of each State and its local units of government to meet the needs and deal with the problems of its citizens. Kansas, for example, will receive $52.8 million the first year in direct grants of which one-third will go to the State government and two-thirds will pass through to local and city governments. In addition, Kansas would be eligible to receive a maximum of $27.5 million on a 3 to 1 Federal matching basis for State social services programs.

By passing general revenue sharing, Congress recognized that States, cities, and local communities can best diagnose their own problems and define their own needs, and can, given adequate resources, be more responsive to the people and more responsible in the exercise of the powers of the Government than the Federal Government in Washington.

But revenue sharing is more than a new approach to financing Government and solving local problems. Revenue sharing will also encourage the development of a new confidence in Government and its ability to serve the people by opening new channels for citizen participation. As Federal revenues are made available to State and local government units throughout the United States in the coming months, I believe all Americans can and should take a renewed interest in the operation of these local bodies. Too often the complaint is heard that Government is not responsive, that it is too remote and too removed from the real problems in the world. The funds to be made available under revenue sharing are the best hope for changing what is wrong and old and out of date about Government. Every citizen through his participation and interest in local government now has an effective opportunity to assume responsibility for seeing that these funds are used wisely and effectively.

General revenue sharing is, however, only the beginning, for it was proposed and conceived as part of a comprehensive plan to making Federal funds available to State and local government units. Special revenue-sharing plans for rural and urban and law enforcement have also been requested by the President to bring about a full-scale realinement of the financial and operational relationships in our federal system.

In addition the President has also proposed a major restructuring of the executive branch to create fewer and better organized Federal Departments. So, now that Congress has demonstrated its acceptance of the revenue-sharing concept, it should make a commitment to undertake full implementation of executive reorganization and the special revenue-sharing plans and complete the job set out by President Nixon. General revenue sharing is important; it is a big first step. But, now, we must proceed to fully enact the broad and far-reaching governmental reforms which the President has put forward. Special revenue sharing and government reorganization will complete the job; and, although the outlook for enactment this year is disappointingly dim, the continued support of Governors, mayors and citizens will assure that there will be growing pressure for enactment of these vital proposals in the next session of Congress.

Mr. BURDICK. Mr. President, this question is directed to the chairman of the Senate Finance Committee, Senator LONG.

It relates to section 103 of the bill, as agreed to by the conferees of the House and Senate.

Section 103—of title I of H.R. 14370—specifies what priorities must be adhered to by local governments when they are spending the funds made available thru H.R. 14370.

Would the Senator kindly advise us whether it is his understanding that the categories of health and social services for the poor and aged—as listed in section 103—also were intended to include services for the mentally ill and disabled, particularly active treatment services whose object is to keep persons out of long-term institutionalization?

As the Senator knows, there are now well established mental health programs at the local or community level in all the States, whose purpose is to restore persons with emotional disorders to self-sufficiency and personal independence within their own communities.

It is my sincere hope that it was the intention of the Senator, that when he included the categories of health and social services as priorities for local expenditures, he meant those categories to include community programs for the mentally ill.

Mr. LONG. In providing that revenue sharing money could be used to provide social services to the poor and for health, it was intended that the communities should be permitted to do just about anything they wanted to provide in the way of a health service or any other kind of service to the poor. Within any sort of rule of reason, it is intended that the communities can define "the poor" or "health" for this purpose quite broadly and that this would clearly cover community programs for the mentally ill.

Mr. BURDICK. I thank the Senator.

Mr. COOPER. Former Gov. Louis Nunn and several of my constituents have expressed concern that programs for the developmentally disabled would be restricted because of the limitations on social service grants, and urged that the term mentally retarded in title III be changed to developmentally disabled. Since this change was not made, I would like to determine if programs for developmentally disabled individuals will be protected in some measure by the conference report.

Does the term "health" under the list of priority expenditures under the revenue sharing bill include programs for the developmentally disabled so that State and local governments will be permitted to use revenue sharing money for these programs?

Mr. LONG. Yes.

Mr. COOPER. Will Kentucky's share

of the $2.5 billion limit cover Kentucky's estimated social service spending in 1973?

Mr. LONG. Yes, according to the figures supplied to me by the staff of the Finance Committee, the ceiling on social services expenditures for Kentucky is greater than the estimate of such expenditures by Kentucky for fiscal year 1973. In fact, based on Kentucky's estimate, submitted at the Governors' Conference in July of this year, it appears that Kentucky will be entitled to additional funds for social services under the provisions of this bill.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE), is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from Nebraska (Mr. CURTIS), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Vermont (Mr. STAFFORD) would each vote "yea."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Texas would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 59, nays 19, as follows:

[No. 555 Leg.]

YEAS—59

Aiken	Buckley	Fulbright
Allen	Cannon	Gravel
Anderson	Case	Griffin
Bayh	Cooper	Gurney
Beall	Cotton	Hansen
Bellmon	Cranston	Hart
Bennett	Dole	Hartke
Boggs	Dominick	Hollings
Brock	Eastland	Hughes
Brooke	Fong	Humphrey
Inouye	Montoya	Smith
Jackson	Moss	Spong
Javits	Packwood	Symington
Jordan, N.C.	Pastore	Taft
Long	Pearson	Talmadge
Magnuson	Pell	Thurmond
Mathias	Percy	Tunney
McClellan	Ribicoff	Weicker
Miller	Roth	Williams
Mondale	Schweiker	

NAYS—19

Bentsen	Eagleton	Proxmire
Burdick	Ervin	Saxbe
Byrd, Harry F., Jr.	Fannin	Stennis
Byrd, Robert C.	Gambrell	Stevens
Chiles	Jordan, Idaho	Stevenson
Church	Mansfield	Young
	Nelson	

NOT VOTING—22

Allott	Hatfield	Muskie
Baker	Hruska	Randolph
Bible	Kennedy	Scott
Cook	McGee	Sparkman
Curtis	McGovern	Stafford
Edwards	McIntyre	Tower
Goldwater	Metcalf	
Harris	Mundt	

So the conference report was agreed to.

The PRESIDING OFFICER. The Chair lays before the Senate the amendment in disagreement, which the clerk will report.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

TITLE III— LIMITATION ON GRANTS FOR SOCIAL SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS

SEC. 301. (a) Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"LIMITATION ON FUNDS FOR CERTAIN SOCIAL SERVICES

"SEC. 1130. (a) Notwithstanding the provisions of section 3(a) (4) and (5), 403(a) (3), 1003(a) (3) and (4), 1403(a) (3) and (4), or 1603(a) (4) and (5), amounts payable for any fiscal year (commencing with the fiscal year beginning July 1, 1972) under such section (as determined without regard to this section) to any State with respect to expenditures made after June 30, 1972, for services referred to in such section (other than the services provided pursuant to section 402(a) (19) (G)), shall be reduced by such amounts as may be necessary to assure that—

"(1) the total amount paid to such State (under all of such sections) for such fiscal year for such services does not exceed the allotment of such State (as determined under subsection (b)); and

"(2) of the amounts paid (under all of such sections) to such State for such fiscal year with respect to such expenditures, other than expenditures for—

"(b) (1) For each fiscal year (commencing with the fiscal year beginning July 1, 1972) the Secretary shall allot to each State an amount which bears the same ratio to $2,500,000,000 as the population of such State bears to the population of all the States.

"(2) The allotment for each State shall be promulgated for each fiscal year by the Secretary between July 1 and August 31 of the calendar year immediately preceding such fiscal year on the basis of the population of each State and of all of the States as determined from the most recent satisfactory data available from the Department of Commerce at such time; except that the allotment for each State for the fiscal year beginning July 1, 1972, and the following fiscal year shall be promulgated at the earliest practicable date after the enactment of this section but not later than January 1, 1973.

"(c) For purposes of this section, the term 'State' means any one of the fifty States or the District of Columbia."

(b) Sections 3(a) (4) (E), 403(a) (3) (D), 1003(a) (3) (E), 1403(a) (3) (E), and 1603(a) (4) (E) of such Act are amended by striking out "subject to limitations" and inserting in lieu thereof "under conditions which shall be".

(c) Section 403(a) (5) of such Act is amended to read as follows:

"(5) in the case of any State, an amount equal to 50 per centum of the total amount expended under the State plan during such quarter as emergency assistance to needy families with children."

(d) Sections 3(a), 403(a), 1003(a), 1403(a), and 1603(a), of such Act are amended, in the matter preceding paragraph (1) of each such section, by striking out "shall pay" and inserting in lieu thereof "shall (subject to section 1130) pay".

(e) The amendments made by this section (other than by subsection (b)) shall be effective July 1, 1972, and the amendments made by subsection (b) shall be effective January 1, 1973.

"(A) services provided to meet the needs of a child for personal care, protection, and supervision, but only in the case of a child where the provision of such services is needed (i) in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or (ii) because of the death, continued absence from the home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate care and supervision for such child;

"(B) family planning services;

"(C) services provided to a mentally retarded individual (whether a child or an adult), but only if such services are needed (as determined in accordance with criteria prescribed by the Secretary) by such individual by reason of his condition of being mentally retarded;

"(D) services provided to an individual who is a drug addict or an alcoholic, but only if such services are needed (as determined in accordance with criteria prescribed by the Secretary) by such individual as part of a program of active treatment of his condition as a drug addict or an alcoholic; and

"(E) services provided to a child who is under foster care in a foster family home (as defined in section 408) or in a child-care institution (as defined in such section), or while awaiting placement in such a home or institution, but only if such services are needed (as determined in accordance with criteria prescribed by the Secretary) by such child because he is under foster care, not more than 10 per centum thereof are paid with respect to expenditures incurred in providing services to individuals who are not recipients of aid or assistance (under State plans approved under title I, X, XIV, XVI, or part A of title IV), or applicants (as defined under regulations of the Secretary) for such aid or assistance.

Mr. JAVITS. May we know what this is all about?

Mr. LONG. This amendment is the social services part of the Senate amendment on the revenue sharing bill. I explained it in my presentation before the Senate. It simply provides a $2.5 billion ceiling. The comparable provisions of the Senate bill included $1.6 billion for that purpose. I believe all Senators understand the provision.

On the House side, under their rules, it was necessary to take this amendment back in disagreement because it was not germane to the revenue sharing bill. This is the compromise that the conference brought to us.

Mr. JAVITS. Mr. President, may I be recognized on the matter?

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

Mr. JAVITS. Mr. President, this is the amendment which is not yet compromised, because it fails to contain the hold-harmless and redistribution clause inserted by Senator STEVENS and amended by me, which, incidentally, is a small drop in the bucket for the major urbanized States. My State drops $400 to $600 million per year in this little operation, though we are the main source of the taxes that are revenue shared. The most we would get back on the hold-harmless amendment would be some $20 million.

Mr. President, I have said before—and I stand by it—that we are extremely hopeful that at least the hold-harmless provision will be saved. But that does not change the basic situation. The fact is that, notwithstanding quite a struggle we put up here, the shape of revenue sharing, when you add it to the social services as heretofore administered, materially reduces the interest of the industrial and urbanized States in the total package.

It is very harmful to them, notwithstanding that they have the greatest revenue problems and that revenue sharing was supposed to help them. It is not working that way. On the contrary, they are getting much less.

The only solace in the bill is that revenue sharing goes on for a period of time. It was probably most unlikely that the social services situation could remain what it was. The fact is that 24 States out of the 50 will lose on this item.

So, Mr. President, this is really outrageous. It demonstrates that there is still a very heavy rural cast to the thinking here and in the other body, quite unrepresentative of what the country amounts to, where more than 70 percent of our people are in the cities.

With that understanding of the situation, having fought the battle and lost it, I still want to make clear that this consummates our loss, that we had better not have any delusions about it, and that we will return to fight another day, and to again express the hope that the chairman will at least save this small crumb of hold harmless and redistribution for the current fiscal year, upon which all these States have figured, including the 24 that are losing, and losing heavily, and that at least they will be somewhat held harmless for that period.

It might interest the Senators from those 24 States to know that in the other body, when this matter was debated, Representative MILLS said that if you get an allocation of less under this bill for 1973, you may have to pay back money to the Federal Government, because this covers the current fiscal year; and unless you get the hold harmless clause, some of us may owe the Federal Government money. I do not think my State does, but others may. Let us not forget that.

I know that Senator LONG will understand this and not consider it unfriendly. He is a pretty good fighter himself. I want to make that clear. I am under no illusion on this matter; and whether we have a rollcall vote or not, I wish to be recorded as voting "No," because it is very unfair to the urbanized States. We will be back to fight this battle. There are many other things that people want, and things around here have a habit of leaning on each other.

That is all I have to say at the moment.

Mr. LONG. Mr. President, I move the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

Mr. LONG. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PREPARATION OF A HISTORY OF PUBLIC WORKS IN THE UNITED STATES

Mr. JORDAN of North Carolina. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 204.

The PRESIDING OFFICER (Mr. BROCK) laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 204) to authorize the preparation of a history of public works in the United States, which was, on page 3, lines 5 and 6, strike out "provide such assistance as may be required," and insert "cooperate".

Mr. JORDAN of North Carolina. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to.

TEMPORARY INCREASE IN THE DEBT LIMIT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1234, H.R. 16810.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

The bill (H.R. 16810) to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments at the top of page 4, insert:

No person appointed by reason of his membership on any of the committees referred to in paragraphs (1), (2), (4), and (5) shall continue to serve as a member of the joint committee after he has ceased to be a member of that committee from which he was chosen, except that the members chosen from the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives who have been reelected to the House of Representatives may continue to serve as members of the joint committee notwithstanding the expiration of the Congress. A vacancy in the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original selection.

On page 5, after line 12, insert:

(d) The expenses of the joint committee, which shall not exceed $100,000 through February 28, 1973, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee.

At the beginning of line 17, strike out "(d)" and insert "(e)"; and, after line 18, insert:

SEC. 302. For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the joint committee, or as chairman of the joint committee, shall not be taken into account.

Mr. BENNETT. Mr. President, I ask unanimous consent that the committee amendments be adopted en bloc and that the bill as so amended be considered as original text for the purpose of further amendment.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that I may yield to the Senator from Indiana (Mr. HARTKE) without losing my right to the floor.

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

Mr. HARTKE. Mr. President, I ask unanimous consent that Guy McMichael have the privilege of the floor during the consideration of this bill.

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

Mr. BENNETT. Mr. President, because the chairman of the Committee on Finance does not feel that he can wholeheartedly support the President's request for the privilege of cutting appropriations or other funds down to a spending ceiling which is contained in this bill, he has asked me to report and manage the bill, and I am here in that capacity, under his permission.

Mr. President, a description of H.R. 16810 is relatively easy, but an indication of its significance requires far deeper analysis.

Let me begin with the brief description before I discuss the implications of the bill.

Present law provides for a temporary debt limitation of $450 billion until the end of this month. At that time, the debt limitation reverts to $400 billion. The bill before us would raise this temporary debt limitation to $465 billion and extend its application through the rest of this fiscal year or until June 30, 1973.

The bill also provides a $250 billion expenditure ceiling applicable to the remainder of this fiscal year. In other words, the expenditure ceiling and the debt limitation would both expire on the same day, June 30, 1973. The last report from the Joint Committee on Federal

Expenditures informs us that, on the basis of appropriation bills passed to date, we can expect an expenditure level of approximately $257 billion. In other words, this ceiling is likely to require a reduction of approximately $6 or $7 billion.

It should be clearly understood that this expenditure ceiling is closely tied in with the debt limitation asked for in this bill. Without the $250 billion limit on expenditures, it probably would be necessary to raise the debt limitation, at the least, to something like $272 billion.

The title establishing the expenditure ceiling also contains a provision which authorizes the President to reserve appropriated funds from expenditure and to apply formulas, whose use in determining distribution of funds is required by Congress, to the new, smaller expenditure level. Without this provision, the President's ability to bring outlays down to the $250 billion level would be seriously restricted. Essentially, this is the same formula which Congress approved for the same purposes in the Revenue and Expenditure Control Act of 1968 and also in a resolution in 1967 continuing appropriations pending final action on regular appropriations.

Finally, the bill recognizes the present inability of Congress to control expenditures and would create a temporary joint committee to study ways in which Congress can gain control of the Federal budget. The members on this new temporary joint committee, for the most part, are to come from the two Appropriations Committees in the Congress and the two tax committees in the Congress. Seven members are to come from each of these four committees, with an additional one being appointed by the President pro tempore of the Senate and another by the Speaker of the House, making a total of 30 members on the committee.

Having outlined briefly for you the principal features of the bill, I would like now to turn to a discussion of its substantive importance. In my view, this could well be one of the most important bills, if not the most important bill, we will have considered in this Congress.

Gradually, over a period of time, the Congress has been losing control over spending. I am inclined to think that the administration, too, shares considerable blame in this respect. However, we must acknowledge that the President can never spend funds that have not first been made available by the Congress.

Expenditures have been rising inexorably from year to year, usually by increasing amounts. From 1968 to 1969, they rose by nearly $6 billion. From 1969 to 1970, they rose by $12 billion. From 1970 to 1971, they rose by nearly $15 billion. From 1971 to 1972, they rose by slightly over $20 billion, and even with the expenditure limit of $250 billion provided by this bill, from 1972 to 1973, they would still rise by slightly more than $18 billion.

Without this ceiling, they would probably reach $25 billion.

The question before us is whether we will hold the increase in the current year to $18 billion or whether it will grow to $25 billion or perhaps even more. It seems to me that this kind of expenditure increase when the economy has just started a solid recovery is intolerable.

While I hate to admit the fact, I must, nevertheless, point out that the Federal funds deficits in the fiscal years 1970 through 1973, even if the expenditure limit in this bill is accepted, can still be expected to amount to $104 billion—a level of increase that we must bring to a stop if we are to preserve our economy from recurrent inflationary pressures.

As I have suggested, the time when economic indicator after economic indicator gives evidence of an improving economy, certainly is not the time to superheat the economy by coming up with another oversized deficit, as will certainly be the case without the expenditure limit provided by this bill.

Our concern with the revival of inflationary pressures cannot stop just with the domestic economy. A rising surge of inflation will increase the prices of domestic production relative to the prices of imported articles and therefore will make our sales efforts abroad less competitive. We cannot permit inflationary pressures to offset the gains we attained in the revaluation of exchange rates last December in the Smithsonian agreement.

Despite the awareness of our lack of control over the budget and the widespread concern over the alternative prospect of rising inflationary pressures or a tax increase, there still is reluctance to adopt this proposal because it is claimed that Congress is abdicating its responsibility to cut expenditures and is turning that privilege over to the Executive.

I would like to examine this issue quite closely because it seems to me that this is at the heart of the present argument.

I think it is important to recognize that we are giving the President authority to cut expenditures only temporarily, that is, through the remainder of the current fiscal year, roughly for about 9 months.

In addition, the bill deals with this problem for the future by setting up a committee to find mechanisms or procedures that Congress can put into effect to regain its control over spending. It is worth noting in this respect that the committee is required to report by the 15th of next February, which should give time for carefully considered action on this problem in the next Congress. Certainly we could begin our action before the expiration of this privilege that the bill would give the President. Certainly an expenditure limitation that is agreed to early in a congressional session and used subsequently as a guideline by the Appropriations Committees is one possible way for Congress to regain control of spending.

It is also important to recognize that the authority given the President under this bill does not give him an item veto. Although the expenditure ceiling places on the President the responsibility of bringing total outlays this year within the ceiling set by Congress, it differs from an "item veto," however, in that it does not cancel appropriations. Under an expenditure limitation, funds which are reserved generally remain available for expenditure in subsequent years, but an item veto cancels appropriations leaving no funds available for expenditure in the next or other years.

Actually, this bill does not so much give authority to the President as impose a burden upon him. Presidents have been reserving funds from expenditure from time immemorial. I understand that Thomas Jefferson was the first of our Presidents to practice this by reserving funds for expenditure on a gunboat. Although Congresses have from time to time disputed the right of Presidents to reserve funds, in practice they have done so quite consistently. The President has asked for a responsibility that I am sure he will not enjoy and one which can hardly be politically profitable for him. Certainly this task of carrying out an expenditure ceiling is no way to win friends and influence people or win votes.

It is also important to recognize that an expenditure ceiling of $250 billion does not cut back expenditure levels. This is still $18 billion above the level of outlays in the fiscal year 1972. An increase of this size will provide for any needed growth in existing programs and also for the beginning of new programs. It certainly cannot be viewed as a cutback.

Actually it is a restraint on expenditures above last year's level rather than a cutback on that level.

Our discussions in the committee have made it clear that attempts will be made to limit the extent to which the President can reduce particular expenditure categories. I know that we will have a number of amendments offered this afternoon suggesting different formulas and different conditions under which the President can act. I will try to deal with specific proposals in this respect as they arise. However, in advance let me make these general comments. It will be very difficult for the President to reduce expenditures to a level of $250 billion. Any restrictions we place on him will make that job doubly difficult. The budget document shows that in the original $246 billion expenditures estimate, $174 billion are classified as either uncontrollable or relatively uncontrollable items. This means that, even before the increases added by Congress, there would be only about $72 billion against which the necessary cuts can be applied. Moreover, a very large proportion of this is in the defense budget. The information I have is that approximately $55 billion is in the defense budget as against the $72 billion. If we are to place percentage limitations on the extent to which the President can reduce any categories of expenditures, we will make it far more difficult for him to do an effective job in this respect. I really do not believe that we want to hamstring the President in carrying out this very unpleasant job of reducing the expenditure level to $250 billion.

Mr. President, I urge the passage of the bill as it came from the House. I think I will have to resist most, if not all the amendments that may be offered, for the general reasons I have indicated.

I have only one plea to make to my fellow Senators. This is Friday of what is

presumably the last week of the session. Let us not take too much time to make our case.

I think everybody can quickly understand the point of view that each of us has.

I hope that those who are going to present amendments will be content to present them and limit their time in so doing. Certainly I will be prepared to keep my responses to a minimum, so that we can get this matter behind us, in the hope that we can get it to conference and back here tomorrow in time to pass it—in whatever form it is adopted—before adjournment.

I would also like to remind the Senate that the Finance Committee and the Ways and Means Committee, who must go to conference on this bill, are also in conference on H.R. 1. I am sure that all of us hope that H.R. 1 can be handled, hopefully before we adjourn tomorrow night, and I just make the plea for the most rapid handling of this bill as possible. I will cooperate in any way.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that during the pendency of the discussion on this bill, not during votes, my staff assistant Stan Heisler and Ed Kemp be granted the privilege of the floor.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that members of my staff, Ken Guenther and Gene Mittleman be allowed the privilege of the floor.

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

Mr. TAFT. Mr. President, I ask unanimous consent that my assistants, Mr. Solomon and Mr. Wickens, be granted the privilege of the floor during the debate.

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

Mr. FULBRIGHT. I wanted to ask the Senator a substantive question. I wanted to ask about the distinction the Senator made about the item veto, in contrast to what is still available.

I did not get the implication. Did I understand him to say that under this bill the amount appropriated would still remain available for future years and it would not be canceled?

Mr. BENNETT. That is right. The President simply reserves it. He does not impound it.

Mr. FULBRIGHT. It would be available for subsequent years?

Mr. BENNETT. That is right, but an item veto would mean removing the money from a particular purpose, and it would no longer be available.

Mr. FANNIN. I would like the Senator to yield so that I might make a statement in support of the Senator, if it is permissible.

Mr. BENNETT. I will be happy to yield for that.

Mr. FANNIN. Mr. President, the case for immediate congressional enactment of an ironclad, no-exceptions ceiling of $250 billion for Federal outlays in this fiscal year is both simple and compelling.

The Federal budget is out of control. Who is to blame—Congress or the Executive—is beside the point. When Lyndon Johnson became President, budget outlays were $118 billion. By the time he left office and Richard Nixon became President, outlays had swelled to $185 billion. This year, if the ceiling is not enacted, they could well exceed $260 billion—an increase of 120 percent since Lyndon Baines Johnson took office.

If the situation were not so urgent—if it were midafternoon or even early morning, instead of 1 minute to midnight—this space could be devoted to a scholarly discussion of the inherent tendency to overspend in a true democracy such as our own. Voters like high spending, low taxes, and easy money, thus creating a built-in bias toward inflation. Such a discussion would examine in depth the ways and means by which Congress could and should reform the spending process.

At the least, such reform should afford a congressional decision regarding overall spending and revenues early in each session—whether we should have a surplus because the economy is overheated, a deficit because the economy is slack, or a balance because the economy is balanced. Amazing to note, Congress does not now do this despite legislation in 1946 requiring such action.

Mr. President, also, true reform of the congressional appropriations process would result in a systematic congressional approach to establishing priorities in Federal spending. Now, a procession of bills for "worthy causes" comes to the floor, one by one, each difficult for the conscientious Senator or Representative to oppose on its apparent merits.

But even if Congress had the will—and I think that will is beginning to emerge—it cannot reform the entire spending process in the next few days. And the situation requires urgent attention.

Why? Because this Nation stands in imminent danger of repeating the overspending which started us on the inflationary treadmill in the first place—back in 1965–68, when a war costing up to $30 billion a year was superimposed on an economy already at full employment, when domestic spending also ballooned, and when efforts to pay for "guns and butter, and everything else" came too little and too late.

Mr. President, to stop this classic inflation of "too much money chasing too few goods," the American people had to take some bitter economic medicine between 1968 and 1971—medicine that should not go for naught. Thanks to that distasteful medicine, cost-push inflation is coming under control, the economy is growing rapidly, and unemployment is declining. But if we spend ourselves back into demand-pull inflation—with memories of the last round so fresh in everyone's mind—then we shall again face credit markets distorted by inflationary expectations, higher interest rates, and a tendency for excessive wage increases—now moving into balance with productivity gains—to renew strong cost-push pressures.

Mr. President, this is not a partisan issue. The stakes are too high. This is precisely why a Democrat of the stature of Mr. WILBUR MILLS is leading the fight to enact the spending ceiling in the House of Representatives. Mr. MILLS was joined by 10 Democrats and 10 Republicans on the Ways and Means Committee in recommending, 21 to 4, the spending ceiling to the House.

The arguments made against the ceiling does not hold water. It is not a "domestic Tonkin Gulf," but a last-minute emergency measure that would expire next June 30. It gives a special blue-ribbon congressional commission plenty of time to recommend to Congress how it can reestablish its own control and priority system. In addition, the House-passed bill is strongly supported by all living former Secretaries of the Treasury.

Mr. President, strange to say, other Members of Congress make just the opposite argument that the President already has full authority to impound spending in amounts sufficient to honor the ceiling. The legality of impounding has been a matter of debate between Congress and various Chief Executives for a long time. But Chairman MILLS put the matter in proper perspective when he told the House Rules Committee that the impounding controversy aside, Congress should enact the ceiling so that the President can enter this undertaking "secure in having a partner."

Will Congress enact the ceiling in the form the President has requested? I do not know. But I do know that enactment would be very well received by a nation of people now pretty well convinced that they are not getting sufficient return for the billions of dollars they are sending to Washington annually in taxes. A lot of programs have been put on the books apparently on the assumption that spending alone is the answer to our domestic problems. When the problems have not been solved, or even grown worse, the easy answer is more spending, or what the typical American calls "throwing good money after bad."

I have believed for some months that the President had a good chance of getting the ceiling. This is because we do have a democracy and Congress responds to the people, and in my recent travels around the country I have always asked a question—"Do you not think Uncle Sam ought to be able to struggle along on a quarter of a trillion dollars a year?"

Mr. President, seldom—but very seldom, indeed—do I receive a negative answer.

I wish to thank the distinguished manager of the bill and the distinguished ranking Republican member of the committee. I support his viewpoints. I know the problems we face if we do not live up to our obligations in regard to keeping our budget within the boundaries set. We still have great problems even with that.

I thank the distinguished Senator for yielding to me so that I could make this statement.

Mr. BENNETT. Mr. President, I appreciate the Senator's statement.

There may be other general statements with respect to the bill, and I would hope they could be made before we start the amendment process.

Mr. President, I ask unanimous consent that I may yield without losing my

right to the floor, to the Senator from Delaware (Mr. ROTH) for the purpose of making a general statement.

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

The Senator from Delaware is recognized.

Mr. ROTH. I thank the Senator from Utah for yielding to me.

Mr. President, I ask unanimous consent that my staffman, Nathan Hayward, be permitted in the Chamber during the proceedings, including the vote.

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

LEGISLATED SPENDING CEILING

Mr. ROTH. Mr. President, I rise to support the efforts of both the House of Representatives and the Senate Finance Committee in placing a firm hold on fiscal year 1973 expenditures at $250 billion.

My plea will ring a familiar note with all my colleagues here, for it deals with the problems of runaway Federal spending, a subject of great concern to me and many people throughout the United States, and in fact, throughout the world.

I am calling now on the Senate to uphold the House's airtight lid at $250 billion on Federal outlays—expenditures plus net lending—for the fiscal year ending next June 30, 1973.

The Senate will remember that I introduced language—S. 3123—similar in philosophy last February 4, at which time I opted for the $246.3 billion level the President recommended in his January budget message. The House-passed bill also mirrors legislation which I introduced last November but failed by only seven votes to win the Senate's approval.

Since March, though, the administration has stressed that the $246.3 limit is practically untenable, largely because action on the $2 billion revenue-sharing bill has been delayed until now, a 20-percent increase in social security benefits was voted in June, and an additional $900 million has been requested to help aid the thousands of people devastated in the Rapid City and Agnes disasters. President Nixon has, therefore, asked that the ceiling be upped to $250 billion, the level which the House and Finance Committee have adopted.

Let me say now, though, that I would not be adverse to a lower limit, but it would be a difficult, downward adjustment.

Recently, I have testified in behalf of this discipline before both the Ways and Means Committee and only 2 days ago before the Senate Finance Committee. It seems to me that both House and Committee action is indicative of the pressing need for this legislation.

And so, Mr. President, I am asking now that the Senate: First, review with me the language of title II; second look carefully at the encouraging, but still fragile state of this Nation's economy; third, examine the accelerated pace of Federal spending during the past few years; fourth, weigh the arguments pro and con a spending ceiling; and finally, fifth, to enact this measure which will apply to both the congressional and executive branches of government.

INTENT OF THE LANGUAGE

Mr. President, as I have stated earlier, this title will have the effect of placing an absolute lid on fiscal year 1973 outlays at $205 billion. Unlike ceilings which have been offered or enacted in the past, this proposal permits no exceptions; if uncontrollable increases are required or if the Congress mandates additional spending in one area, there must be equivalent reductions in other programs. This seems to me to be the only realistic way to apply an effective brake on outlays in the current fiscal year.

The mechanism for enforcement is direct and simple. If Congress overspends above the $250 billion mark, the President is authorized to make cuts sufficient to trim outlays down to the ceiling. I want to emphasize that the amendment does not force Congress to accept the President's requested appropriations. It is our prerogative to spend within responsible parameters. We can increase or reduce old programs or add new legislation; in short, work our will on the administration's requests. This amendment merely forces on both the President and the Congress the discipline of a stimulative, but not a reckless budget.

THE STATE OF THE NATION'S ECONOMY

A little more than 1 year ago, President Nixon took decisive actions to freeze wages and prices, to trim some spending from the fiscal year 1972 budget, and to request Congress to selectively reduce taxes and provide other incentives to corporate and private spending. Specifically, his gaols included reducing the 6.0 percent unempolyment rate, reversing the devastating imbalance in our foreign trade accounts, increasing manufacturing plant utilization from its laggard level of 75 percent, and encouraging retail purchases, through high levels of consumer credit and a moderation of the personal savings which reached a rate of 8.6 percent in the second quarter of 1971.

There were hard goals to set, and hard goals to achieve, largely because this country was caught in one of the worst inflationary periods of its history, while simultaneously experiencing persistent unemployment. I heartily endorsed the President's courage in taking the bold steps necessary to reverse these deteriorating economic barometers. And I think experience has proven their success.

I ask unanimous consent to include in the RECORD at this point a brief summary of some key indicators which help to demonstrate the true value of the President's program.

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

TABLE I.—COMPARISON OF ECONOMIC INDICATORS

	August 1971 (SA)	September 1972 (SA)
Consumer price rise	5 percent	2.4 percent.
Unemployment rate	6.1 percent	5.5 percent.
Total persons employed (civilian).	79.2 million	81.9 million.
Total persons unemployed	5.1 million	4.8 million.
U.S. balance of payments (net liquidity).	−$22.8 billion [1]	−$9.6 billion.[2]
U.S. balance of payments (Merchandise Act).	−$4,048 million.[1]	−$7,716 million.[2]
Industrial production (1967=100).	105.6	113.7.
Manufacturing plant utilization.	74.6 percent	77.4 percent.
Total consumer credit	$129.7 billion	$143.5 billion.
Personal income (disposable)	$742.9 billion [1]	$782.6 billion.[2]
Savings rate	8.6 percent [1]	6.4 percent.[2]

[1] 2d quarter 1971.
[2] 2d quarter 1972.

Source: Council of Economic Advisers.

Mr. ROTH. Mr. President, as my colleagues can see all of these show major improvement with the exception of the balance of payments merchandise account. We are still importing far more than we export. But statistics such as these can be fragile indications of success. We have not yet reached a satisfactory rate of inflation or unemployment, and we certainly should not be lulled into believing that our objectives have been met. The American economy may now be out of the intensive care unit, but it is still on the danger list.

The job left to do is still an enormous one. It will require the continuing cooperation of individuals, business, labor and government. We here in Congress can, and must, set the example for the rest of the American people if we expect to enlist support from the private sector. We have authorized the President to establish wage and price boards to administer a complicated and delicate system of controls. We have, in fact, called on business, labor, and every citizen to make some short term economic sacrifice for the long term good of the country. But can we really expect their further cooperation if Congress does not put its own fiscal house in order?

If restraint in spending on the part of the Federal Government were nothing more than the example of leadership the American people have a right to expect from their government, that would be sufficient reason to support this language. But Federal spending has an enormous effect on the general economy of this nation. Just as it can be an important stimulus to a sluggish economy, it can become, when resultant deficits grow too large, an uncontrollable engine of inflation.

THE RECORD OF FEDERAL SPENDING

Unfortunately, this administration's record has been weak when we look at the deficits accumulated over the last 3 years. For fiscal years 1969 through 1971, Federal deficits totaled $48.8 billion. And in fiscal year 1972, we accumulated a shortfall of $28.9 billion.

I am talking here, of course, about the deficit in regular Federal funds—not including the trust funds which are accounted for under the unified budget of recent years, and not the so-called full employment budget. The money in the trust funds, as we all know, is not money that can be used for general Government purposes. The unified budget may help to make a bad situation look a little better, but its use does not disguise the fact that the real deficits continue to show up in the growing national debt.

But even keeping in mind the shortcomings of the unified budget as a real-

istic yardstick for measuring Federal spending, it should be noted that even after that cosmetic has been applied, the deficit for fiscal year 1972 was $23 billion.

A third presentation—the full employment budget—has been sponsored by this administration in an effort to clarify the economic facts of life; namely, that we have come to regard some degree of deficit spending as a necessity when the economy is operating below full capacity.

The presumption under this methodology is simply this—calculate total revenues at full employment and then gear Federal spending to equal those. Yet, we showed a $3.6 billion deficit under this formula for fiscal year 1972, in violation of the President's well stated insistence that a full employment balance should be a cardinal rule of responsible fiscal management.

But, I am not completely convinced that our trading partners embrace the full employment method of budgeting. Many of our foreign friends see only another total U.S. deficit running near $38 billion for the current fiscal year unless we act to curb spending. It is these perceived deficits which will continue to place pressure on the dollar and perhaps erase the small gains we have made in the last few months.

Mr. President, I believe it would be most helpful for my colleagues to have available this table which shows concisely the Federal deficit between 1963 and 1973 calculated three different ways—Federal funds, the unified budget, and the full employment budget. In addition, it recounts the total gross Federal debt and the annual interest payments for these 11 years.

I ask unanimous consent that this table be printed at this point in the RECORD.

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

TABLE II.—BALANCES IN FEDERAL FUNDS, UNIFIED BUDGET, AND FULL EMPLOYMENT, LEVELS OF FEDERAL DEBT, AND DEBT INTEREST, 1963-73, INCLUSIVE

[In billions of dollars]

Fiscal year	Federal funds	Unified budget	Full employment budget	Total gross Federal debt at Dec 31	Total debt interest
1963	−$6.5	−$4.8	+$4.4	$310.8	$9.2
1964	−8.6	−5.9	+2.1	316.8	9.8
1965	−3.9	−1.6	+2.4	323.2	10.3
1966	−5.1	−3.8	−6.1	329.5	11.3
1967	−15.0	−8.7	−10.6	341.3	12.6
1968	−28.4	−25.1	−25.2	369.8	13.7
1969	−5.5	+3.2	0	367.1	15.8
1970	−13.1	−2.8	+2.6	382.6	18.3
1971	−30.2	−23.2	−3.2	409.5	19.6
1972	−28.9	−23.0	−3.6	455.8	21.8
1973 [1]	−39.0	−31.9	−4.5	493.1	22.1

[1] Estimates: Assumes no ceiling.

Source: Office of Management and Budget.

Note: If $250,000,000,000 spending ceiling is imposed, Federal funds dificit is estimated to be $32,400,000,000, and the unified budget deficit to be $25,000,000,000.

Mr. ROTH. Mr. President, an analysis of other budget figures shows that Government spending has—as we all know—risen steadily over the past decade. In 1960, for example, Federal, State, and local government spending amounted to 27 percent of the gross national product. This year government spending on all levels will account for more than 32 percent of the GNP.

Even more alarming is the fact that Federal spending is becoming less and less controllable. In 1960, income security, veterans' benefits and services, and interest payments on the national debt amounted to 34.6 percent of total outlays. In 1973, it is estimated they will equal 41.1 percent.

As a result of the enormous rise in Federal spending, and the failure of tax revenues to keep pace with the spending, the public debt may rise to a record $493 billion from about $311 billion just 10 years ago. Though this figure has been a declining percentage of our GNP between 1954 and 1968, the trend has begun to reverse itself. In 1969, total debt was 40.9 percent of GNP, but is estimated to be 42.6 percent in 1973. Interest expense too has been rising both as a percent of GNP and as a percent of total Federal outlays, thereby foreclosing other spending options.

ADMINISTRATION CALLS FOR A CEILING

As everyone here is well aware, President Nixon last January, asked the Congress to impose a strict ceiling on the fiscal year 1973 budget. Many times since then, his chief economic advisers—the CEA, Treasury Secretary, and Budget Director—have testified to the urgent need for this legislation.

Most recently, of course, the President issued another statement last Saturday night, warning the Congress that his administration would not sit idly by and watch a ballooning deficit erode both domestic and international confidence in the dollar. At the same time that he has been indicating his intention to veto inflated appropriation bills, his top advisers have testified before several congressional committees on the need for a tight ceiling of $250 billion.

Mr. Weinberger, now Director of the Office of Management and Budget, put it very succinctly in his prepared statement on July 25. At that time, he underlined the urgency of this measure by pointing out:

The wisdom of the President's proposal of last January for a *fixed*, rigid spending ceiling to apply to both the Congress and the Executive becomes increasingly apparent with each passing day. We did not request such a ceiling idly. The results of the failure of the Congress to enact such a limit prior to its consideration of other legislation, as the President had recommended, are now apparent.

However, it is still not too late, although the task is much more difficult. The Congress should now set, and maintain, a fixed expenditure ceiling. An appropriate level would be $250 billion. Thus any legislation that would cause total outlays to exceed that ceiling would have to be offset by reduction in other program outlays.

The ceiling would be good discipline for both the Executive and Legislative branches. It would focus attention on the budget total. Each spending initiative could be more responsibly considered against all spending items, and thereby insure that the budget total will not become the engine of inflation or result in unwelcome tax increases.

More than that, and not to put too fine a point on it, a spending ceiling is one of the few routes left open to fiscal salvation.

And on the following day, Chairman Arthur Burns of the Federal Reserve, spoke strongly in favor of a legislated ceiling. Dr. Burns' vantage point, as an objective expert on the problems of deficit financing, gives added weight to the importance of his message:

A proposal that could produce immediate beneficial results has already been studied by many members of the Congress—namely, the President's recommendation for a legislative ceiling on this year's budget expenditures. I strongly support this recommendation in the hope that the ceiling would be a rigid one, that it would admit of no escape hatches whatever, and that it would apply both to the Executive and to the Congress.

I would be remiss to omit the later testimony of three prominent economists, all of whom clearly identify themselves with the Democratic Party. Walter Heller, in fact, served Presidents Kennedy and Johnson as Chairman of the Council of Economic Advisers.

Senator PROXMIRE, the very astute chairman of the Joint Economic Committee, asked each of these men to give his opinion on the appropriateness of a "no holes" ceiling. Each one felt that such a constraint could choke off the present economic recovery, if it were imposed at this time. But despite their overall objection, each one agreed that if further deficits mount through fiscal year 1973 and 1974, a major tax increase would be necessary in the coming calendar year.

Mr. President, I cannot presume to discredit men whose professional eminence has brought them such high national acclaim. But I shall point out that if Congress continues on its present spending course, a vote against this ceiling is a vote for new taxes next year. Are my colleagues here willing to stand on that ground? It cannot be otherwise. Though Professors Samuelson, Heller, and Galbraith disagreed with the timing of this measure, they agreed unanimously with the administration's warning that more spending today must bring more taxes tomorrow.

And, these will be tax increases that hit straight at the heart of middle-income Americans. Let us not fool ourselves, "soak the rich" tax schemes simply will not produce the kind of revenue we will need to cover these skyrocketing Federal expenditures.

We have enacted stimulative tax cuts only 10 months ago in order to bolster a sagging economy. Let us not force ourselves into reversing this trend by yielding to the easy temptation to spend. I ask each of my colleagues here to weigh the short-term, politically pleasing inclination to appropriate more public funds against the long-term, and irreparable harm of inflation which hurts both private and public pocketbooks.

THE NEED FOR ACTION

I could pursue this litany of support expressed by top officials within the administration, but I think it important to recognize the impact this legislation will have on the confidence of the American people.

Last year, the deficit ballooned to more than three times its original estimate. The year before it was 30 percent more than predicted. We cannot continue to spend endlessly, each year increasing outlays over expectations. The erosion of the consumer's dollar at home and the scrutiny of foreign nations are develop-

ments which have reached, and temporarily survived, a crisis situation.

Mr. President, I shall not detain the Senate longer. The House language is direct, and to the point. It places a firm lid on Federal spending for fiscal year 1973. It allows no leaks in any account.

It uses the President's revised budget figure of $250 billion, but that in no way restricts the Congress to a line item approval of the budget as written. We still have ample room in which to make our priorities known, confident that our choices must be honored so long as the total of enactments does not exceed this limit.

I think any fears that a ceiling such as this will require drastic cuts in needed programs are entirely unfounded. Surely there is enough "water" in the great complex of programs administered by the Federal Government to absorb this ceiling without any serious effects. And, we must all recognize that even with a ceiling of $250 billion, outlays for fiscal year 1973 will be some $18 billion higher than fiscal year 1972. I do not call that a starvation diet. If we are to strike a balance between private and public awareness of productivity as the index for increased spending, Government must look to its own operations for new and better ways to achieve greater ends with more efficiently allocated resources.

Adoption of this language will show the American people that the Government is willing to exercise a little restraint in the fight against inflation, too. I think the importance of this psychological factor cannot be overemphasized. We are dealing here with one of the most serious domestic problems we have, and its solution is one which demands leadership from the Federal Government and the Congress. I urge the Senate to include this measure in the debt bill.

Mr. BENNETT. Mr. President, I ask unanimous consent that I may yield to the Senator from Virginia (Mr. HARRY F. BYRD, JR.) without losing my right to the floor.

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

The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that James Savedge, of my staff, and John Brooks, of my staff, be granted the privilege of the floor during the discussion of this matter.

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

Mr. HARRY F. BYRD, JR. Mr. President, the issue before the Senate today is whether the Congress should set a limit on Federal expenditures.

I think it should.

In my judgment, the dominant domestic problem facing our Nation is the need for the Government to put its financial house in order. Today's legislation will not do that, but it will help.

The alternative to controlling Government spending is wage-eating inflation, or a drastic increase in taxes, or both.

As a result of the steps taken by President Nixon on August 15, 1971—including the initiation of wage and price controls—the rate of inflation has slowed.

But there are increasing signs that the inflationary spiral is beginning to accelerate. In response to questions from the senior Senator from Virginia, Secretary of the Treasury Shultz reluctantly admitted as much at a session of the Senate Finance Committee this week.

In the third quarter of this year, wholesale prices rose at a 6.7 percent annual rate. This compares to a 4.9 rate increase in each of the two prior quarters. In the normal course of events, these wholesale price increases will be transmitted into retail price increases in a period of 3 to 6 months.

Another measure of increased inflationary activity is the rise in outstanding consumer credit. Total consumer credit increased by 12 percent from July 1971 to July 1972. In the last 3 months, however, consumer credit has increased at an annual rate of 16 percent. Bank loans have increased at a similar rate, which again is higher than earlier rates.

Still another measure of increasing inflationary pressure is a rise again in interest rates. Just today concern was expressed in this regard by Chairman Burns of the Federal Reserve Board.

All of these factors place increased pressure on the money supply. The pressure is made far worse by the borrowings of the Federal Government.

From October 1971 to August 1972, the basic money increased by about 5 percent. But the estimated increase from August to September of this year is an annual rate of 7 percent.

To date, the administration seems to be looking to the Federal Reserve to solve its problem by the monetary route; namely, the printing of more dollars. But there is a limit to which this can prudently be done. Fortunately, Chairman Burns is wise enough and independent enough to call a halt at the appropriate time to the increasingly high rate of money expansion. The appropriate time is rapidly approaching.

The able chairman of the House Ways and Means Committee pointed out in House debate Tuesday—

> Our concern for the renewal of inflationary pressures cannot, however, be restricted just to the domestic economy. A renewal of inflation will increase the prices of our production relative to the prices of imported articles and will also make us less competitive in our sales abroad.

The deficit in our foreign trade—merchandise, investment, travel, and other services—has continued to worsen.

In 1964, we had a favorable balance of $7 billion. Last year the deficit—the deficit—was approximately $3 billion. Now the deficit is running at an annual rate of $7 billion.

Thus, from 1964 to present, we have come from a foreign trade surplus of $7 billion to a deficit—deficit—of $7 billion. Our liquid liabilities to foreigners now total $67 billion. To put this in perspective, on December 31, 1970, our liquid obligations to foreigners were $43.3 billion.

So one can see that within a 15-month period the liquid liabilities to foreigners have increased by something over 50 percent.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a table dealing with reserve assets and liquid liabilities.

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

U.S. GOLD HOLDINGS, 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	6.8
Dec. 31, 1957	22.8	24.8	15.3
Dec. 31, 1970	10.7	14.5	43.9
Dec. 31, 1971	10.2	12.2	64.2
May 31, 1972	10.5	13.3	[1] 67.0

[1] Estimated figure.

Source: U.S. Treasury Department, June 1972.

Mr. HARRY F. BYRD, JR. Mr. President, we have a public debt—and the bill before us at this time is one dealing with the public debt—of $440 billion. The interest on that debt included in the present budget is $22.7 billion.

Another way to put that interest in perspective is this: Of every income tax dollar paid into the Federal Treasury by the personal and corporate income taxpayers, 17 cents goes to pay the interest on the debt.

When Richard M. Nixon sought the Presidency in 1968, he told the American people again and again that the major cause of the inflation the Nation was experiencing resulted from the 4-year Federal funds deficits of the Johnson administration, which totaled $54 billion.

I agreed with candidate Nixon's appraisal.

I applauded his demand for fiscal responsibility.

I supported him firmly and strongly during the first 2 years of his Presidency in his efforts to hold down Government spending.

But then we come to January 1971. It was then that the administration reversed itself. Economic theorists in the administration sold the President on the idea of what they call a full employment budget. That means that the administration recommends that Congress appropriate the amount of money that the Government would take in if we had full employment, but we do not have full employment. The Secretary of the Treasury and the Budget Director have testified before the Committee on Finance that we will not have full employment. No one expects full employment. So the so-called full employment ploy is, in my judgment, fictitious, misleading, distorting, and wrong.

It is very much like an individual saying, "I would not be broke if my uncle had left me a million dollars."

I think we must be aware of the fact that the budget submitted to Congress by the President was itself an unbalanced budget. It was deliberately unbalanced. If Congress were to add not a single dollar to the expenditure sought, we would end up with a smashing deficit.

While I feel that Congress must cooperate with the President, this cooperation is a two-way street. The ad-

ministration must submit to Congress realistic spending programs reasonably within the amounts of revenues which the Government will take in. But that was not done. The administration embarked on a planned program of heavier and heavier deficits. It was desirable, we were told, as the Nation was experiencing a recession and that the way to get the country moving again was to spend our way to prosperity.

Now, less than 2 years later, Treasury Secretary Shultz and his associates are becoming alarmed—and rightly so—at Federal spending which is virtually out of control.

For the 4 fiscal years of the Nixon administration, ending next June 30, the Federal funds deficits will total at least $105 billion, double the four Johnson deficits.

This President and the one before him had the albatross of Vietnam. The next President, in my judgment, will have the albatross of a government financial situation which is completely out of hand.

Never before in any other 4-year period in the history of the American Government have there been such deficits, except during World War II, when we were fighting in both Europe and the Pacific and when we had 12 million Americans under arms.

Aside from the spending, the reason why this budget is so badly out of balance is due to the tax reduction bill which passed in December of 1971, less than a year ago, in which we reduced Government revenues by $14 billion per year at a time when we were running smashing deficits of $30 billion. I might add, in regard to that tax reduction bill, it gave very, very little help, if any, to the average citizen of our Nation.

So the United States is faced with a financial crisis.

What do we do?

At the moment, the alternatives are not many—and none will solve the problem, but only alleviate it. The alternatives are best summed up, it seems to me, by two able, experienced, and knowledgeable Members of the House of Representatives. I refer to WILBUR MILLS, chairman of the House Ways and Means Committee, and GEORGE MAHON, chairman of the House Appropriations Committee.

Chairman MAHON'S view, persuasively argued in the House debate, would require the President to tell the Congress where the Congress should reduce appropriations to hold expenditures to $250 billion for the current fiscal year.

Chairman MILLS successfully argued that the Congress should establish a ceiling of $250 billion and direct the President to stay within that ceiling, thus authorizing him to make reductions to effectuate that ceiling. The Mills position was sustained by a vote of 216 to 167.

There are aspects of the Nixon-Mills proposal which I do not like. It would in effect give the President additional authority, and, I was inclined to think, in effect, and item veto, but the senior Senator from Utah indicates that this may not be the case, as it may be an impoundment rather than an actual cut. Although the Governors of many States have such authority, I do not favor it for the President of the United States, who already, I feel, has too much power.

So I am not totally in accord with the Nixon-Mills proposal.

But believing as I do that Government spending has got out of control, believing as I do that accelerated inflation fueled by Government spending is imminent, and seeing no effective alternative to spending ceiling approach, I expect to vote for some such ceiling.

This concession of power to the President will apply only during the next 8 months. I will not regard my vote today as a precedent for a similar vote in the future. The hard way, but the right way, to get spending under control would be for Congress to retain its power of spending—and use it sensibly.

While I shall support a spending ceiling, thus giving the President additional authority in regard to cutting appropriations, I want the record to show that I am not hoodwinked as to where the responsibility lies.

In my judgment, the responsibility for runaway spending lies equally with the administration and the Congress. The administration encouraged and initiated the spending spree. The Congress responded like rabbits in a lettuce patch.

I have little sympathy for the Congress or the administration. I reserve my sympathy for the taxpayers who must foot the bill.

I ask unanimous consent, in concluding my remarks, to have printed in the RECORD a table showing deficits in Federal funds and interest on the national debt, 1954 to 1973, inclusive.

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

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1954-73 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1954	62.8	65.9	−3.1	6.4
1955	58.1	62.3	−4.2	6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.2
1958	66.6	69.7	−3.1	7.6
1959	65.8	77.0	−11.2	7.6
1960	75.7	74.9	+.8	9.2
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.1
1963	83.6	90.1	−6.5	9.9
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.0
1967	111.8	126.8	−15.0	13.4
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.7	163.7	−30.0	20.8
1972	149.0	178.0	−29.0	21.2
1973[1]	152.6	190.4	−37.8	22.7
20-year total	1,929.5	2,140.9	211.4	241.9

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department, Oct. 11, 1972.

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

Mr. HARRY F. BYRD, JR. I yield to the distinguished Senator from Missouri.

Mr. SYMINGTON. Let me congratulate the able Senator from Virginia on his presentation. I respect him, when it comes to fiscal and financial matters, at least as much as any other Member of this body.

If I understood his thought correctly, he would approve the $250 billion limitation provided there was some overall arrangement whereby the President could not take out of the bill every item Congress had passed; in other words, we would not leave the reductions entirely up to him; is that correct?

Mr. HARRY F. BYRD, JR. Well, I am inclined at the moment to support a spending ceiling of $250 billion. As a matter of fact, I expect to support an amendment to be offered by the Senator from Wisconsin to make the ceiling $245 billion. Unless some formula can be worked out that it appears would be effective, I shall support the ceiling without additional restraints. But if a ceiling can be worked out in a fashion which appears to me to present an effective way of holding these expenditures down, then I would prefer to support that.

Mr. SYMINGTON. I ask the able Senator, has he seen the amendment being offered by the distinguished junior Senator from Idaho; and if he has, does he approve its contents?

Mr. HARRY F. BYRD, JR. Before making a decision on that, I want to hear the debate. I frankly have not reached a conclusion on that amendment.

Mr. SYMINGTON. I thank the Senator.

Mr. HARRY F. BYRD, JR. I thank the distinguished Senator from Missouri.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 9554. An act to change the name of the Perry's Victory and International Peace Memorial National Monument, to provide for the acquisition of certain lands, and for other purposes; and

H.R. 13067. An act to provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Fla.

TEMPORARY INCREASE IN THE DEBT LIMIT

The Senate continued with the consideration of the bill (H.R. 16810) to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973.

Mr. BENNETT. Mr. President, I ask unanimous consent that I may yield to the Senator from Minnesota for the purpose of making a general statement on the bill without losing my right to the floor.

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

Mr. HUMPHREY. I thank the distinguished Senator from Utah.

Mr. President, we are faced today with a momentous decision, a decision of historic proportions. This is not an ordinary piece of legislation that is before us, nor is this an ordinary time in which we live.

The issue before this body is not merely one of a budget spending ceiling. Congress can and very well may decide to establish such a ceiling. It may do that as a result of its own evaluation of the economic conditions in our country and the fiscal situation of our Government That is within the powers of Congress in the exercise of our legislative authority.

The issue, however, is whether Congress will give over to the President the power of exercising an item veto; or to put it another way, do we have the self-discipline to manage our own affairs, or are we going to run willy-nilly without that discipline, and then rely upon the Chief Executive, to determine through an item veto what the future course of governmental policy in this country will be.

Already, Presidents—not only this President, but others—have exercised the power of impoundment of funds appropriated by Congress. I do not think that is constitutional. I have protested and will continue to protest the impoundment of duly appropriated funds by the Congress of the United States, the elected representatives of the people.

But this goes far beyond impoundment, Mr. President. What we have before us in this bill is a proposal to give to the President of the United States the power to exercise ultimate control over the budgetary process by the exercise of an item veto.

The Senate of the United States must decide whether it is willing to acquiesce in a presidential request which demeans its own powers and responsibilities, or whether it will stand its ground and say no to a President.

I know what the political environment is. I know that the action taken by the President and the request made and the action taken by the other body have occurred at a time in the political environment when people are concerned about spending and inflation. I, too, am concerned, and Congress has been concerned; but it is my judgment that there is a better way to meet the problem than the manner that has been prescribed. At stake is nothing less than the separation of powers doctrine—the heart of the Constitution.

We know that a President can appoint judges, and Presidents generally appoint judges who are somewhat sympathetic to their political philosophies. That is understandable. We know it happens. Other Presidents have done it, and this President has done it and will do it. We have given the President almost unlimited powers in the field of national security. Congress, over the years, has been willing to give to the President of the United States, whoever that President may be, incredible power and authority in the use of the armed forces of the United States and the resources of this country.

As I say, the President has exercised his power, as he sees it, of impoundment of appropriated funds. And now, so help me, strict constructionists in this body and in the other body are prepared to give the President, whomever he may be—remember, this is not just President Nixon we are talking about—to give a President the right to trim budgets, to cut appropriations, to exercise an item veto, to violate the very essence of the separation of powers as prescribed in the Constitution.

"Oh," I hear Senators say, "it is for 8 months."

Now, look. How many times have Senators in this body been told, that the grant of power we are now extending is just for a limited period of time. Once the precedent is established, Mr. President, it will be in the law books permanently. I am not going to let that happen by my vote. As I have said, at stake is nothing less than the separation of powers doctrine, the removal of viable checks and balances between the executive and legislative branches, and the role of Congress as a partner in governing this land.

It is an indisputable fact today that there has been an accretion of power in the hands of the executive branch. All of us have witnessed this. Indeed, many of us have participated in actions that have unfortunately diminished our own authority.

When a President takes powers previously unknown to him—as this President is trying to do now—he must take those powers from somewhere. And that somewhere is the Congress of the United States.

Someone once suggested that the balance of power between Presidents and Congresses is like a swinging pendulum—that we need not worry when it moves nearer to the Executive because someday it will retrace its route in favor of Congress. The problem with this analogy is that the balance of power is set forth in the Constitution. That great document permits some power shifting back and forth, but it sets outer limits to control the distance that the pendulum may move. And it is these outer limits that the proposed spending ceiling would ignore.

The genius of our system of government is undone when power is shifted beyond the tolerance allowed by the Constitution. James Madison in the Federalist, No. 47, wrote:

> The accumulation of all powers, legislative, executive, and judicial in the same hands, whether of one, a few, or many, whether hereditary, self-appointed, or elective may justly be pronounced the very definition of tyranny.

These words written almost 200 years ago take on prophetic meaning when we stop to consider that the President of the United States asks the Congress to allow him complete authority to do what he so wants in the setting of priorities and the actual expenditure of funds. Implied in this unprecedented grant of authority is nothing less than an unconstitutional item veto over congressional appropriations.

For the life of me, I cannot imagine Senators and Representatives permitting this. I have been in this body when members of the Appropriations Committee would fight almost to the death for the jurisdiction of that committee. How many of us have served on conference committees with the other body and have had prolonged arguments over a few million dollars in an appropriation bill or a tax bill because the other body has said—

> This is the constitutional power of the House of Representatives; all tax measures will be initiated in the House and, by precedent, appropriation measures?

How many Members of this body recall a few years back when the chairman of the Appropriations Committee of this body and the chairman of the House Appropriations Committee could not even agree on where to meet, and for months appropriations were held up, because the Senate was sick and tired of having the other body determine that every time they got together, the chairman of the House Appropriations Committee was chairman of the conference committee? We have had bitter arguments in this body for years over the powers of Congress and appropriations.

The next thing we will do is give the President the right to adjust taxes. He practically has it already, by Executive order. They decided that there should be an accelerated depreciation schedule which reduced the taxes of certain corporations by billions of dollars. This is a basic issue.

I am supposed to be a liberal in politics. Here I am, trying to defend the Constitution, and the strict construction conservatives are trying to give away the power of Congress. The world is upside down. No wonder people are confused. No wonder they ask, "Who is for what and what is for whom?"

The proposition before us is unbelievable. Let us get it clear. The proposition before us says to the President, "You can cut anything you want except the uncontrolled items, such as interest on the public debt, such as certain benefits that are prescribed by law." In fact, the bill before us would permit the President to cancel out programs voted by Congress. It would permit massive cuts in programs voted by Congress.

I hope we will ponder well what we are about to do or what we are about to vote upon.

I use the term "unconstitutional" about an item veto because the Constitution of the United States, in article I, section 7, clause 2, indicates that there is a duty upon the part of Congress to reconsider any bill returned by the President along with the precise objections voiced by the Executive. That is when the President vetoes a bill. The final decisionmaking power over vetoes rests with the Congress—not with the President.

Yet, in this measure we are permitting the President to veto our actions, with no recourse. The language of this article in the Constitution indicates that Congress has no power to make the President's judgment on a bill the last word. The last word is here in the Congress.

We proved that the other day in the railroad retirement bill. Congress proved it not long ago when we could not override the President's veto on Health, Education, and Welfare appropriations, but the last word was here.

The only exception to this principle is the pocket veto, and the Constitution itself makes this exception.

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

Mr. HUMPHREY. I yield.

Mr. SYMINGTON. Let me commend and congratulate the Senator upon the logic of his reasoning with respect to this all-important matter.

Not many weeks ago, a new weapons system came up for discussion before the Committee on Armed Services, and a subcommittee was assigned to look it over. The subcommittee reported to the full committee unanimously—those who were there—that this weapons system, based on its examination, was not necessary. When the matter went to the full committee, however, there was a great deal of administration lobbying; and although the recommendation of the subcommittee had been made unanimously, it was rejected by the full committee even though the latter had looked into the subject only casually. When the subject came to the floor, the pressures became even greater, and it all passed by a substantial majority.

Another case, which the Senator is fully aware of, is when this administration—the President—vetoed an education bill that would have helped with one of our greatest needs, in favor of problems that seem so important in other countries, at least in the minds of this administration. The measure was vetoed, and an overwhelming majority of the House and the Senate passed the bill over the veto.

As I understand it, listening to the Senator and his very able presentation of this problem, if the President decided to do so, he could take all the money out of any education bill and leave in the other matters where the Congress had worked partially against his will. Am I correct?

Mr. HUMPHREY. The Senator is absolutely correct, in terms of the bill that is now before the Senate. That is its weakness. I hope and pray that no President would do it; but I simply say that within the structure and the framework of the measure before us, the President would have that power.

Mr. SYMINGTON. Some 15 years ago, one of the great statesmen of our time, Dean Acheson, wrote a book in which he said the greatest single change in the Government of the United States in this century was the further delegation of the authority of the legislative branch to the executive branch. And that was before recent administrations. He would really be shocked if he knew what we were considering delegating this afternoon, would he not?

Mr. HUMPHREY. He surely would.

Mr. SYMINGTON. If the President is allowed to obtain the last great opportunity, the right of the legislative branch to have any influence on policy—which we would be doing if we gave him this right to an item veto—would there be any real necessity for Congress? Could we not stay home and have our checks sent there, knowing that whatever our decisions, they could be changed by the executive branch?

Mr. HUMPHREY. Well, for the purpose of dramatic emphasis, I think the Senator's statement is correct. We seem to have become an unlordly House of Lords. It is bad enough just to be the other, without the unlordly.

Mr. SYMINGTON. Where would the dignity of the Senate be if we arbitrarily abrogated our right to control the appropriations made by Congress?

Mr. HUMPHREY. Congress does so because of the frenzy over what is called spending; and then we will have abrogated any right that we have to be called public servants.

Mr. SYMINGTON. Mr. President, I thank my eloquent and persuasive colleague for his able explanation of this matter this afternoon.

Mr. HUMPHREY. I thank the Senator from Missouri.

Mr. MILLER. Will the Senator yield?

Mr. HUMPHREY. The Senator from Virginia asked me earlier if I would first yield to him.

Mr. SPONG. I thank the Senator from Minnesota for his presentation this afternoon. I should like to commend the Senator. We have been down this road before. This year, in March, the Senator from Delaware (Mr. ROTH) introduced a bill to provide a ceiling on spending.

I was successful at that time in amending his proposal to provide that everything over the limitation had to be referred back to Congress.

In the debate thus far, it has been suggested that this is not an item veto, that it should be regarded as an impoundment. The Senator from Virginia believes that impoundments are just as unconstitutional as item vetoes. The very learned Senator from North Carolina (Mr. ERVIN) has for years maintained this position. He has conducted very thorough hearings and has demonstrated very forcefully, in my judgment, that the process of impoundment that has taken place in past years by Presidents of the past two administrations have resulted in circumventing the constitutional intent, insofar as appropriations are concerned.

Mr. President, while I support a spending ceiling for fiscal 1973, I am opposed to granting the President—any President of any political party—authority to make spending reductions wherever he may see fit without consulting with the Congress.

The framers of our Constitution granted the appropriations power to Congress. They specifically denied the President an item veto over appropriations. Yet, Congress is now about to turn around and give the President what amounts to an item veto.

I believe this is constitutionally unsound. I believe it is historically unsound. Furthermore, I believe it is an abdication of congressional responsibility to take this action. At a time when the American people have many questions about their Government and about what their Representatives are doing. I believe we in Congress should face the matter of making appropirations reductions and do it now.

Last March I supported a spending ceiling for this fiscal year and I offered my own proposal for carrying out reductions which exceed a spending ceiling limit. I continue to believe we should have a spending ceiling. But there should be some provision to insure that Congress has a voice in determining where reductions should be made.

I believe it would be a complete abdication of responsibility for Representatives to appropriate money, to suggest to the people they represent that they have approved spending with their needs in mind, and then to turn the matter of making reductions over to the President.

It might appear politically wise to take such a course—and it might help shift the blame for reductions to the President, but it also means that Congress has failed to set priorities or to stand up for those programs it believes in.

Quite frankly, I have some very personal interests in seeing that Congress has a voice in determining where any cuts are made. If it does not, I see them being made in impact aid, in hospital construction, and in several similar programs which I believe Virginians want and need.

In each of the past 6 years, under Presidents of two different parties, I have fought for adequate appropriations for the impact aid program. And, it seems to me pennywise and pound-foolish to turn over to the executive branch the authority to reduce programs when I am 99 and 44/100 percent certain that my priorities are not all the same as theirs and that the impact program will bear a disproportionate share of the reductions.

Congress knows how to make reductions. It has, according to one of the Senate's leading budget authorities, reduced the proposed budget for fiscal 1973 by $4.4 billion. Certainly if it can make reductions in someone else's proposals, it can make them in its own.

Consequently, I am supporting the spending ceiling as well as appropriate legislation to permit Congress to have a voice in determining where reductions in spending will be made.

So I would ask the Senator from Minnesota if he agrees with me that whether we call it an item veto or an impoundment, it is still unconstitutional, in that it thwarts the intent of the Constitution that Congress has the power of the purse to make appropriations and the choice of priorities after the appropriations are made should not rest with the executive branch alone.

Mr. HUMPHREY. I could not agree more with the Senator. I want to issue a warning that unless Congress puts a stop to the constant demands of the executive branch—not just the President, but department heads, as well—it makes us look like we are useless around here. Unless we put a stop to this, for all practical purposes we have forfeited our right to be called public servants.

There are Senators who know that department heads, who are appointed in the name of the President, disregard the

laws that we pass and refuse to take action upon policies that are adopted by this Congress or any other Congress.

Listen: The time has come to blow the whistle. The time has come for us to say: "No more."

Amendments are going to be offered that will see to it that we do not go on a wild spending spree, which I think we can prove we have not done. But to permit a spending ceiling, with the President to have the right of item veto or impoundment, call it what you want, is to break down the separation of powers, to violate the Constitution of the United States, and to erode any effectiveness or prestige or power on the part of Congress. We cannot do that.

Mr. President, let me just show you. When the President can veto a part of a bill, he emerges from the political mainstream and seeks a power given to no other person in Government. He seeks to avoid political give and take and to invoke some superior authority. Such authority is clearly not within the spirit of democracy and public accountability.

An item veto gives the executive branch an immense political club to use for virtually any purpose so desired. The Executive can avoid the pressures of publicly having to announce whether or not he is going to take certain actions. The Executive can say to the beneficiaries of any Federal expenditures—such as our States and local governments—that they had better cooperate and do what the Federal Government wants them to do or there may have to be cutbacks in some of their grants. It is a negative power. It is a disruptive power. And as Daniel Webster said:

> The separation of the departments (of government) so far as practicable, and the preservation of clear lines between them is the fundamental idea in the creation of all of our constitutions, and doubtless the continuance of regulated liberty depends on maintaining these boundaries.

I want Senators to think about what the President can do under this bill. Some Senators have worked for 10 years to get a needed program in their States. They may have had to fight the Bureau of the Budget, as has been my experience in these projects. Finally a Senator has been able to convince his colleagues and those of the other body that this particular program ought to be undertaken. But there are these faceless, nameless people in the bureaucracy of the Government who pass up papers to the President and say, "Mr. President, this is one project your predecessor did not like 2 years ago. Another President did not like it 8 years ago, so this is one you will want to delete."

I want to warn my colleagues, some Senators have been interested in rivers, harbors, and canals. Some Senators have been interested in highways and other programs in their States.

Now it is proposed to give the President of the United States the greatest political whip and club that any man ever had. He will bring us to heel. He will tell us what we are going to do. He will say what our program is about, as did McNamara's goat, "Unless you line up."

I am about to line up to President Nixon or President McGovern or President Anybody. I think the Senate had better stand up, instead of lining up.

I yield to the Senator from Rhode Island.

Mr. PASTORE. I think the Senator from Minnesota has just hit the nail squarely on the head. It is not a question of who has been appropriating too much money. That is not the question in this bill. I can tell you, Mr. President, this Congress has been a lot more frugal than the administration has been.

As I said here this morning, they ought to stop these department heads from coming up here and lobbying for reclaimers every time we cut their funds. It is not a matter of who is going to spend the money. It is a question of whose program are we going to have?

Mr. HUMPHREY. The Senator is right on target.

Mr. PASTORE. There is nothing sacrosanct when the President sends up a budget estimate for his program. We can cut it or add on. But they do not like that. They want the power to cut out the programs that we want and put in the programs that they want—and they will do it every time.

Mr. HUMPHREY. The Senator is right on.

(Applause in the galleries.)

Mr. PASTORE. What happened was that we cut the defense bill by more than $5 billion. But we were told we had to add funds for the Navy; we had to add for the Army; and we had to add for the Air Force; and everybody in every office in the Capital was trying to put back the money.

Mr. President, we took the $5 billion out of the military budget, but we are putting it in where it going to do our people some good: housing for the elderly, more social security for our elderly; more health care for our people and more housing for our poor. That is what we are talking about and that is what Congress is doing. But all the administration wants to do is send it to Vietnam. They have got a bus running every hour on the hour with American dollars. Into whose pockets is it going? I read in the newspaper that Ky was leading a life of leisure, a plush life. With whose money? When he was in Paris, his wife was the best dressed woman in all France. Where did they get the money?

This is what this is all about. We want the privilege to speak for the people, because we are elected by the people. We are saying, "Yes, maybe you ought to spend $250 billion a year or more, but you are not the one to say where it ought to go."

We should not have to abrogate our powers. That is what this is all about. They would make us think that unless we pass this bill, we are going to get a tax increase. That is the greatest political hoax in 1972.

They are trying to frighten the American people into believing that if they do not vote for this, they are voting for a tax increase. I say that is just plain baloney.

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

Mr. HUMPHREY. Mr. President, I would be happy to yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, I would like to ask the Senator from Minnesota whether he favors a limit on spending.

Mr. HUMPHREY. Yes. I will favor a limit on spending. But I want to do it here. And I will not let the President of the United States pick and choose what program it will be. And I say that every time we vote, we put a limit on spending.

We are supposed to have enough sense when we get elected to the Congress, to make these decisions.

Mr. President, I have a tabulation here, and I will ask unanimous consent that the tabulation be printed in the RECORD.

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

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts not included in this tabulation prior to the 90th Cong., 2d sess. (See explanation, par. 5 "Compilers' Notes", p. 3.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures exclude amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session	Budget estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates
79th Cong., 1st sess., fiscal year 1946 and prior fiscal years	$68,941,364,648	$67,545,660,880	−$1,395,703,768
79th Cong., 2d sess., fiscal year 1947 and prior fiscal years	35,153,239,093	33,571,494,011	−1,581,745,082
80th Cong., 1st sess., fiscal year 1948 and prior fiscal years	36,725,853,652	34,159,097,708	−2,566,755,944
80th Cong., 2d sess., fiscal year 1949 and prior fiscal years	41,053,346,713	38,282,717,957	−2,770,628,756
81st Cong., 1st sess., fiscal year 1950 and prior fiscal years	45,524,384,067	43,708,265,798	−1,816,118,269
81st Cong., 2d sess., fiscal year 1951 and prior fiscal years	80,172,585,565	78,200,190,841	−1,972,394,724
82d Cong., 1st sess., fiscal year 1952 and prior fiscal years	102,449,917,037	97,729,806,397	−4,720,110,640
82d Cong., 2d sess., fiscal year 1953 and prior fiscal years	91,205,894,252	82,596,777,411	−8,609,116,841
83d Cong., 1st sess., fiscal year 1954 and prior fiscal years	73,976,821,699	61,942,992,897	−12,033,828,802
83d Cong., 2d sess., fiscal year 1955 and prior fiscal years	57,422,327,386	54,812,457,263	−2,609,870,123
84th Cong., 1st sess., fiscal year 1956 and prior fiscal years	62,030,092,195	59,954,284,321	−2,075,807,874
84th Cong., 2d sess., fiscal year 1957 and prior fiscal years	68,587,724,820	68,330,229,608	−257,495,212
85th Cong., 1st sess., fiscal year 1958 and prior fiscal years	73,113,555,340	68,070,096,556	−5,043,458,784
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	81,737,060,999	81,119,818,276	−617,242,723
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	83,452,687,259	81,572,357,732	−1,880,329,527

Congress and session	Budget estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	84,010,398,836	83,799,241,957	−211,156,879
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	101,185,574,673	96,194,946,610	−4,990,628,063
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	107,203,876,735	102,661,536,812	−4,542,339,923
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	110,270,774,856	103,798,634,671	−6,472,140,185
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	[1] 110,204,088,176	[2] 106,070,110,056	−4,133,978,120
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	[3] 121,719,754,896	[4] 119,310,113,527	−2,409,641,369
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	[5] 144,812,809,086	[6] 143,883,626,282	−929,182,804
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	[7] 162,988,905,929	[8] 156,917,115,912	[9] −6,071,790,017
90th Cong., 2d sess., fiscal year 1969 and prior fiscal years	[10] 209,439,260,996	[11] 196,537,244,324	−12,902,016,672
Consisting of:			
Regular annual and supplemental appropriation acts	(147,908,612,996)	(133,339,868,734)	(−14,568,744,262)
Appropriations in legislative acts	(1,332,500,000)	(2,999,227,590)	(+1,666,727,590)
Permanent appropriations, Federal and trust funds	(72,998,148,000)	(72,998,148,000)	
Adjustments for interfund and intergovernmental transactions	(−12,800,000,000)	(−12,800,000,000)	
91st Cong., 1st sess., fiscal year 1970 and prior fiscal years	[12] 210,843,237,215	[12] 207,248,481,494	−3,594,755,721
Consisting of:			
Regular annual and supplemental appropriation acts	(142,701,346,215)	(134,431,463,135)	(−8,269,883,080)
Appropriations in legislative acts	(5,000,000)	(4,680,127,359)	(+4,675,127,359)
Permanent appropriations, Federal and trust funds	(82,052,416,000)	(82,052,416,000)	
Adjustments for interfund and intergovernmental transactions	(−13,915,525,000)	(−13,915,525,000)	
91st Cong., 2d sess., fiscal year 1971 and prior fiscal years	[14] 217,605,978,434	[14] 232,139,894,882	+14,533,916,448
Consisting of:			
Regular annual and supplemental appropriation acts	(147,778,903,434)	(114,273,528,504)	(−3,505,374,930)
Appropriations in legislative acts		(18,039,291,378)	(+18,039,291,378)
Permanent appropriations, Federal and trust funds	(88,059,842,000)	(88,059,842,000)	
Adjustments for interfund and intergovernmental transactions	(−18,232,767,000)	(−18,232,767,000)	
92d Cong., 1st sess., fiscal year 1972 and prior fiscal years	[15] 248,329,646,937	[17] 245,707,600,635	−2,622,046,302
Consisting of:			
Regular annual and supplemental appropriation acts	(167,969,353,937)	(165,225,661,865)	(−2,743,692,072)
Continuing appropriations act		(75,000,000)	(+75,000,000)
Appropriations in legislative acts		(46,645,770)	(+46,645,770)
Permanent appropriations, Federal and trust funds	(100,764,691,000)	(100,764,691,000)	
Adjustments for interfund and intergovernmental transactions	(−20,404,398,000)	(−20,404,398,000)	

[1] Includes $225,000,000 requested in 1965 for fiscal year 1966.
[2] Includes $75,000,000 appropriated in 1965 for fiscal year 1966.
[3] Includes $937,500,000 requested in 1966 for fiscal year 1967.
[4] Includes $926,000,000 appropriated in 1966 for fiscal year 1967.
[5] Includes $900,000,000 requested in 1967 for fiscal year 1968.
[6] Includes $875,000,000 appropriated in 1967 for fiscal year 1968.
[7] Includes $1,055,000,000 requested in 1968 for fiscal year 1969.
[8] Includes $995,000,000 appropriated in 1968 for fiscal year 1969.
[9] Does not reflect additional reductions in controllable obligations effected pursuant to Public Law 90–218 (H.J. Res. 888) estimated at $3,400,617,000 on June 30, 1968. Reserves established, $6,075,520,000; reserves subsequently released, $2,674,903,000; reserves remaining, $3,400,617,000.
[10] Totals adjusted to exclude $12,800,000,000 of interfund and intergovernmental transactions—see par. 5, "Compilers' Notes", p. 3. Budget estimates include $2,895,000,000 requested in 1969 for fiscal year 1970.
[11] Totals adjusted to exclude $12,800,000,000 of interfund and intergovernmental transactions—see par. 5, "Compilers' Notes" p. 3. Appropriations include $1,965,814,300 appropriated in 1969 for fiscal year 1970.
[12] Totals adjusted to exclude $13,915,525,000 of interfund and intergovernmental transactions—see par. 5. "Complier's Notes", p. 3. Budget estimates include $1,651,000 requested in 1970 for fiscal year 1971.
[13] Totals adjusted exclude $13,915,525,000 of interfund and intergovernmental transactions—see par. 5, "Compilers' Notes", p. 3. Appropriations nclude $214,000,000 appropriated in 1970 for fiscal year 1971.
[14] Totals adjusted to exclude $18,232,767,000 of interfund and intergovernmental transactions—see par. 5, "Compilers' Notes", p. 3. Budget estimates include $188,011,000 requested in 1971 for fiscal year 1972.
[15] Totals adjusted to exclude $18,232,767,000 of interfund and intergovernmental transactions—see par. 5, "Compilers' Notes", p. 3. Appropriations include $150,000,000 appropriated in 1971 for fiscal year 1972.
[16] Totals adjusted to exclude $20,404,398,000 of interfund and intergovernmental transactions——see par. 5, "Compilers' Notes", p. 3. Budget estimates include $174,321,000 requested in 1972 for fiscal year 1973.
[17] Totals adjusted to exclude $20,404,398,000 of interfund and intergovernmental transactions—see par. 5, "Compilers' Notes", p. 3. Appropriations include $174,321,000 appropriated in 1972 for fiscal year 1973.

Mr. HUMPHREY. Mr. President, this shows that every year since 1946 the Congress reduced appropriations below the President's request.

Mr. PASTORE. Mr. President, only this morning we adopted a conference report on State, Justice, and Commerce. And it was $23 million below the budget estimate. What did we do? We put the money where it had to go. And we took it away from those projects which we disapproved.

I say this is a two-way street. If the President of the United States wants to sit down with Congress and decide what we should do, I say that I am all for that. However, as to this idea that we pass a law and he select his programs and freezes ours, I say shame on the President and shame on us if we allow him to do that.

I say that there is no use for us to come here to Washington and collect $42,500 a year, because we would not be earning a dime of it if we were to give up and lose that responsibility.

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

Mr. HUMPHREY. Mr. President, first I want to say that the Senator from Rhode Island in his inimitable fashion has once again pointed out the basic issue. It is whether the Congress of the United States is going to have something to say and some right to make decisions on the programs we believe we ought to have and how they are to be funded, or whether we are going to turn that over, at least in part, to the President of the United States with no opportunity on our part to have any kind of decision.

I think we cannot do that. We cannot do it, and let me just say for a moment that if we pass this particular measure, it will haunt us just like the Mideast resolution haunted us and just like the Gulf of Tonkin resolution haunted us. This is a domestic Gulf of Tonkin resolution. It would give the President of the United States the authority to do whatever he thinks he ought to do in the best interests of the country. I believe that all Presidents have the interest of this country at heart. I believe that President Nixon has the interests of this country at heart. I am not trying to make him look like some sort of an evil spirit.

I say that as elected representatives, we know as much about this country and maybe more than any one man. And I know that we know more about it than some appointed officials who do not have to see the people. I travel this country. I have to live or die by elections. I have to know what the people are thinking.

I might say that some of the people in the bureaucracy tend to say that they have a passion for anonymity. I say that is a contradiction. How can one be passionate and be anonymous? They have their prejudices. And we have our ideas, and I suppose we have our prejudices. However, the ultimate decision is on us, in this body.

If we do not do our jobs to satisfy the people, we are out. We have no tenure. We have no civil service. We are either going to produce to satisfy what this Nation wants and needs or we will lose. That is what elections are all about.

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

Mr. HUMPHREY. Mr. President, I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, I thank my colleague, the Senator from Minnesota.

Mr. President, I would like to ask my friend, the Senator from Missouri, a question with a view to possibly clearing up what I am sure he did not intend to say, but what I feel might be misunderstood.

Did I correctly understand the Senator from Missouri to say that the President vetoed the education appropriations bill and that his veto had been overwhelmingly overridden, because, if I understood that correctly, I am sure that the Senator did not intend to say that.

I think that the bill he was referring to was the appropriations bill for the Department of Health, Education, and Welfare, and related agencies.

If my memory serves me correctly, the veto of that measure was not overridden. As a result, the committee report came before the Senate just last week. And I

am not sure it was overwhelmingly adopted. I know that I voted for it.

I thought that unless the Senator from Missouri was speaking of another measure, that ought to be pointed out, because I know he did not intend to make a mistake.

Mr. SYMINGTON. Mr. President, I say to my good friend, the Senator from Iowa, that it was a bill first vetoed, then passed in both Houses over the veto.

If I am wrong, I will correct the RECORD.

Mr. MILLER. Mr. President, we just passed the second go round on this matter. The conference committee tried very hard to come up with something they thought would be acceptable to the President. We did adopt it in the Senate on a very substantial vote. That was the new conference report on a new appropriation bill. It was not a vote to override.

Mr. HUMPHREY. Mr. President, I want to say that the Senator has refreshed my memory. In August 1970, the Congress did override a Presidential veto on a health and education appropriation. I was running for office at the time. I know that my opponent was quick to get back home and tell the people about it.

Mr. MILLER. Mr. President, I appreciate that statement.

The Senator from Missouri was talking about a 1970 bill rather than a 1972 bill.

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

Mr. HUMPHREY. Mr. President, I yield to the distinguished Senator from Missouri.

Mr. SYMINGTON. Mr. President, I appreciate this contribution by the Senator from Minnesota. In any case, what I was trying to get at, if I may say to my able friend from Iowa, was the attitude of almost contempt that has developed among members of the executive branch for the Congress of the United States.

I would give one illustration. Not too long ago perhaps the richest man to come into Government in a long time was confirmed for a Government appointment. Some felt that because he had so much money he should not be confirmed for the job in question which tied into his business. I did not, and worked for his confirmation. He immediately was considered an authority in the field. I mention this because the Senator from Minnesota referred to knowledge. The Senator from Minnesota has been in this Government for 25 years, and I believe he knows at least as much about it as some of these people who grace us by coming into Government for a few months from private business.

Mr. President, after leaving Government, this gentleman was given an award. He was always handled with respect when he came before committees where I heard his testimony.

After leaving Government, he was given an award for his public service. I heard later on about the talk he had made after going back to private business, a pleasure obviously much more satisfying to him than working for his Government.

I had heard that in his talk he said, "I tried to be polite before those congressional committees when I really wanted to say, 'Why don't you keep your cotton picking hands out of our business?' "

How could a man who had been treated with respect and consideration by a congressional committee make any such statement?

They said he had a printed speech, so I wrote and asked for a copy of it. He sent me a copy, and the quotation just given was in that speech. In other words, when he left the Government, he told us specifically what he thought of the legislative branch.

I again congratulate the Senator from Rhode Island as well as the Senator from Minnesota for their logic before the Congress this afternoon in presenting what could be the most important piece of legislation in the 27 years I have been in the Government.

It is about time the legislative component of the Government of the United States, a Government which under our Constitution has three branches, did something to halt, and hopefully reverse this steady denigration of its authority in its relationship with the other two branches of our Government.

Mr. HUMPHREY. Mr. President, I would like to finish my remarks. I have held the floor much longer than I anticipated. I see my friend from Utah, the ranking minority member of the committee, and I know he wants to get on with the bill.

Mr. MILLER. Mr. President, would the Senator indulge me for one more question?

Mr. HUMPHREY. Well, I am generous. [Laughter.]

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. And also in the galleries. We have to respect the Senate rules and we cannot tolerate any outbursts.

Mr. MILLER. Mr. President, I heard the Senator from Minnesota make the comment about Congress cutting some appropriation requests. I could not resist the temptation to point out something that he is very much aware of, and that is that appropriations are only part of the picture, and that is what really counts. What the people are concerned about is the spending.

I regret to say the spending which comes along under both appropriated and unappropriated items is running about $9 billion in excess of the President's spending budget this year. I believe it is that which has caused this message to come before Congress.

Mr. HUMPHREY. Yes, I understand that argument. I read in the Washington Post where a member of the President's administration attempted to answer my letter—and I repeat "attempted to answer my letter."

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

Mr. HUMPHREY. I shall be happy to yield to the Senator in just a moment, but first I wish to finish this thought.

One of the major increases in spending was in the social security 20-percent increase, all funded by increased taxes. That is not inflationary. We have been told for years, from Econ. I, economics course No. 1, that if you appropriate it over here and take it in over there and it balances out, it is not inflationary.

If anyone wishes to talk about budget increases, the President came in with requests over his budget and asked for $4.4 billion for the military, $2.8 billion for bombs in Vietnam, $3.3 billion for general revenue sharing, $2 billion for disaster relief from the devastation caused by Hurricane Agnes and other natural disasters. I am not being critical of all those disasters, but is it not interesting that whenever we tamper with the budget it is dangerously inflationary, and when the President and his aides and members of the bureaucracy fool with the budget it is statesmanship?

We have heard a lot about secret documents on this floor. There was a great uproar here about the Pentagon papers. Well, I want to say that the most secret document this Government has is the budget. It comes down in a leather binding with steel straps, and with sealing wax on it. Nobody knows what is in it before it arrives, no mayor, no Governor, no legislator, no business leader knows what is in it.

Mr. President, do you know who prepares it? People inside the pipelines of Government, people reaching out to state what the Government needs over in the Executive office. Well, I have been over there. I want to tell you that I believe Members of Congress know more about what should be in that budget than the executive branch, and I will tell you why. It is because you have to go home all the time and face the electorate. I do not think you become a more honest man when you become a member of the Office of Budget and Management or that you become more intelligent when you get into the executive branch.

Some people had serious doubt about me when I got into the executive branch, and according to what I read in the newspapers it did not increase my intelligence or my ability. But if I am not too late I would like to reclaim some of that.

Mr. President, I yield to the Senator from Delaware.

Mr. ROTH. I thank the Senator. I think certain charges have been made that should be answered. I would like to point out that this is not a fiscal Tonkin resolution. All we are doing is giving certain authority for an 8-month period, and that is all.

It takes no action whatever on the part of Congress after the end of fiscal year 1973.

It is important to recognize, furthermore, we do not control spending today, and to pretend Congress has taken on this responsibility is contrary to fact.

I would like to read a brief statement made by the chairman of the House Ways and Means Committee, perhaps our greatest fiscal expert. He said:

Let us not talk about the fact that we have control over spending. We do not have control of spending in the present situation. We have control of how much we will put

into the pipeline for future spending; yes, $540 billion in the pipeline.

I shall never forget a conversation I had in the White House with a former President one time. I told him that if he made a recommendation to Congress he was then considering making, that in my opinion, humble as it might be, the Congress would undoubtedly defeat his request for additional authority to spend in the field of foreign aid. He said—

All right, let the Congress do it; I have got $17 billion in the pipeline that I can spend.

Now, this is the way we operate this Government. This is the way we operate.

I agree Congress should assume this responsibility. One of the benefits of the Finance bill is that it provides for a special committee to give us ways and means to control the budget. It is high time we decide how much in total we want to spend and then see how to fit the priorities in the overall spending.

But in my opinion we have not discharged this responsibility. We have a critical situation today and the only way to budget it in the next 8 months period is to give the authority to the President.

Mr. HUMPHREY. Mr. President, I have the highest regard for the Senator from Delaware, and he knows that I recognize the integrity and the decency of his argument, but I want to say most respectfully that the so-called pipeline idea does not influence my decision on this matter.

One thing the executive branch is good at is getting moneys into the pipeline. They are the ones who have been for that. I have been engaged in debates here in connection with the pipeline. What happened? What happened in the foreign aid pipeline? Pump it up. What happened in the military pipeline? You have enough in that to circumnavigate the world, but pump it up another $500 million.

We have the right to make our decisions. That is my point. I do not think we should look on this as one of the ordinary pieces of legislation.

The Senator from Arkansas who just left the Chamber said in 1967:

The Executive has acquired virtual supremacy over the making as well as the conduct of the foreign relations of the United States.

Next year, I do not want any Member of Congress to stand on the floor of either body and state the President now has virtual supremacy over the making of domestic policy.

How many of us could find time on television; how many of us could get a chance to get up and explain our point of view? We might get 3 minutes on the Today Show and 6 minutes on the Tonight Show just before it goes off the air. But when the President, whoever he is, wants to put his ideas across to the people, the eagle has its wings up, and the whole Nation is called to attention. But what do you hear about Congress? We are wasteful, spendthrifts, and irresponsible.

We have been a bit irresponsible at times. We have given to the President, whomever he may be, more authority than he needs over our money.

Mr. President, for the last 25 years Congress has cut the President's budget—no amount of budget gimmickry can dispute that fact.

For example, in fiscal 1970, Congress cut $8.2 billion from the President's budget. In fiscal 1971, it cut $3 billion. In fiscal 1972 Congress cut $2.7 billion. This year the total expected cuts in the President's budget are expected to be $5 billion.

But somebody is going to say, "Oh, but you have social security." As I said a moment ago, "But you raise taxes for social security." We are talking about appropriated funds for the Government, where we have other spending authority and where we raise taxes for it. It cannot be called inflationary.

So we come right down to it: The Congress is not the big spender. We are not the wastrels. Who presented the unbalanced budget to this Congress? Who came out with this brand new way to make sin look like decent living called the "full employment budget"? It was this administration.

For years I was here as a Democrat being told that deficit financing was a moral evil. It was evil, degrading. It was ugly. And all at once I found out that it really was not, that you could have all these big budget deficits, and all you needed to do was change the labels and call it "full employment budget." Now we have had a full employment budget, but we have not had full employment.

Now the President has gotten into a fiscal jam. We have tried to help him get out a little bit. We have cut the budget a little bit. I was away for a couple of years while you were doing some good budget cutting.

The President made a speech in which he said there would be no tax increase, and then one of those people who has a passion for anonymity said, "Mr. President, in case you get elected, you may have to ask for a tax increase."

Why? There are good reasons why. Because this administration has been adding $3 billion more for welfare and $2.1 billion more for unemployment compensation. It has interest rates up so high that the interest on the public debt has become the third largest item in size. First is defense, then Health, Education, and Welfare, and then interest on the public debt. I can remember the good old days when the Government could borrow money for 2 or 3 percent.

Be that as it may, the President has decided he is in a fiscal jam, so he is not going to take the blame for it. He does not take the blame for anything, from the Watergate to the Congress. So what does he do? He says it is our fault. It is the Congress' fault, even that of his own Members. He did not exclude the possibility that his Republican colleagues were guilty of this sin of expenditures and spending and waste, when the truth is that we are in this jam today, because revenues are down. We are in this jam today, because there has been recession. And every man in this body, every Member, every Senator, every person in the Congress knows that a 1-percent increase in unemployment costs $35 billion in lost gross national product. For every percent of unemployment, a million people are out of work and production. Inflation has increased 19 percent in the last 3½ years.

Mr. President, we are paying the price for economic recession. We, the Congress, are not guilty of wasting and spending and extravagance. As a matter of fact, this Congress in many instances has been mighty frugal.

I am going to be voting for an amendment that will permit us to have a spending ceiling, but it will be by the direction of Congress, and it will not permit the President of the United States to pick and choose every program that he wants to pick and choose.

I am going to preserve the integrity of this body and the legislative process, if I can, and I am going to try to preserve the fundamental principle of this Constitution, which is a system of checks and balances and separation of powers.

I have listed in my prepared remarks items that would be subject to a presidential item veto, and I hope that, as we look ahead, we will keep in mind just what could happen.

I will oppose the President of the United States in his attempt to cut programs such as the Neighborhood Youth Corps, model cities, Headstart, food stamps, school lunch, child nutrition, Older American Employment, and the many other humane and desperately needed programs that we have worked for and fought for so hard the last 15 years.

Mr. President, as I stand in the Senate I speak to a body conceived by such men as Jefferson, Madison, Adams, and Hamilton, and in their tradition, great Senators like Webster, Clay, Calhoun, Douglas, Borah, Hiram Johnson, LaFollette, Howard Taft, and Richard Russell have given nourishment to this institution, and they have protected it from encroachment by overzealous Chief Executives. These great men of the Senate—and there are others—realized full well the principle of restrained and separated powers as expressed by Joseph Story in his "Commentaries on the Constitution of the United States." Story said:

Power, however, is of an encroaching nature, and it ought to be effectively restrained from passing the limits assigned to it. Having separated the three great departments by a broad line from each other, the difficult task remains to provide some practical means for the security of each against the meditated or occasional invasions of the others.

This great legal mind warned us that once power is on the move, it has an insatiable appetite.

In the name of those men who have gone before us, in the name of those men who have stood in this Chamber and steadfastly refused the encroachment of executive power on the people's representatives, we must not forsake our responsibility to retain the authority granted us by the Constitution. If we relinquish these rights for one moment, we do so at the peril of this great institution.

Mr. President, if it is right to give the President this power for 8 months, there will be people here a year from now who will allege it is right to give it to him for 2 years, 4 years, 10 years—forever. Everybody knows that. Once you have established a precedent, you have opened

the floodgates, and there will be other Presidents, after this President, who will be down here before the Congress demanding more power, more erosion of our responsibilities and authority, and the people's representatives will no longer be worthy of the name "representative of the American people."

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

Mr. HUMPHREY. I yield.

Mr. FULBRIGHT. I just want to congratulate the Senator on his presentation. I think he has enunciated the issues here very well.

I wanted to emphasize one point he made about foreign aid. The Foreign Relations Committee certainly has done its best to reduce this expenditure, yet each time we have brought out a bill, it has been increased, led by spokesmen for the administration, as happened within the last month. This has happened nearly every year for the past several years.

The Senator has covered the basic data quite well. The truth of the matter, however, is that our fiscal situation is so bad that, no matter who is elected, a tax increase is inevitable. It has to be, unless we go all-out down the inflation route. What the President is simply preparing to do is to shift the burden of what he has created on to the shoulders of what he calls the Democratically controlled Congress. Is that not, in essence, the significance of this ploy?

Mr. HUMPHREY. I could not agree more. I said, in my own way, that the President had got himself out on the line this election year by saying there would be no tax increase. Then he took a good look at the total fiscal situation and somebody reminded him—and I give him full credit for knowledge of what is going on—and he said:

> Well, I had better back off on that one, but how can I do it? I cannot deny I said it.

He presumes he may be reelected and he has to look down the line. He said:

> Now, in order to get myself off that hook, I have got to put the responsibility for this on someone else.

Mr. FULBRIGHT. Yes.

Mr. HUMPHREY. And so who is it? Congress. And do you know what we are about to do? We are about to let him get by with it.

Mr. FULBRIGHT. Well, I hope not.

Mr. HUMPHREY. I hope not. But the other body did. I hope not, because just as surely as we are in this Chamber right now, if this weak economic situation continues as it is, and budget deficits continue to mount, even if they are below the President's budget request, something will have to be done with the tax code—tax reform, I hope—and there will undoubtedly be some tax increases. But the President wants to be sure that we caused it, that Congress did it, that he has no blame, that it is all our fault.

Well, I say to my fellow Senators, if you want to join in on that game, and be used and be caught up, do so. But not with my vote. I happen to think that this is possibly the most important issue we have debated in this Congress this year, affecting as it does the long-term relationship of the departments of Government under our constitutional system.

Mr. President, I ask unanimous consent that my entire prepared statement be inserted at this point in the RECORD.

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

Mr. HUMPHREY. Mr. President, we are faced with a momentous decision—a decision of historic proportions. The issue is not merely one of a budget or spending ceiling. The Congress can and may well decide to establish such a ceiling. The issue is whether the Congress will give over to the President the power to exercise an item veto. The Senate of the United States must decide whether it is willing to acquiesce to a presidential request and diminish its own power and responsibilities, or whether it will stand its ground and say "No" to a President.

At stake is nothing less than the separation of powers doctrine, the removal of viable checks and balances between the Executive and Legislative Branch and the role of Congress as an equal partner in governing this land.

It is an indisputable fact today that there has been an accretion of power in the hands of the Executive Branch. All of us have witnessed this. Indeed, many of us have participated in actions that have unfortunately diminished our own authority.

When a President takes powers previously unknown to him—as this President is trying to do now—he must take those powers from somewhere. And that somewhere is the Congress of the United States.

Someone once suggested that the balance of power between Presidents and Congresses is like a swinging pendulum—that we need not worry when it moves nearer to the Executive because someday it will retrace its route in favor of Congress. The problem with this analogy is that the balance of power is set forth in the Constitution. That great document permits some power shifting back and forth, but it sets outer limits to control the distance that the pendulum may move. And it is these outer limits that the proposed spending ceiling would ignore.

The genius of our system of government is undone when power is shifted beyond the tolerance allowed by the Constitution. James Madison in the Federalist, No. 47 wrote: "The accumulation of all powers, legislative, executive, and judicial in the same hands, whether of one, a few, or many, whether hereditary, self-appointed, or elective may justly be pronounced the very definition of tyranny."

These words written almost two hundred years ago take on prophetic meaning when we stop to consider that the President of the United States asks the Congress to allow him complete authority to do what he so wants in setting of priorities and the actual expenditure of funds. Implied in this unprecedented grant of authority is nothing less than an unconstitutional item veto over Congressional appropriations.

I use the term unconstitutional because the Constitution of the United States in Article I, Section 7, clause two indicates that there is a duty upon the part of Congress to reconsider any bill returned by the President along with the precise objections voiced by the Executive. The final decision making power over vetoes rests with the Congress—not with the President.

The language of this article indicates that Congress has no power to make the President's judgment on a bill the last word, the only exception to this principle is the pocket veto and the Constitution itself makes this exception.

Yet, what President Nixon wants us to do is to make his word the last word. And when a President can veto part of a bill he emerges from the political mainstream and seeks a power given to no one person in our government. He seeks to avoid political give and take and invokes some superior authority. Such authority is clearly not within the spirit of democracy and public accountability.

An item veto gives the Executive Branch an immense political club to use for virtually any purpose so desired. The Executive can avoid the pressures of publicly having to announce whether or not he is going to take certain action. The Executive can say to the beneficiaries of any Federal expenditures—such as our States and local governments—that they had better cooperate and do what the Federal Government wants them to do or there may have to be cutbacks in some of their grants. It is a negative power. It is a disruptive power. And as Daniel Webster said: "The separation of the departments (of government) so far as practicable, and the preservation of clear lines between them is the fundamental idea in the creation of all of our constitutions, and doubtless the continuance of regulated liberty depends on maintaining these boundaries."

I say to you today that Richard Nixon's spending ceiling is one of the most blatant frontal assaults on Congressional authority I have witnessed since coming to the Senate in 1948.

The spending ceiling legislation is nothing more than a domestic Gulf of Tonkin resolution. It is a cynical election year ploy, a perversion of prudent fiscal management, a cover-up of the President's failure to halt inflation, a protective shield for an oversized military budget, a way to erase the social progress of the 1960's, and as I pointed out previously, an outright theft of congressional authority.

I call the President's request a "domestic Gulf of Tonkin Resolution" because it grants to him similar unlimited power over domestic spending that he has been able to achieve over the control and direction of foreign policy.

In 1967, my distinguished colleague from Arkansas, Senator Fulbright, said: "The Executive has acquired virtual supremacy over the making as well as the conduct of the foreign relations of the United States." Next year, I do not want any member of Congress to stand on the floor of either body and state the President now has virtual supremacy over the making of domestic policy.

President Nixon has made a public plea that Congress provide him with the authority to hold spending to $250 billion. He has accused Congress of being spendthrift. Implied in his request is the assumption that Congress is totally unable to police itself, to be frugal and to control spending prudently.

The President's assumptions deny twenty-five years of hard, cold, fiscal facts. Furthermore, it is a deliberate public deception designed to gather votes and mask his own budget ineptness.

For the last 25 years the Congress has cut the President's budget—no amount of budget gimmickry can dispute that fact. For example, in FY 1970, the Congress cut $8.2 billion from the President's budget. In FY 1971, it cut $3 billion. In FY 1972, the Congress cut $2.7 billion. And this year expected total cuts in the President's budget are estimated to be approximately $5 billion.

Administration spokesmen are quick to point out their contention that Congressional action on bills other than appropriations have actually increased spending this year.

But what the Administration doesn't say in that connection is that they, themselves, have requested or approved the additional spending for which they are so quick to blame Congress.

The President has requested over and above his original budget the following items:

$4.4 billion for military activities;

$2.8 billion for the bombing of North Vietnam;

$3.3 billion for general revenue sharing;

And $2 billion for disaster relief necessitated by hurricane Agnes.

He accuses the Congress of passing an exorbitant social security bill. But he conveniently forgets to tell the American public that the social security bill also raised the taxes to pay for it.

I do not deny that Congress took needed action to increase black lung benefits, railroad retirement benefits, water quality control programs, veterans benefits and increases in the school lunch program. These increases totaled only $3.1 billion over the President's budget requests. This is still less than the additional funds needed to continue the war in Vietnam another year.

But just as Congress has increased the President's budget because of its deficiencies in programs desperately needed to improve the quality of life, so have we cut the presidential budget.

This year we are likely to have defense cuts totalling $5 billion.

Cuts in military construction items will total about $250 million.

Cuts in the postal service, treasury and general government will total $8.7 million. And there are others.

Mr. President, I ask unanimous consent that a table detailing Congressional cuts in Presidential budgets since 1946 be inserted at this point in the Record.

Congress is not the big spender. We are not wastrels. Richard Nixon is the big spender and Richard Nixon's budgets have reflected this year in and year out.

The President contends that without a spending ceiling, there will be a tax increase.

This is political blackmail.

This is an election year ploy.

This is a coverup for his own inability to manage the economy.

And this is a cynical way to blame Congress for something the President does not have the courage to do himself.

The President and his economic experts know that economists of both Democratic and Republican persuasion have predicted that a tax increase of still-to-be-determined proportions will be needed sometime before 1976.

An economy in recession has made that tax increase very likely.

The Nixon Administration has postponed facing this inevitability through massive borrowing. The last four years have seen an accumulation of nearly $90 billion in budget deficits. One quarter of the present federal debt has been added during the Nixon Administration.

These huge budget deficits were further compounded by big tax cuts in 1969 and 1971 accounting for at least $15 billion in lost tax revenue this year alone.

At the same time, a recession economy has forced the Administration to add $3 billion more for welfare and $2.1 billion per year to pay for unemployment compensation.

If we had a booming economy, with more people working and fewer people receiving unemployment compensation and welfare checks and if we had a fair tax system, the Nixon Administration would not be forced to incur the huge deficits needed to make up for lost revenues.

Finally, what is the logic of the President's tax increase threat?

Without a spending ceiling, federal outlays this year will reach a unified budget deficit of $31.8 billion. With the President's proposed ceiling, once appropriations are complete, the deficit is likely to be about $25 or $26 billion.

It is difficult for me to believe that the President can say that we will have to ask for a tax increase with a deficit at $31 billion, but not at $26 billion.

Not only has President Nixon threatened us with a tax increase if we do not pass his spending ceiling, but he also is ready to blame the Congress for continuing inflation if we say, "No."

All of us realize that a spending ceiling is a poor tool with which to control inflation.

There are more effective ways, I believe, to control inflation. We should have begun inflation control four years ago—instead of on August 15, 1971—with wage and price guidelines that had bite. Since we did not, inflation control can best be achieved now through a truly effective wage-price mechanism covering those large firms that have a significant impact on the economy. A spending ceiling is only a ruse and cannot substitute for the needed mechanisms to halt inflation.

If the Nixon Administration were serious about controlling inflation, it would move forcefully in such areas as ending wasteful procurement practices, improving inadequate antitrust enforcement and revising weak regulatory practices.

As people concerned with the well-being of the American public, all of us must ask what programs would feel the Presidential knife if we enacted his spending ceiling.

We must first recognize that there are programs that he cannot cut, and are not likely to be cut:

Social security benefits;

Interest on the public debt (a debt 25% of which Nixon is responsible for);

Retirement trust funds for federal employees and railroad employees; and

Medicare and Medicaid.

A second category of federal expenditures are not subject to rigid spending controls because the total amount of outlays are not known until the end of the fiscal year. Included in this group are: various veterans benefits such as pensions, GI Bill, and hospitalization; military retirement pensions; public assistance grants; farm price supports; and the postal service deficit.

What remains for the Presidential scalpel are relatively controllable outlays including portions of both the defense and non-defense budgets.

The Joint Committee on the Reduction of Federal Expenditures estimates that it will take $6.9 billion of cuts to reach the $250 billion spending ceiling. Richard Nixon's past actions indicate he will not cut the military budget one nickel. So that leaves us people programs such as:

In the Office of Child Development, the Head Start Program;

Programs for the aging;

Vocational rehabilitation;

Education follow-through programs;

Family planning, maternal and child health;

Mental retardation;

Library resources and higher education;

Water and sewer grants for both urban and rural areas;

Manpower training, emergency employment, and reconversion activities;

Older Americans employment;

Model Cities grants;

Drug Abuse and Law Enforcement programs;

Environmental protection funds;

Relocation, rehabilitation and renewal assistance for housing;

Public health training;

Emergency medical services; and

Black lung benefits.

This is just a partial list of programs deemed expendable by the President.

And in one area the President is about to begin a federal funny money game. With his spending ceiling, he would also have to cut into federal grants in aid to state and local government. Since he has strongly backed revenue sharing to the same institutions, he would be forced to give money with his right hand and take it back with his left.

There is more to Richard Nixon's pious pleas for fiscal responsibility than simply requesting a spending ceiling. The fact is that the spending ceiling—as his Deputy Treasury Secretary Charles Walker told a closed door meeting of the American Banking Association—provides the President with a retroactive item veto. Using this, Mr. Walker indicated, the Administration would be able to eradicate on a pick and choose basis the social programs of the 1960's.

We know that no one in the Nixon administration will openly or publicly try to destroy these programs. But they are extremely willing to do so through the back door with the spending ceiling's retroactive item veto.

Mr. President, I will oppose the President of the United States in his attempt to gut programs such as the Neighborhood Youth Corps, Model Cities, Headstart, Food Stamps, school lunch, child nutrition, older American employment and the many other humane and desperately needed programs we launched under the leadership of John Kennedy and Lyndon Johnson.

Mr. President, as I stand in the Senate I speak to a body conceived by such men as Jefferson, Madison, Adams and Hamilton. And in their tradition, great Senators like Webster, Clay, Calhoun, Douglas, Borof, LaFollette, Taft, and Russell have given nourishment to this institution, and they have protected it from encroachment by over zealous Chief Executives. These greats of the Senate realized full well the principle of restrained and separated powers as expressed by Joseph Story in his *Commentaries on the Constitution of the United States*. Story said:

"Power, however, is of an encroaching nature, and it ought to be effectively restrained from passing the limits assigned to it. Having separated the three great departments by a broad line from each other, the difficult task remains to provide some practical means for the security of each against the meditated or occasional invasions of the others."

This is our task today.

In the name of those men who have gone before us, in the name of those men who stood in this chamber and steadfastly refused the encroachment of Executive Power on the people's representatives, we must not forsake our responsibility to retain the authority granted us by the Constitution.

If we relinquish these rights for one moment, we do so at the peril of this great institution.

No President has a need so great, no series of events has such an urgency, and no political pressure should ever cause us to abandon our responsibility to the people to resist the undue accumulation of power by any one man.

ORDER TO PRINT IN THE RECORD CERTAIN FINANCE COMMITTEE PROPOSALS

Mr. LONG. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield to the Senator from Louisiana for the purpose of making insertions in the RECORD.

Mr. LONG. Mr. President, I ask unanimous consent to file a committee report.

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

Mr. LONG. Mr. President, we were hopeful that we would have the opportunity to offer a number of amendments that have been recommended by a number of Senators, some of whom were members of the Finance Committee and some of whom were not, to a variety of House-passed bills.

Unfortunately, there seems to be a log-jam and a controversy in the House of Representatives that has kept it from sending a number of routine bills to the Senate. So it might be necessary to offer all of these various legislative proposals on one or two bills. That would be contrary to the best judgment of the majority of the Committee on Finance, as to how the amendments should best be handled to permit the Senate an opportunity to legislate.

As Senators know, the House must originate revenue measures, although the Senate may amend them. The Senate ordinarily dislikes to add as many as a dozen amendments to a single House-passed bill. The House of Representatives, of course, objects to the Senate legislating in that fashion. But we may not be offered any choice.

In order that Senators and the press may know about these measures that have been tentatively agreed to by the Finance Committee, I ask unanimous consent that summaries of these amendments be printed in the RECORD, so that Senators may review the RECORD tomorrow morning, and the press may have the information now, to see the various and sundry amendments that the committee felt, as indicated by majority vote, should be recommended to the Senate.

They are submitted in this fashion because if we are offered no other opportunity, we would be required to offer these amendments on one or two bills. We had hoped that the House of Representatives would send us a dozen various and sundry bills which have been recommended by the Ways and Means Committee, so that these amendments could be offered—trade amendments on trade bills, tax amendments on tax bills, and so on—so that, generally speaking, the amendments would have at least some degree of relevance to the subject matter as compared to the Senate amendments.

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

PROPOSALS

(1) TREATMENT OF NET OPERATING LOSSES OF REGULATED AIR TRANSPORTATION CORPORATIONS AND AIRCRAFT MANUFACTURERS

The committee amendment relates to the treatment of net operating losses of regulated air transportation corporations and aircraft manufacturers. Under present law, airlines are allowed to carry back a net operating loss for 3 years preceding the loss year and to carry forward any remaining part of the loss for 7 years. The committee amendment maintains this 10-year period for spreading net operating losses but extends the carryback from 3 years to 5 years and shortens the carry forward from 7 years to 5 years. The amendment also extends the carry back years of net operating losses of corporations that manufacture and sell completed aircraft to airlines. Under present law, these corporations are allowed a period of 8 years to spread losses. This 8 years period is continued by the committee amendment but the amendment extends the present 3-year carryback to 5 years and shortens the present 5-year carry forward of any unused part of the losses to 3 years after the loss year.

(2) DEDUCTION OF INTEREST ON ACQUISITION INDEBTEDNESS IN CERTAIN CASES

This committee amendment deals with the deduction of interest on certain debt issued in connection with corporate acquisitions. The Tax Reform Act of 1969 enacted a provision which, in general, disallows a deduction for interest on debt obligations which a corporation issues in order to acquire another corporation. However, if the acquiring corporation had effective control of the acquired corporation (50 percent or more of the stock) on October 9, 1969, it may deduct the interest on debt issued subsequent to that date to acquire control of that corporation for tax purposes (80 percent of the stock of that corporation above this amount is not deductible by the taxpayer. This provision was adopted in the 1969 Act in order to deny a taxpayer a deduction for interest on debt issued simply to acquire stock of another corporation beyond the amount necessary for control (reg. in excess of 50 percent). However, in those cases where a corporation already had control for tax purposes (that is, 80 percent control) of a corporation on January 29, 1969, debt issued to acquire the remaining shares was not issued in order to acquire the corporation. For this reason, the committee amendment provides that in certain cases where corporations had control of another corporation on January 29, 1969, the interest on debt obligations issued before 1980 to obtain additional stock in the corporation may be deducted.

(3) ELIMINATION OF ADVANCE APPROVAL FOR CERTAIN LIQUIDATIONS OF SECOND TIER FOREIGN SUBSIDIARIES

The committee amendment relates to the elimination of the advanced approval requirement for certain liquidations of second tier foreign subsidiaries. Present law provides that, where a foreign corporation is involved in an exchange which otherwise would be a tax-free transaction, tax-free treatment is not available unless prior to the transaction the Internal Revenue Service has made a determination to the effect that the transaction is not being made to avoid Federal income taxes. Under current practice, the determination is made by the issuance of a ruling. Present law provides that the required determination may be obtained after (as well as before) the transaction in the case of a transaction which involves only a change in the form of organization of a second (or lower) tier foreign subsidiary when there is no change in ownership. The committee amendment provides a second situation under which the required determination may be obtained after (as well as before) the transaction. Under the committee amendment a taxpayer may also obtain a determination after the transaction in the case where an exchange is incident to a complete liquidation of a second tier foreign corporation into the first tier foreign corporation, which is wholly owned by a U.S. corporation, if both foreign corporations are incorporated under the laws of the same country.

(4) PARTS FOR LIGHT-DUTY TRUCKS

The amendment added by the committee provides that the 8-percent manufacturer's excise tax on truck parts and accessories is not to apply in the case of any part or accessory sold on or in connection with the first retail sale of a light-duty truck (which is not subject to the truck tax). A refund or credit is allowed where the parts and accessories tax has been paid by the manufacturer and it is thereafter determined that the sale of the part or accessory is tax free.

(5) REQUIREMENTS OF SHOWING TOTAL COST ON AIRLINE TICKETS

The committee amendment removes the requirement that the airline ticket show in the case of each segment of a trip the total amount (including the tax) paid with respect to the segment. However, the amendment continues the rule of existing law which requires the ticket to show the total amount (including the tax) paid by the passenger. This means that on a ticket showing separate segments of a trip there needs to be shown only the basic fare for each segment. However, all tickets must continue to show the total amount paid (including the tax) by the purchaser. As under present law, the tax may be shown separately on the ticket.

(6) RELIEF FROM LIABILITY OF INTEREST FOR THE LATE PAYMENT OF WITHHOLDING TAXES IN CERTAIN CASES

This committee amendment forgives the 6 percent interest owed to the U.S. Government for the late payment of withholding taxes which were otherwise to be withheld by a taxpayer who was a chief officer, and not a layman, of a tax-exempt organization described in section 501(c)(3) during the period July 1, 1966 through June 30, 1968. However, this provision only applies to interest attributable to taxes required to be withheld on wages for that period, and only if the Internal Revenue Service has determined by August 16, 1972, that the failure to deposit these taxes was due to reasonable cause and not to willful neglect.

(7) ELECTION AS TO POSSESSION-EXCLUSION TREATMENT

This Committee amendment deals with the exclusion in present law for income derived by domestic corporations from other than U.S. sources where most of their income is from sources within U.S. possessions. Under present law, a corporation entitled to the benefits of this exclusion may not file a consolidated return with other corporations. Because of this latter provision, the Internal Revenue Service has held that a corporation automatically is disqualified from filing a consolidated return with other corporations if it meets the two gross income tests of the present statute for this possessions-exclusion treatment, even where this results in no reduction in the tax liability for the corporation. The Tax Court, on the other hand, has held that a consolidated return may be filed in such a case because the corporation derived no "benefit" from the possessions-exclusion treatment. The amendment resolves this conflict by making the possessions-exclusion treatment elective. However, the amendment also provides that once a corporation elects the benefits of the possessions-exclusion treatment it may not file a consolidated return until 10 years after it so elects under this provision.

The amendment also eliminates an unintended benefit in existing law by providing that the dividends received deduction is not to be available with respect to dividends received from a corporation which excluded this income from its tax base in a prior year when it was eligible for the possession-exclusion treatment even though it is not eligible for this treatment in the year the dividend is paid.

(8) EXTENSION OF TIME TO CONFORM CHARITABLE REMAINDER TRUSTS FOR ESTATE TAX PURPOSES

The Committee amendment deals with the extension of time to allow charitable remainder trusts to conform to the requirements provided in the Tax Reform Act for purposes of an estate tax deduction.

As a result of the 1969 Act, charitable remainder trusts must meet certain requirements in order for an estate tax deduction to be allowed for the transfer of remainder interest to charity. In general, these requirements must be met in the case of a decedent dying after December 31, 1969. Present transitional rules have been provided to allow a trust created after July 31, 1969, to qualify if the governing instrument of the trust is amended to meet these new requirements by December 31, 1972. However, because of the complexity of these rules, many nonconforming charitable remainder trusts are unable to meet this deadline. Accordingly, the committee amendment extends these transitional rules to December 31, 1974.

(9) MODIFICATION OF THE TRANSITIONAL RULE UNDER THE TAX REFORM ACT OF 1969 FOR THE TAX TREATMENT OF BONDS OF FINANCIAL INSTITUTIONS

The committee amendment relates to the transitional rule provided in the Tax Reform Act of 1969 for bonds (and other evidences of indebtedness) purchased at a discount by banks or similar financial institutions. The Tax Reform Act provided that the gain or loss on the sale of the bonds by financial institutions was to result in ordinary income and ordinary loss, rather than a net capital gain or a net ordinary loss as under prior law. Generally, the new treatment applied to bonds purchased on or after July 12, 1969. For bonds purchased before that date the old rule applies—that is, capital gain treatment is continued—with respect to the portion of the gain which the portion of the holding period before July 12, 1969 bears to the financial institutions total holding period. The amendment provides as an alternative to this transition rule that, if the bonds are held to a maturity which is before 1975, all of the gain to the extent of the discount on the redemption is treated as capital gain. This same general treatment is also provided where U.S. Government bonds which meet the tests set out above are exchanged, in tax-free exchanges, for other U.S. Government bonds.

(10) ELECTION BY FOREIGN INVESTMENT COMPANIES TO DISTRIBUTE INCOME CURRENTLY

The committee amendment relates to the election by foreign investment companies to distribute income currently. Present law provides that foreign investment companies registered with the Securities and Exchange Commission which made an election before 1963 to distribute income currently are treated similar to a domestic mutual fund if they (1) distribute 90 percent of their taxable income, (2) allocate to their shareholders on a pro rata basis, the excess of net long-term capital gain over net short-term capital loss; and (3) satisfy certain reporting requirements. The committee amendment would give foreign investment companies that were eligible to make the election in 1962 but were unable to do so, the opportunity to make the election on or before December 31, 1973. If a foreign investment company avails itself of the opportunity to make the election, the rules treating it similar to a domestic mutual fund would apply to taxable years beginning after the date of the election.

(11) POSTPONEMENT OF CAPITAL GAINS THROWBACK RULE FOR ACCUMULATION TRUSTS

This committee amendment deals with the postponement of the capital gain throwback rule for accumulation trusts. The Tax Reform Act of 1969 added a new capital gain throwback rule to the tax law applicable in the case of certain trusts. This provision, however, was deferred in the 1969 Act until 1972. The Revenue Act of 1971 deferred the application of this provision one more year until 1973, to give more time to the study of the impact of this provision. Since Congress was unable to review this provision this year, the committee amendment postpones the application of this provision an additional year until 1974.

(12) USE OF APPRECIATED PROPERTY BY CORPORATIONS TO REDEEM THEIR OWN STOCK

The amendment makes a technical change in the rules determining whether a shareholder owns at least 10 percent in value of the stock of a corporation which makes a distribution of appreciated property in complete redemption of all the shareholder's stock. Present law provides, in general, that a corporation will recognize gain where it distributes appreciated property in redemption of its stock. An exception to this rule is provided if a stockholder owning at least 10 percent in value of a corporation's shares completely terminates his interest in the corporation. For purposes of determining whether a redemption of a shareholder's interest is in complete termination of his interest, the constructive stock ownership rules of section 318 of the code apply, but these constructive ownership rules do not apply to determine whether the shareholder meets the 10-percent ownership test. The Committee amendment makes a technical change to apply the constructive ownership rules also for purposes of the 10-percent ownership test.

(13) ESTATE TAXATION OF DEBT HELD BY FOREIGN PERSONS WHERE INTEREST EQUALIZATION TAX APPLIES

This amendment relates to estate taxation of debt held by foreign persons where the interest equalization tax applies. Present law contains a procedure which enables domestic corporations and partnerships to obtain foreign funds for use of their foreign affiliates in a manner which complies with the restrictions on foreign investment imposed by the Office of Foreign Direct Investment in the Commerce Department. Under the procedure, the domestic company or partnership elects to treat such an issue of debt as subject to the interest equalization tax. Where this procedure is elected under present law, the flat 30 percent (or a lower rate imposed by treaty) U.S. tax (generally imposed on interest and other payments by U.S. persons to foreign persons) does not apply to interest payments on debt where the election referred to above has been made. This Committee amendment provides that in the case of debt where this election has been made, the value of the debt is not to be included in the U.S. estate tax base of the nonresident alien holder of the debt.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that I may yield to the Senator from Florida so that he may question the Senator from Louisiana.

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

Mr. CHILES. With the amendments is there a committee report or a hearing report or something?

Mr. LONG. There will be the equivalent of a committee report at the time we legislate on these proposals.

What I have submitted is, in effect, a mere summary, which will be a part of a committee report, on each of these measures. There are enough so that those who are interested in these items should review them from the RECORD tomorrow morning. I think there is an adequate description of what the legislative proposals are so that the press and the Senate can be advised that these are matters that will be offered as amendments to either the bills that I have reported to the Senate today or, hopefully, as amendments to about a dozen House-passed bills. There are 13 suggested amendments. We had hoped to offer one amendment to a bill, but if we have no choice, we will have to offer 13 amendments on one bill, perhaps.

Mr. CHILES. But will there be some hearings or committee reports that we will be able to see?

Mr. LONG. We are preparing committee reports. We will not have time to hold hearings on these measures.

For the most part, they are not measures of any great consequence. One or two of them might involve a substantial amount of revenue, but most of them are relatively minor amendments.

Mr. CHILES. So there will not be any hearing reports on the amendments?

Mr. LONG. There will be reports. We will not have time to hold hearings.

Mr. JAVITS. Mr. President, will the Senator from Utah permit the Senator from Louisiana to answer some further questions?

Mr. BENNETT. I ask unanimous consent that I may yield to the Senator from New York under the same conditions.

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

Mr. JAVITS. Are any of these amendments going to be offered on this bill?

Mr. LONG. No.

Mr. JAVITS. Not on the debt ceiling?

Mr. LONG. No. Frankly, the amendments I have reference to—and so far as I know, none of these are proposals of the Senator from New York, but if the Senator wishes, he can look at them at the desk, or he will see them in the RECORD tomorrow—are matters of the sort which the President can veto, if he wishes, without doing violence to his overall program. These are matters as to which the President should be able to feel, in vetoing them, that he does not have to strike down other important items.

They are measures which involve a relatively small amount of money as revenue measures ordinarily go. They should be attached to measures of similar consequence from the House of Representatives. I had hoped that we could put them on a dozen different bills, so that he would not have to veto a dozen things in order to veto one.

In any event, if they were on House-passed bills of similar consequence, we would hope that the President could agree with them, but if not, we would like to offer him the privilege of vetoing those matters without vetoing something as significant as this measure.

Mr. JAVITS. Is one of them the unemployment compensation measure?

Mr. LONG. There is no unemployment compensation measure among these, but there is an unemployment compensation amendment at the desk. I know that is a matter in which the Senator from New York is deeply interested.

Mr. JAVITS. The Senator is correct.

Mr. CHILES. We will not be asked to vote on these measures before we have a commitee report?

Mr. LONG. Oh, no. I simply want to offer the press and the Senate as much notice as we can that these are measures we would like the Senate to take a position on before it adjourns. I wanted to get them in the RECORD at the earliest possible moment, in view of the lateness of the hour as far as the session is concerned, and in view of the fact that we are going to ask the Senate to take a position on these matters.

As far as I am concerned, it is of no personal interest to me; Senators can vote them all up or vote them all down, or postpone them, but these are matters that individual Senators feel are very important, usually because of the importance to their particular States or their constituents, and they are, generally speaking, revenue amendments

that Senators are entitled to have considered.

Some of them have been before the committee for a long time. Some of them have been discussed, but have not been proposed until recently. But in any event, they were all matters that I would commend to the attention of Senators, which we believe the Senate would probably wish to pass upon, even though there may be one or two the Senate might not agree with. If so, of course, the Senate should vote them down. But they are matters we think the Senate should act on.

The Senator can get a very good idea of what they are from the summaries.

Mr. BENNETT. Mr. President, the Senator from Indiana has been very patient. He has waited a long time to give his colleagues a chance to make their statements on the bill, and I am not going to take any more time now except to say that it is now 6 o'clock on Friday evening. We have this bill to get through, and if Senators want H.R. 1, that has to get through, and they both have to go through conference with the same committee.

If we feel that we want to take time to make political speeches on the Senate floor, or to go over the history of what past Presidents have done and a lot of other things, we will either have to stay here all night or one of these bills will go down. It will not be this one, because there is a deadline on it; or we will be here until Monday, Tuesday, or Wednesday.

That is the problem we face. We are about to start on the first amendment. I am glad we have reached that point. I hope we will not feel it necessary to try to make an eternal record on any of these subjects. I think they are not hard to understand. I think we do not need hours of debate or discussion on any of them. Certainly, I am not going to take any more time than I think is necessary to explain them. So let us get on with the business of amendment.

I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3310) to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 12186) to strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes.

The message further announced that the House had passed the bill (S. 216) to permit suits to adjudicate certain real property quiet title actions, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 6482) to provide for the regulation of surface coal mining for the conservation, acquisition, and reclamation of surface areas affected by coal mining activities, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 16654) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 6482) to provide for the regulation of surface coal mining for the conservation, acquisition, and reclamation of surface areas affected by coal mining activities, and for other purposes, was read twice by its title and referred to the Committee on Interior and Insular Affairs.

AMENDMENT NO. 1753

Mr. HARTKE. Mr. President, I call up amendment No. 1753.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 2, line 7, strike out subsection (b) of section 201 of the bill and in lieu thereof insert the following:

(b) (1) Notwithstanding the provisions of any other law, the President shall, in accordance with paragraph (2), reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

(2) In carrying out the provisions of paragraph (1), the President shall reserve amounts proportionately from appropriations or other obligational authority available for all programs and activities except for expenditures and net lending for veterans' benefits, services, and programs.

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

Mr. HARTKE. I yield.

Mr. BENNETT. I understand that the assistant majority leader has discussed with the Senator the question of a time limitation on this amendment.

Mr. HARTKE. Yes, he has discussed the matter with me and we have reached an agreement.

Mr. President, in an agreement with the floor manager of the bill, the Senator from Utah, I did agree with the assistant majority leader that we would have an hour and a half limitation on the debate, to be equally divided between the proponent of the amendment and the Senator from Utah. I now ask unanimous consent for that time limitation.

The PRESIDING OFFICER. Is there objection?

Mr. TAFT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARTKE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, first, I should like to say that there is no question in my mind that this is one of the most unfortunate bills to hit the floor of the Senate. It is not a bill which will benefit the people.

We have known through the years that a debt limit bill does not limit the debt, and that a spending limit bill will not limit spending.

With that understanding, there is no reason to anticipate that we are going to do anything other than violate the basic principles of the Constitution of the United States by adopting this bill.

There is no question that this bill, if it passes, will be subject to judicial challenge for being an unconstitutional delegation of authority to the President. I think there is no question that that court action will follow if we pass this bill.

I agree with those who have expressed their opinion here today that a great deal of violence is done to the Constitution whenever we propose to surrender, once again, the legislative authority to determine how much and in what way the taxes of the citizens of the United States are going to be spent.

I suppose also that people will view the recent action of Congress as a rather perculiar operation. That is, very simply, on the one hand we passed a large revenue-sharing bill and now we are going to follow that with a spending limit bill, and do it all in the same day. I imagine it will all look rather unusual to the ordinary, rational, and objective individual.

The whole situation reminds me of what Arthur Miller said before the Press Club yesterday, when he referred to an excerpt from his own work, "The Creation of the World," in which Lucifer offers God a program by which they could control the world's future, a future which would be devoured by war.

God said:

You can never change the future, only the past.

Lucifer asked him:

How can you change the past?

God replied:

The past is always changing. People can never remember anything, or else you just lose a few documents.

I suppose that is true. We could not even remember that we passed a revenue sharing bill here, out of a deficit that is going to be one of the largest in this country's history.

I think it would be appropriate to note for the RECORD at this time that receipts in fiscal year 1969 were $187.8 billion. The outlay for that year was $184.5 billion, which produced in that last year of the Johnson administration, a $3.2 billion surplus.

Moving to the first Nixon administration year, in fiscal 1970, receipts were $193.7 billion while outlays were $19.6 billion, producing a deficit of $2.8 billion.

Then we went into a period in which for the first time in the history of the United States, an administration intentionally caused a recession. That was the admitted testimony of the then Secretary of the Treasury, Mr. Kennedy, before the Finance Committee. He stated that the administration did intend to increase unemployment; that they intended to decrease the output of the United States;

that they intended to decrease the production—all of which is admitting in effect that they intended to intentionally cause a recession.

And what was the result of this deliberate recession? In fiscal year 1971, receipts went down by more than $5 billion to $188.4 billion. At the same time we increased our expenditures to $211.4 billion and created the first deficit of the Nixon administration in two figures, which put us at a deficit of $23 billion.

In 1972, the receipts were $208.6 billion and the outlays were $231.6 billion, repeating the $23 billion deficit of the previous year.

In fiscal 1973, receipts are estimated at $223 billion and outlays at $250 billion. Estimates of this years' deficit range in the neighborhood of $27 million to $32 billion. In sum, in the past 4 years of this administration one-fourth of the national debt has been created which we are now being asked to extend once again.

As I said earlier, we can easily decide to do that, but a debt limit will not stop the increasing of the debt.

But the real philosophy of the bill before us today is that the President exercises more mature judgment than does Congress. But is it the truth? In fiscal year 1970, the administration requested $195.3 billion which did not include supplemental requests. Congress appropriated $196.6 billion, for a deficit between the amount requested and congressional appropriation of $1.3 billion.

In 1971, the amount requested was $200.8 billion, and we appropriated $211.4 billion. That was the biggest differential in a year between congressional action and Presidential request—$9.6 billion.

In 1972, the outlay requested by the administration was $229.2 billion, and the congressional appropriation was $231.6 billion, for a difference of $2.4 billion.

In 1973, the actual request was $246.3 billion, just $3.7 billion short of the amount, and the outlay is estimated at $250 billion.

As I said before, this creates only a $15 billion, the difference between Congress and the President during the 4 years of the administration.

I would imagine that President Nixon has two fears. One, he is fearful that the polls are wrong and therefore he could be defeated for reelection. Second, he is fearful that the polls are right and that he will be elected President again, and then he will have problems of his own creation, one of which will be what to do if this bill becomes law. If we give him the $250 billion spending limitation, by March there will not be enough money to pay the bills, and this will be the first time since 1957 that the Government will find itself in the position of not being able to pay the war contractors or any others and he will have to come back to Congress and ask for additional spending authority.

I would like to say that some people are so afraid of America's future that they are afraid to let everyone have a job, to let factories produce goods. I do not share these fears. We can eliminate stagnation in our economy. We should stop dragging our feet. We should stop disappointing people's expectations for the future. There is deep anguish and deep despair throughout the Nation and it will be revealed in this election by the fact no one is excited about what is going on in this presidential election.

I do not think the people have great faith in the ability of the President to do anything about the economy. I do not think the people have any great faith that the President can do anything about inflation. I do not think that the President, who has doubled unemployment, will at the same time be able to do something more about reducing it in the future.

This brings me back to what this amendment is all about. This amendment deals with one facet and it dramatizes the whole futility of the bill before us. It says simply that the President shall have no authority whatsoever to cut into Federal spending for veterans' benefits, services, and programs.

I am a member of the Finance Committee. I opposed this measure in the committee. I believe that the debt limit ceiling is a farce and that the spending limit bill is a farce. But I am also chairman of the Veterans' Committee and I say to you, Mr. President, with that should Congress adopt this measure there is no reason we should be permitted to treat veterans as second-class citizens. They were first-class soldiers and as they return to the United States they have a right to be treated as the first-class citizens they are.

We passed a bill today increasing veteran educational benefits for those coming back from the war in Vietnam. Single veterans will now be entitled to $220 a month instead of the present allowance of $175 a month. I know there are those who will say, "Oh, no, the President will not cut the veterans' rates." I say, "Oh, no? You are wrong." This administration only favored increases to $190 a month and they strongly opposed the inceases we passed. He will say that all he asked for was $190 a month and that is all the veteran should receive.

This he will say to veterans who have surrendered the only thing which we never get back for them and that is time. Once time disappears it is gone forever, and that boy who went to Vietnam, who gave of his body—some of them gave their lives and they will never come back—will never reclaim time. Of those who came back, some returned with no arms, or no legs, the President will be able to say that they are entitled to $190 a month if we do not adopt this amendment.

I say to those who will vote against this amendment, when the President cuts educational benefits back to $190 a month, do not say you did not have a chance to stop him, because you could have.

Mr. TAFT. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield if it is a question.

Mr. TAFT. I am confused by the fact that the Senator's amendment, unlike some others, does not include an exemption for social security or an exemption for interest on the debt. As I understand the import of his amendment, the amendment would affect both a reduction in social security payments. Is that the Senator's intention by this amendment?

Mr. HARTKE. What is the question?

Mr. TAFT. Is it the Senator's intention by this amendment to direct a cut in social security benefits because I think that would be the effect of the amendment unless it includes exemption for social security benefits.

Mr. HARTKE. A cut in social security benefits?

Mr. TAFT. Yes.

Mr. HARTKE. No.

Mr. TAFT. But would it include, then, the obligational authority——

Mr. HARTKE. All this amendment does would be to prevent any spending cuts to veterans.

Mr. TAFT. It would not do that. The first portion of the amendment, on a proportional basis, says——

Mr. HARTKE. I understand what the Senator is saying and I will say that I do not intend to allow the President to cut back on social security payments. I would certainly vote for any amendment which would exempt these other programs. I think the distinguished Senator from Ohio understands that I do not want the President to tinker with veterans' benefits. Has the Senator ever visited veterans' hospitals and seen veterans who have to be lifted and carried to the bathroom and back to their beds? I have seen them and I do not want the medical programs for such men cut. Has the Senator ever been to an employment office where veterans cannot even get a chance to ask for a job and whose unemployment rate continues to be higher than a nonveteran of the same age?

I do not want to cut disability pensions of World War I veterans whose average age is 77 years old. Are we going to cut their pensions? "Oh, no," you say, "the President will not." But this bill gives him the power to do so. I do not want that done. This amendment is intended to serve notice that veterans' benefits should not be reduced. If anything they should be increased. There is no humanity in the bill; it is absolutely a blank check for the President to keep on dropping bombs in Vietnam to kill more babies and more women, so that we can pay the bill for the largest plastic surgery hospital in the world over there which takes care of little babies who have been burned by rockets, the flesh torn from their bodies—babies without arms, women without arms or legs. The President will not even stop sending in foreign aid to countries like Laos, Thailand, and Vietnam, when they are shipping in enough heroin to supply the entire American market. Why do you not do something about foreign aid? That is the kind of limit we should adopt. Why do you not vote to cut out funds for bombs to kill babies and mothers, to kill innocent people, to bomb the rice fields where people earn their daily bread. Why do you not vote to put a spending limit on war, but rather to limit everything else?

This is a ridiculous bill. It is a farce. It

is a shame for the people of this country to be put through such an ordeal.

Mr. TAFT. Will the Senator yield?

Mr. HARTKE. If you have a question.

Mr. TAFT. Mr. President, would the Senator from Indiana be willing to amend his amendment to exclude in the exemption, as other amendments about to be proposed would do, the interest on the national debt and interest on the social security trust fund?

Mr. HARTKE. Mr. President, I would be glad to do that.

Mr. JORDAN of Idaho. Mr. President, I send to the desk an amendment in the nature of a substitute for the amendment of the Senator from Indiana.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

In lieu of the language to be inserted by the Senator from Indiana, insert the following:

(b) (1) Notwithstanding the provisions of any other law, the President shall, in accordance with paragraph (2), reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

(2) In carrying out the provisions of paragraph (1), the President shall reserve amounts proportionately from appropriations or other obligational authority available for all programs and activities except for expenditures and net lending—

(1) for interest,

(2) for veterans' benefits and services,

(3) for payments from social insurance trust funds,

(4) medicaid,

(5) public assistance maintenance grants,

(6) social services grants under Title IV of the Social Security Act, as amended,

(7) food stamps,

(8) military retirement pay, and

(9) judicial salaries.

(3) In carrying out the provisions of paragraphs (1) and (2), no amount specified in any appropriation or any activity, program or item within such appropriation, may be reduced by more than 10 per centum.

Mr. HARTKE. Mr. President, I want to say that I would be more than willing to accept the amendment as a substitute for my amendment. If the Senator from Idaho wants a vote, I would be glad to vote for it. The Hartke amendment was designed to make a point about the veterans. That is what I did, I hope. However, I want the Senator to know that I would vote for his amendment as well.

Mr. JORDAN of Idaho. Mr. President, I appreciate that.

Mr. President, this amendment has been cosponsored by the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Illinois (Mr. PERCY), the Senator from California (Mr. CRANSTON), the Senator from Maryland (Mr. MATHIAS), the Senator from North Carolina (Mr. ERVIN), the Senator from New York (Mr. JAVITS), the Senator from New Jersey (Mr. CASE), the Senator from South Carolina (Mr. THURMOND), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from North Carolina (Mr. JORDAN).

Mr. PASTORE. Mr. President, would the Senator add the name of the senior Senator from Rhode Island as a cosponsor?

Mr. JORDAN of Idaho. Mr. President, I ask unanimous consent that the name of the Senator from Rhode Island (Mr. PASTORE) be added as a cosponsor.

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

Would the Senator from Idaho also add the name of the Presiding Officer?

Mr. JORDAN of Idaho. Mr. President, I ask unanimous consent that the name of the Senator from Idaho (Mr. CHURCH) be added as a cosponsor.

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

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a 1-hour limitation on the substitute amendment, the time to be equally divided between the distinguished Senator from Idaho (Mr. JORDAN) and the manager of the bill, the distinguished Senator from Utah (Mr. BENNETT).

Mr. PACKWOOD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JORDAN of Idaho. Mr. President, 2 days ago the Senate Finance Committee conducted hearings on H.R. 16810, a bill to extend the debt limit of the United States to $465 billion and for other purposes. This bill will provide borrowing capacity for the Federal Government that is more than $100 billion greater than it was 4 years ago.

Section 2 of this bill provides a debt spending limit of $250 billion for fiscal year 1973 and provides further that the President may reduce appropriation bills passed by the Congress wherever he chooses to cut in order to achieve that spending limitation.

Testimony of administration witnesses Secretary of the Treasury Shultz and Director of the Office of Management and Budget Weinberger indicated they had no idea where cuts would be made but insisted that the President must have this unprecedented power and that no other alternative would serve the purpose.

They flatly rejected my amendment which provides for a proportional reduction of all reducible items in the budget sufficient to bring spending within the $250 billion limitation.

Likewise they flatly rejected any limitations whatsoever on the absolute power of the President to cut spending anywhere he wishes and as deeply as he wishes subject only to the same $250 billion limitation.

While I approve the concept of a $250 billion limitation, I do not agree with the administration proposal to vest this congressional power in the President.

This is a transfer of the appropriative power of Congress which I am not willing to endorse. It would permit the President to make the final decision on how much is spent for various programs which the Congress, in its wisdom, has given equal dollar priority.

As a former Governor I recall that the problem was less complicated than at the Federal level because our State constitution prohibited deficit spending. I think this is true in most States. There we met the issue head on. Only two options were available—reduce spending or raise taxes—or perhaps a combination of both. The objective of achieving balance or equilibrium between the taxing power and the spending authority had to be met—and we did it.

Unfortunately, this is not the case at the Federal level of Government.

We have implemented a third alternative, that is, increase the Federal debt to achieve that balance. For many years this fiscal escape was used only in time of emergency such as wars or depression. Now we have come to regard it as the remedy of first resort and as an escape from the rigors and discipline of reducing expenditures or the "heaven forbid in an election year" alternative of raising taxes.

Some say that Federal spending is out of control. That may well be but spending at State and local levels is increasing even faster. Spending at all levels of government has increased from about 21 percent of the gross national product in 1950 to about 34 percent of GNP in 1972.

At what level do we reach the point of diminishing return?

At what level will the taxpayers revolt?

It is high time that Congress faces up to its constitutional responsibility. We must have the courage to bite the bullet and reduce those expenditures that can be reduced on a proportional basis.

The record is clear and unmistakable: Whatever erosion of congressional power to the Executive has taken place is because of congressional abdication of its constitutional duties rather than a usurpation of congressional power by the Chief Executive.

The issue before us involves more than numbers to be fed into a computer. To me it involves also the recognition and defense of a principle too precious to discard so lightly.

If ever the day comes when the Congress surrenders its control, or even part of its control over the purse strings of this Nation, on that day the Congress will have reduced itself, by self immolation, to the ashes of sterility.

Mr. President, I yield to the Senator from Pennsylvania.

Mr. SCHWEICKER. Mr. President, I rise to support the pending amendment to H.R. 16810. And I commend the Senator from Idaho for his leadership, for his initiative, and for his work in this very important effort.

Mr. President, this amendment, of which I am a cosponsor, to the debt ceiling would have the effect of preserving a $250 billion spending ceiling but would at the same time provide that spending cutbacks must be made proportionately to all appropriation bills, including unspent prior appropriations, with the exception of uncontrollable items.

I support, as does the Senator from Idaho, the President's effort. I strongly support the President's efforts to impose a spending ceiling. President Nixon indicated very clearly in his speech to the American people of October 7 that if we do not hold down spending, tax increases

could be necessary. The American people are already bearing a heavy burden of taxation, and I commend the leadership of the President in taking the initiative to avoid tax increases.

However, I also strongly believe that the Congress must preserve its authority over priorities. This amendment permits a spending ceiling, but preserves congressional authority over priorities. The proportionate cutback for each appropriation is estimated to be 3.6 percent. The President would not be permitted to make cutbacks of over 10 percent on any one item program or activity to meet the spending ceiling. He would have to take a look at the level of appropriations for each appropriation including supplement and continuing appropriations, and make across-the-board cuts for all programs proportionately. Spending would therefore continue at the same relative rate with respect to every appropriation. Within each appropriation cuts could be made in any specific activity only up to 10 percent.

The only exception would be expenditures which are uncontrollable within the Federal budget.

Under this amendment, uncontrollable items are defined as interest on the national debt, social security trust funds, veterans benefits, medicaid, public assistance maintenance grants, food stamps, social services, judicial salaries and retired military pay. Estimates are that uncontrollable items amount to about $117 billion. Thus, remaining expenditures of approximately $133 billion must be reduced proportionately in order to meet the $250 billion spending ceiling.

There are three major features of this amendment:

First, it retains the authority of Congress over spending priorities and the distribution of funds within the Federal budget. It therefore avoids giving the President direct item veto authority.

Second, it permits the establishment of a spending ceiling for fiscal year 1973 of $250 billion.

Third, it decreases the possibility of a tax increase.

The amendment specifically states that—

> The President shall reserve amounts proportionately from appropriations or other obligational authority available for all programs and activities, except for certain uncontrollable items.

By doing it this way, Congress preserves its overall decisionmaking authority over where the money will be spent. Yet, it preserves the spending ceiling, which I agree is very much needed.

Here is a rundown on how this amendment would work:

The present rate of spending is $257 billion for fiscal year 1973. The proposed ceiling is $250 billion. This means that we must cut back our rate of spending by about $7 billion.

This amendment exempts certain "uncontrollable items." It applies, however, both to appropriations for relatively controllable items for fiscal year 1973 as well as to carryover appropriations from fiscal year 1972 and prior years. At the end of fiscal year 1972, we had left over about $60 billion in funds which were appropriated but unspent. Total appropriations for fiscal year 1973 are expected to be about $171 billion. Of this, about $133 billion have been appropriated for relatively controllable items. Thus, adding the $60 billion carryover and the $133 billion fiscal year 1973 figure, we have total appropriations for relatively controllable items as being about $193 billion.

As I indicated, we must cut our rate of spending by about $7 billion. Under this amendment, that $7 billion must come out of the $193 billion in appropriations available for relatively controllable items. Dividing 7 by 193, we come up with 3.6 percent which is the proportional cut required for each appropriation to meet the $250 billion spending ceiling. That is, each appropriation must be cut by 3.6 percent in order to reduce spending by $7 billion and meet the $250 ceiling.

No item, project, or activity within that appropriation could be cut more than 10 percent. This would make it very clear that this bill does not have a Presidential veto. It would make it very clear that the power of the purse of Congress is being preserved; and it would mean that Congress is preserving its congressional spending authority and constitutional power.

Mr. President, this amendment is very similar to an amendment passed by the Senate back in 1968. At that time, the Senate agreed on a spending ceiling of $180.1 billion. Interestingly, here we are only 4 years later discussing a ceiling which is nearly 30 percent higher than that of 1968. The estimated ceiling then was $186.1 billion and the Senate agreed by a vote of 53 to 35 to reduce the ceiling by $6 billion. Several of the exemptions for uncontrollable items which were permitted under that legislation are similar to the exemptions in this amendment. The 1968 legislation also included an exemption for defense spending in Vietnam of $2.3 billion.

This does not have that feature in it.

This amendment, sponsored by the Senator from Idaho, is a very sound, safe, and prudent way of meeting a very serious fiscal problem. This is an amendment that all of us, regardless of our political philosophy and party, can support to meet the needs of the economy, to meet the demands of the President and his desire to control spending and prevent a tax increase, with which we are 100 percent in accord. I believe this amendment is a proper and appropriate way to proceed with this very important and difficult problem. I urge its adoption.

Mr. CRANSTON. Mr. President, I rise to briefly but strongly support the amendment offered by the distinguished Senator from Idaho, an amendment for which the distinguished Senator from Pennsylvania and I have been working most strongly for the past 48 hours.

I was present in the Chamber this morning when a number of Senators were speaking in praise of the distinguished Senator from Idaho. I listened with great interest to those remarks and decided to make a few remarks of my own at this point about the distingushed Senator from Idaho.

In this amendment he is capping a great career in the Senate with an outstanding proposal and very great effort to insure that we restore fiscal responsibility to our operations and our Government while at the same time he is coming to grips with the great issue of whether or not we retain our responsibilities and exercise our rights appropriately in this matter, or whether we abdicate that responsibility to not only this particular President, but to any President, with what I believe will be the success of this approach at this time in our country. I think the Senator from Idaho will have written a great, great finish to a great, great Senate record with this accomplishment.

I praise him for this as I praise him for the other wonderful things he has done for his State, his Nation, and the world in his time in the Senate.

I would simply like to say that I am supporting this amendment because it fixes a spending limit at a time when we need it. Certainly, a quarter of a trillion dollars should be enough to meet our Nation's needs, but I oppose the giveaway of the right and responsibility of the Congress to decide which programs shall be cut.

Countless Californians have expressed their deep concern over the prospect of further governmental ravages of their earnings and their savings. It is time now to bring a halt. This proposal, combined with a spending ceiling, provides a way.

Frankly, I am convinced that both Congress and the President have lost control of Government spending. Middle-income workers, wage earners, the poor, the elderly are victims of inflation and ever-higher taxes.

Mr. President, I strongly support the amendment offered by the distinguished Senator from Idaho, a proposal the distinguished Senator from Pennsylvania and I have been working for most strenuously for the past 48 hours.

I will support action in the Senate to impose a firm $250 billion limit on Government spending. A quarter of a trillion dollars should be enough to meet our Nation's current needs.

I will oppose a give-away of the right and responsibility of Congress to decide what programs should be cut. We must not establish one-man Government by surrendering that power to any President—now or ever.

Countless Californians have expressed to me their deep concern over the prospect of further governmental ravages of their earnings and their savings. They feel caught in a fiscal vise through no fault of their own. The last 4 years have brought them:

The highest unemployment in a decade;

The worst inflation in two decades;

The highest budget and trade deficits in four decades;

The highest interest rates in 100 years; and

Ever-higher taxes.

Frankly, I am convinced that both Congress and the President have lost control of Government spending. Middle-income working families, wage earners, businessmen, the poor, the elderly

are all the helpless victims of inflation and a bureaucratic tax juggernaut gone wild.

Our failure to reform welfare, to hold down war expenditures, to end wasteful foreign aid, has put us into a crisis. So has the congressional practice of piecemeal budgeting, appropriating funds for this program and then that, in response to this demand and then that, without prudent regard for the availability of adequate revenues. Adding to the crises are administration policies that in 4 years have produced requests for $15 billion more in appropriations than Congress has actually provided. Just this year the administration has called for an $18 billion increase in expenditures and a $32 billion increase in the national debt.

We have managed to move, however, to help local government gets its financial house in order through revenue sharing. We must now get the Federal financial house in order.

But let me make clear the difference between what I support—through this amendment—and what President Nixon has proposed and the House of Representatives has approved. Their plan goes far beyond the matter of simply halting inflation and taxes. It strikes at the very heart of our constitutional balance of powers. That brand of spending limit would strip Congress of its powers to alter national spending priorities and substitute spending by Presidential decree regardless of laws, appropriations, and programs established by Congress. The Congress would no longer be an equal partner with the executive branch of Government.

Instead, I support—through this amendment—a $250 billion spending limit that cuts spending equally, agency by agency, across the board, in a giant step toward relief for taxpayers. The only exceptions should be for irreducible obligations—interest on the national debt, entitlements for veterans, and payments from social insurance trust funds such as social security.

There will be no equity, no fairness for the American people, if the budget slashing that is so badly and immediately nedeed becomes a free for all with each Senator and each Representative fighting to save his or her "pet" program from either the President's blue pencil or from a congressional axe.

Each of us, legislators and constituents alike, have our own favorite bills, programs, and projects. But a spending limit will only work fairly and realistically if it is uniform, proportionate, and across the board.

Under such a plan there will be none of the feared presidential raids on social programs for the aged, the ill, and others in need of assistance; none of the feared selective sacrificing of mass transit, housing, health, education, and pollution programs.

I will support a spending ceiling that will allow for sound, responsible budgeting.

I will support a spending limit that will give the besieged American taxpayer the first real break he has had in a long time.

But I will not support abdication of congressional authority. I will fight any proposal to give away Congress right to govern how and where Federal funds will be spent.

It is time for the bloated Federal bureaucracy to go on a diet. And I predict that, when it does, those who fear a spending ceiling will find that when the bureaucrats in the agencies are given a leaner diet they will buckle down and make each dollar go much farther. In the end, I believe, little of real value in Federal programs will be lost.

This, then, is a necessary 1-year first step toward a congressional budgetary process that must link overall spending to overall income under a sensible annual ceiling.

There is an amendment to be offered later tonight—by the distinguished Senator from Illinois (Mr. PERCY) and myself—proposing an annual congressional budgeting process. Under it, Congress would annually fix a spending ceiling, then fit income and outgo within.

But that is the second step.

Let us now take the first step, by adopting the Jordan amendment.

Mr. NELSON. Mr. President, I join the Senator from California in commending the Senator from Idaho and those Senators who worked in designing what is a reasonable proposal to set a debt ceiling and retain the authority of Congress to control what should be put in this budget.

I would like to ask unanimous consent, if there is no objection by the author of the amendment, to be added as a cosponsor of the amendment.

Mr. JORDAN of Idaho. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. JORDAN of Idaho. Mr. President, I ask unanimous consent that Senator NELSON and Senator CHURCH be added as cosponsors of the amendment.

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

Mr. NELSON. Mr. President, I just have a brief comment to make.

I endorse the amendment. I think it is the right approach. I wish to comment briefly on the proposal that was requested by the President and sent to us from the White House.

It would, I think, be a dangerous delegation of power to grant the President's request for authority to cut the budget wherever he wishes without consulting Congress.

While I approve a $250-billion spending limitation at this time, it would be a disastrous mistake for Congress to create a super legislator in the White House.

The Congress has two obvious options which will accomplish the objective of a spending limitation and at the same time prevent both the further erosion of the constitutional authority of Congress and the further aggrandizement of power in the Presidency.

Those options are: first, for Congress to make an across-the-board percentage cut in the budget, or second, request the President to make recommendations for cuts to be considered by the Congress.

Over the years, a dangerous concentration of power has accumulated in the Presidency. That process has dramatically accelerated in the past 4 years. Presidents have increasingly usurped legislative power, refused to comply with legislative mandates, and arbitrarily construed laws contrary to legislative intent in order to serve their own political purposes. In addition, Congress itself has supinely ceded authority to the President by neglect, default, and positive legislative action. Each step along this route has seriously eroded the constitutional authority of the Congress.

To grant the President this unrestricted power to cut the budget will be a giant step toward total abdication of constitutional congressional authority. Not only does this grant of authority raise an important constitutional issue, it places a dangerous political power in the hands of the President which, inevitably, will be abused by everyone who holds that office.

Cuts will be made which suit the whim of the President while projects and programs will be funded which reward friends in the Congress and punish enemies. When the President acquires that kind of power, it will not be long before the Congress will be reduced to little more than a group of vassals whose only function is to pay homage to the king by rubber stamping whatever he wants.

If Congress passes this proposal, we should make a drastic cut in our salaries commensurate with the reduction in our responsibilities.

I have voted in the past 3½ years for a net budget reduction of about $40 billion below the President's own budget requests in that period. Furthermore, I voted against the tax reduction last year, which was costing the Treasury more money than it is proposed to reduce the spending in order to achieve a $250 billion limit. So I, among others here, am not among those who have been supporting a runaway budget.

As a matter of fact, I might further comment that the President recommended and supported a revenue-sharing plan which is going to cost $33 billion in the next 5 years, and refused to support any taxes to fund it. So he participated in throwing the budget out of balance almost exactly in the same amount as he now says he has to cut back spending.

That falls with the President. It was his proposal. He pushed it through Congress. I thought it was totally fiscally irresponsible and voted against it.

I might just make one further comment that the President opposed an increase in social security above 5 percent. His representatives so advised us in the Finance Committee time after time when the issue was raised. But he signed the 20-percent increase and the additional cost to the taxpayer. Now he is on TV advertisements taking credit for the 20-percent increase he opposed all along.

Mr. President, the Nixon administration, having lost all control of the Federal budget, is desperately looking for a scapegoat. President Nixon has decided that Congress must be blamed for the failure of his economic game plan and its consequences. By adopting the new economic plan President Nixon abandoned his old plan but he cannot escape its consequences. The old economic plan of deliberately slowing down the economy failed to control inflation, but brilliantly

succeeded in creating a recession, throwing millions of Americans out of work and plunging the Government budget into debt. President Nixon assumed office pronouncing his firm commitment to a balanced budget. In fact, the Nixon administration budgets have always been in the red. For fiscal year 1970, the Nixon administration predicted a budget surplus of $5.8 billion. In fact, the budget was $2.8 in the red. For fiscal year 1971, Nixon administration estimated a budget surplus of $1.3 billion; in fact, they made a whopping $24.3 billion error ending for that year with a $23 billion deficit. For fiscal year 1972, the Nixon administration achieved another $23 billion deficit and for fiscal year 1973 they now estimate a budget deficit of $25 billion. On August 24 of this year, the Joint Committee on the Reduction of Federal Expenditures estimated that the deficit will actually be $33.5 billion.

In 3½ years, the Nixon administration has achieved a staggering $73.8 billion deficit. Incredibly, the Nixon administration in 4 years has exceeded the budget deficits of the preceding 16 years. The Nixon deficit of $73.8 billion exceeds the total budget deficit of $69.6 billion of the entire Eisenhower, Kennedy, and Johnson administrations. Mr. President, I ask unanimous consent that a table showing the Nixon administration budget estimate and the actual results be inserted in the RECORD at this time and also a table showing the growth in the debt be included.

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

TABLE I.—NIXON ADMINISTRATION ORIGINAL BUDGET ESTIMATES SUBMITTED COMPARED TO ACTUAL BUDGET RESULT ON A UNIFIED BUDGET CONCEPT

[In billions of dollars]

Fiscal year 1970	Budget receipts	Budget outlays	Surplus or deficit (—)
Feb. 15, 1969, Nixon's revised budget	198.7	192.9	5.8
Actual	193.7	196.6	—2.8
Fiscal year 1971, submitted January 1970	202.1	200.8	1.3
Actual	188.4	211.4	—23.0
Fiscal year 1972	217.6	229.2	—11.6
Actual	208.6	231.6	—23.0
Fiscal year 1973, January	220.8	246.3	—25.5
Latest estimates Sept. 18, 1972	225.0	250.0	[1] —25.0
Total deficit as of Sept. 18, 1972			[2] 73.8

[1] According to the Joint Committee on the Reduction of Federal Expenditures on Aug. 24 Federal budget outlays for fiscal year 1973 will exceed receipts by $33,500,000,000.

[2] The Nixon budget deficit of $73,800,000,000 exceeds last 3 administrations' (Eisenhower, Kennedy, and Johnson) entire budget deficits of $69,000,000,000.

Note: The figures are rounded and may not necessarily add to total.

BUDGET DEFICITS FOR THE LAST 20 YEARS

[Dollar amounts in billions]

President	Deficits		
	Fiscal year	Federal funds	Unified budget
Eisenhower	1954–61	$21,836	$15,806
Kennedy	1962–64	22,038	17,810
Johnson	1965–69	57,762	36,019
Total		101,636	69,635
Nixon	[1] 1970–73	109,742	73,901

[1] Includes the latest official estimate for fiscal year 1973 which is generally considered to be understated by about 7 to 10,000,000,000.

[From Washington Post, Sept. 19, 1972]

Public debt (in billions)

1962	303.5
1963	309.3
1964	317.9
1965	320.9
1966	329.3
1967	344.7
1968	358.0
1969	368.2
1970	389.2
1971	424.1
1972 (estimated)	445.0

Mr. NELSON. Mr. President, $73.8 billion deficits are largely a result of Nixon-induced recession itself. This recession has had drastic consequences both for the Federal Government and the American worker. According to estimates of the Joint Economic Committee staff in the 1972 mid-year review of the economy, the country lost $160 billion in potential GNP during the Nixon administration; $160 billion in goods and service could have been produced but were lost because of the failure of the administration to maintain a full employment economy. This lost GNP caused $42.1 billion in Federal revenue also being lost in the Nixon years. In 3 years, the Nixon administration failed to achieve projected revenues by $27.7 billion. It also should be remembered that the Nixon administration induced recession results in not only lost revenue but in increased cost for the Federal Government. Nancy Teeters, a noted economist at the Brookings Institution estimated that as of December 1971 the Federal Government was obligated to spend $6.4 billion more for such programs—such as unemployment compensation—because of the slowdown in the economy.

Mr. President, I ask unanimous consent that a Washington Post article describing more fully Mrs. Teeter's conclusion be inserted in the RECORD at this time.

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

BROOKINGS REPORT—RECESSION COST IS $6.4 BILLION

(By Hobart Rowen)

The 1970 recession cost the federal government about $6.4 billion in extra payments last year for unemployment compensation, old-age insurance, aid to families with dependent children and other programs responsive to high jobless rates.

And if unemployment should continue at 6 per cent, "recession-induced federal expenditures could rise to $10 billion in 1972 and $13 billion in 1973," with additional amounts coming from the states.

These are among key points of a study by Brookings Institution economist Nancy H. Teeters designed to show how a shift in the economic climate affects not only the tax side of the budget, but expenditures as well.

She notes that "there are new elements in the sensitivity of expenditures to economic conditions." One is the Medicaid program. Another is a growing number of people getting retirement benefits, especially since older people frequently find retirement "more socially acceptable than unemployment."

Since the test of how much a person can earn without losing Social Security benefits is applied monthly, "it (is) easy to go on and off the rolls depending on the employment opportunities available."

Mrs. Teeters' report was released over the weekend as part of the new volume of Brookings' "Papers on Economic Activity," published three times a year.

A former Budget Bureau official, Mrs. Teeters set out to demonstrate that there is a more flexible response from expenditures than often realized. Not only are unemployment insurance payments involved, but today, a declining economy stimulates more federal payments for retirement, welfare, veterans' benefits, Medicare, Medicaid and aid to families with dependent children.

To cite just one of her statistics, the 1971 combined federal-state costs for Medicaid were $5.6 billion, up $1 billion from what they would have been had the level of unemployment stayed at the 4.2 percent level of the first quarter of 1970. Yet another $1 billion will have to be tacked on to this total if the unemployment level should stay at 6 percent in 1972.

Yet, the flexible response of the expenditure side of the budget has not been taken into account by the federal government in calculating the "full employment" budget. To date, only the potentially higher revenues have been calculated, with no adjustment made for recession-induced expenditures.

The practical result is that the "full employment deficit," assumed to be running at a rate of about $8 billion for fiscal 1972, would be essentially in balance if allowances were made for the spending that could have been avoided at full employment.

In other Brookings' papers released at the same time:

George L. Perry estimated that the potential Gross National Product had grown somewhat slower in 1965–1970 than earlier because productivity has been lessened by sharply increased labor force participation by women and young people. But with a return to former productivity trends. He predicted a big boost in potential output for the 1970s, suggesting that "the government will have to step in" to make a meaningful dent in the unemployment rate.

William Poole, a Federal Reserve System economist (offering his own, not the institutional view), conducted experiments showing that a steady growth of the money supply at 7 percent creates an erratic economy; but aiming at a steady growth in money GNP, and varying the money stock growth produces better results. Poole apparently suggests boosting the money supply when the economy is sluggish, then touching the brakes as the economy nears full employment.

Two papers disagreed wholly on the potential impact on unemployment of various kinds of manpower programs. An optimistic assessment by Charles C. Holt and others predicted that a batch of programs for training, up-grading, youth work, etc., costing $14 billion would return $30 billion in GNP, and cut a 4.5-percent unemployment rate to 2.4 percent. Nonsense, said MIT economist Robert Hall, who saw only one-fifth of the results calculated by the Holt group. The problem, according to Hall: ". . . the good jobs are filled in other ways and, in general, already have long lines of workers waiting to fill them."

Mr. NELSON. Mr. President, the human cost of the almost 4 years of the Nixon economic stewardship is just as great. In January 1969, there were only 2.6 million Americans unemployed. The September unemployment figures show that overall there were 4.7 million persons unemployed. Over 2 million people have been forced from their jobs since January 1969. When Nixon took office, the unemployment rate was 3.3 percent. Today it is 5.5 percent. This is an intolerable level of joblessness.

The unemployment rate among professional and technical workers was 1.2 per-

cent in 1968. Now it is 2.2 percent. Among skilled workers, it was 2.4 percent in 1968 and is now 4.2 percent. The present unemployment rate for blacks is 10.2 percent, more than double the unemployment rate for whites. The unemployment rate for teenagers is 16.5 percent.

I ask unanimous consent to insert my minority views.

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

V. MINORITY VIEWS OF SENATOR GAYLORD NELSON IN OPPOSITION TO ONE EXPENDITURE LIMITATION

["The History of the present King of Great-Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid World.

"He has refused his Assent to Laws, the most wholesome and necessary for the public Good.

"He has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their Operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them * * *"]—*Declaration of Independence, July 4, 1776.*

The experience of Colonial United States under King George III led to the formation of our democratic form of government under a written Constitution. The experience under the Crown's tyranny also produced a form of government that was represented by the Founding Fathers as a balancing of powers between the executive, the judicial, and the legislative branches.

Thus Article I, Sect. 7 of the Constitution provides that "All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills." And Article I, Sect. 9 of the Constitution further states that "No money shall be drawn from the treasury, but in consequence of appropriations made by law; * * *" From these two express provisions of the Constitution, it would appear that the "power over the purse" was exclusively given to the legislative branch of our federal government.

In the balance between the three branches of government, it is evident that the constitutional grant of "power over the purse" to the national legislature was felt to endow that branch with substantial representative and political force. In *The Federalist* (No. 58), James Madison explained:

"The House of Representatives cannot only refuse, but they alone can propose, the supplies requisite for the support of government. They, in a word, hold the purse * * *. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure."

But just as an express endowment of money requires careful husbandry to prevent it from being squandered, so must express grants of constitutional authority be carefully tended and conserved. This century has seen the steady attrition of the power of Congress in relation to the strength of the executive branch. In foreign policy, one only has to look at the tragic example of Vietnam to measure the feeble power over foreign affairs that remains in the hands of Congress.

Today we are being asked to transfer what is left of the Congressional "power over the purse" to the President. In fact, the legislative branch of the federal government has ceded a great deal of authority on the control of the national purse to the executive branch already.

In the Anti-Deficiency Acts of 1905 and 1906, the Congress gave the President authority to reserve appropriations in order to reflect savings in authorized programs and to prevent deficiencies from too rapid expenditure of funds. Then under the pressures of national crisis—the Great Depression of the 1930's and later World War II—the principle of a difference between permissive and mandatory appropriations was asserted. In 1942, President Franklin D. Roosevelt claimed that just because Congress appropriated funds for certain governmental programs, this is only a ceiling on possible expenditures and "is not a mandate that such funds must be fully expended."

A number of articulate defenders of constitutional integrity in this Congress have vehemently protested this executive exercise as Constitutionally prohibited. In particular, Senator Ervin and his Separation of Powers Subcommittee have been forceful in their argument that executive impoundment of duly appropriated funds constitutes an item or line veto. Although such an item or line veto is not permitted by the Constitution, the practice of Presidential impoundment of funds has continued with every occupant of the White House since FDR.

In addition to the impoundment of funds under so-called permissive appropriations, recent Presidents have been given express authority to withhold appropriated funds under certain conditions. Under Title VI of the Civil Rights Act of 1964, the President may refuse to expend funds in areas which practice discrimination.

The one area in which there appears to be a clear constitutional bar to unilateral Executive action and impoundment of appropriated funds without Congressional approval is where there is a clear Congressional "direction to spend". The distinction between "direction" to spend and "authorized" to spend was articulated in the 1962 controversy over the B–70 bomber between President Kennedy and Chairman Carl Vinson of the House Armed Services Committee. The President, opposing the program, requested the latter wording.

The lack of constitutional authority for the President to act contrary to the mandate of Congress and withhold legislatively appropriated funds whenever and wherever he pleases is equally clear. In a memorandum dated December 19, 1969, by then Assistant Attorney General William H. Rehnquist, the Deputy Counsel to President Nixon was advised that "With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent."

If this legislation is approved in the form that it was sent over to the Senate by the House, the final grant of broad power over the purse strings of our federal government will be given to the executive branch. What no President could do under the Constitution, he will be able to do because Congress has traded the last of its fiscal controls for a worthless promissory note.

If it is now true that the term "separation of powers" is no longer the appropriate phrase to describe the relationship between the three branches of our federal government, then Richard Neustadt's replacement phrase "separate institutions sharing powers" is also inaccurate in the case of fiscal controls. Already Congress is the weaker branch in controlling the federal budgetary process and determining fiscal priorities for the nation. In Ralph Nader's recent publication on Project Congress, *Who Runs Congress?*, the chapter describing the power of the purse is aptly titled "The Broken Branch: Congress vs. The Executive". It is inconceivable to me that anyone could argue that the "Broken Branch" could be healed by further delegating the powers which the Constitution expressly reserved for Congress. With this legislation arguments over Presidential authority to exercise an item veto will be moot.

In a 1955 essay on the balance of functions included in Chapter 3 of *The Public Philosophy*, Walter Lippmann stated:

"The executive is the active power in the state, the asking and the proposing power. The representative assembly is the consenting power, the petitioning, the approving and the criticizing, the accepting and the refusing power. The two powers are necessary if there is to be order and freedom. But each must be true to its own nature, each limiting and complementing the other. The government must be able to govern and the citizens must be represented in order that they shall not be oppressed. The health of the system depends upon the relationship of the two powers. If either absorbs or destroys the functions of the other power, the constitution is deranged. * * * For in the derangement of the two primary functions lie the seeds of disaster.

No one can honestly contend that the "consenting power, the petitioning, the approving and the criticizing, the accepting and the refusing power" will be on equal footing with the "asking and proposing power" of the executive when each and every budgetary and fiscal priority is initiated, determined and acted upon within the Office of Management and Budget.

It is not a question of Congress getting the short end of the stick in this deal; we get no stick at all. And as far as the people of the State of Wisconsin and every other state of the union are concerned, their participation in the determination of national priorities through the activities of their elected representatives in Congress would be ended by this legislation. The vital sounds of participatory democracy in the hearing rooms of Congress would be replaced by the quiet squish of rubber stamps in the Executive Office Building.

Mr. CHILES. Mr. President, H.R. 16810 contains three separate titles. The first increases the debt ceiling. The present temporary debt ceiling of $450 billion is increased to $465 billion effective through June 30 of next year.

The next title places a limitation on spending through the balance of fiscal 1973. We are now into the 4th month of fiscal 1973.

In addition, title II permits the President to cut spending so that the overall limit of spending in fiscal 1973 will not exceed $250 billion. It is to these two titles that I address my remarks today.

This is the third time during the present session of Congress that we have been confronted with the unhappy task of either increasing or extending the public debt limit.

If you go to the man in the street and ask him if he thinks the Government is spending too much, he will tell you it is. If you ask him whether he thinks the Government should cut spending, he will tell you "yes"; and I would agree with that.

This feeling on the part of our taxpayers is no reason to enact this legislation in its present form. It should not be billed as a matter of economy alone because more importantly, it is a matter of principle that relates to the preservation of our kind of government.

As Speaker ALBERT said in talking about this question:

We are being asked to give to the Chief Executive powers never contemplated by the founding fathers and specifically prohibited by the Constitution.

The essential lever of Congress' check and balance over the executive stems from the power to raise revenue, appropriate money, and determine in what areas it is to be spent. Without this power over how much is spent, the Legislature's role in the separation-of-powers relationship is but a sham.

This power of the purse, the power to determine national priorities, will be turned over to some faceless bureaucrat in the Office of Management and Budget. This is a person with no constituency except the President. He is unelected and totally unresponsive to the people.

There has been a lot of talk of congressional reform recently but I hardly believe that we could link this legislation with congressional reform. What it does is delegate to the executive branch the authority to write law. This authority and responsibility is given to the legislative branch by the Constitution, and I do not see why we should delegate legislative responsibility for any period of time and certainly not even for 8 months as proposed in this bill.

There have been political charges calling this a spendthrift Congress. However, in appropriated items, we have reduced the President's budget request by almost $15 billion in the last 4 years. And yet he has built up the largest deficit of any President since World War II—more deficit than Eisenhower, Kennedy, and Johnson all put together.

As cuts are needed in the Federal budget, let the peoples' elected representatives decide where and how much. This is our responsibility under article I of the Constitution. We should not abdicate it.

When I go back to my State of Florida, I do not want to have to tell my people that they should write to OMB to see how much money will be allowed for the programs of my State. When a senior citizen asks me about increased benefits to help meet the cost of living, under this bill we would have to tell them that the President has to decide whether the 20 percent social security benefit increase will be funded this year.

The President already enjoys ample power to control and limit expenditures. He has the power of his budget requests, budget amendments, and the power of the veto to assert himself effectively on the question of Federal spending.

Especially through the use of his veto power any President has the right to cut funds. It strikes me as strange that on the one hand the President called the 20-percent increase in social security inflationary and irresponsible and threatened a veto, but instead he signed the increase into law and sent a letter to each and every recipient of a social security check taking the credit for the increase. And again through the impoundment of funds. For example, I have found many millions of Federal dollars affecting rural citizens which were endangered by this process; research in nonchemical pest control, water and waste disposal grants, rural electrification, food stamps, and loans from the Farmers Home Administration have been hurt by this withholding of funds.

Congress already is the weakest link in our Federal system. Now we are being asked to pass the buck to the bureaucracy. We have already given up most of our authority in foreign affairs, and now we are being asked to give up what authority we have in domestic affairs.

I really cannot believe this is what the people sent us here to do, to give the executive this kind of grant or authority. And yet I know the people in my State of Florida share my concern about Government spending and inflation which steals from their pocketbooks, and I cannot stand back and watch the Senate and the Congress give away their constitutional responsibilities quietly.

Mr. President, when I was chairman of the Florida Senate ways and means committee several years ago, we followed the old-fashioned balanced budget system. We took a hard look at the State's needs, then we looked at anticipated revenue. If the revenue did not measure up to spending proposals, we either cut some or we found new revenue sources, and we did not quit until we had balanced the budget. The Governor has the power of the veto, but once the appropriations bill is approved, that is it. I believe the sound fiscal condition in our progressive State is testimony enough to the value of this old-fashioned system.

In the Federal Government, though, it seems to me we go about this thing backward and inside out. We approve all kinds of programs we cannot pay for, and both Congress and the administration choose to disregard this. Then we go through this game—three times this session—raising the debt limit so we can spend more money we do not have. This just is not a responsible way to perform, and I am afraid H.R. 16810 only gets us in deeper.

Mr. HANSEN. Mr. President, I wish to make a few comments about H.R. 16810, the debt ceiling and spending limitation bill.

I believe this is important and timely legislation which deserves our attention in the last days of this session.

There seems to be no question about the extension of the debt limit to $465 billion. The question and controversy arises over title II of this bill, the $250 billion spending ceiling. There are three schools of thought on this issue.

First. Some Senators believe there should be no set spending ceiling. Congress will then have the power to continue making appropriations as they see fit, and the sky is the limit.

Second. Some believe that a spending ceiling should be set and the President given the authority to reduce the appropriations for selective programs after the ceiling amount has been exceeded.

Third. Others think a spending ceiling should be set, but guidelines for excessive spending cuts should also be established. One amendment has been proposed which specifies that all programs within the reducible portion of the budget be cut proportionately when the spending ceiling has been exceeded. Another proposal would be for Congress to approve cutbacks in various programs on a priority basis.

I would like to direct my remarks at these three possibilities.

NO SPENDING CEILING

If Congress decides not to place a ceiling on spending, what will happen? We will continue along with our day-to-day approval of appropriations without being able to see the total picture. The result would be a budget so badly out of balance that it would be inflationary and damaging to the economy as well as necessitating an increase in taxes.

How can we, as Members of the governing body of this country, justify to ourselves and our constituents this type of irrational behavior? If this country were a business, it could not possibly survive if we, as its board of directors, continually operated in the red.

Is it not about time that we begin to look and plan ahead rather than stumble along on a day-to-day basis allocating $5 million to this project and $25 million to another project without even considering the long-range forecasts of what will be needed in total for fiscal year 1973? Are we so fiscally irresponsible that we can do no more than legislate from one appropriation request to the next? If so, I think it is about time that we accept the responsibility for our actions and begin to plan ahead.

We are, of course, guided in our appropriation efforts by the Office of Management and Budget which works with the various Government agencies in order to establish necessary request levels. However, too often we are influenced by other factors and thereby unhesitatingly increase budget requests unreasonably. The result is that we compound the problem in order to save face with the special-interest groups coming before us with these requests. But if we are not willing to accept the responsibility for our actions, then we should not be accorded that responsibility.

SPENDING CEILING WITH PRESIDENTIAL AUTHORITY OVER EXCESSES

The President is constantly briefed on the state of the economy, the needs of the Nation, and world affairs. He should, therefore, have the resources at hand for determining national priorities at any given time. This being the case, is it not in the best interests of our Nation to give the President this authority for the remaining 8 months of this fiscal year? It could help us avoid disasters in the years ahead.

I, personally, am hoping that the President will be returned to office, and polls give us reason to support that statement. However, the fact remains that anyone occupying the office of President has historically done his best, judiciously and advisedly, to protect the national interests. Therefore, I think he will act in a responsible manner and will not prejudiciously cut funds for certain programs. If we do not give the President this authority, and Congress does not take the initiative, what will happen to this Nation? We should not make everyone in the Nation suffer because of Congress' inaction in restraining inflation.

SPENDING CEILING WITH LIMITATIONS

The President believes that anyone occupying that high post must have flexibility in making cuts in various programs. As I understand, the application of this authority cannot be exercised as

an item veto for the complete elimination of any program. This bill will give the President authority over appropriations, but he will have no power over the congressional authorization of individual programs.

Testimony before the Senate Finance Committee indicates that a method of limiting or restricting the President's control over these appropriations will make the budget-reduction task a formidable one and will defeat the whole purpose of this legislation. Also to be considered is the fact that the fiscal situation is an ongoing process necessitating day-to-day judgments. Therefore, an across-the-board cut of all programs within the reducible portion of the budget would not be a very analytical way of making appropriation cuts. The national budget is such a complex instrument that Congress cannot, on the spur of the moment, sit down and decide which programs should be completely exempted from cuts and which programs could be cut.

Of these three proposals, then, there is only one proposal which is workable for the mess in which we now find our economy. We must pass title II of H.R. 16810.

The fact that the President has had to request this type of legislation shows us that there is a definite need for congressional reform of our appropriations procedures so that we, as legislators, will be able to see the budget and expenditures as a whole rather than on a piecemeal basis.

As a former Governor of Wyoming, I know how difficult it is for a legislating body to approve and maintain a balanced budget. However, State operations and the procedures for appropriations approval are different on the State level than they are on the national level, but we might be able to learn something from these State procedures.

From the way we have been acting in this body, one would think that Federal revenues represent an endless pot of gold, and that we can appropriate money for all special interest groups requesting aid. This is not to say that there are not worthy causes which should be given money, but we should be able to look at the total picture and thereby establish our priorities. Then, if we decide to set up a new program or give an additional amount of money to an already established project, we will have the responsibility and authority to determine what other project or programs will be cut back in order to finance this additional expenditure or to justify a tax increase. It is vitally important that we change our allocation procedures.

Congressional reform is necessary, but what do we do right now? We certainly do not want to increase inflation; we cannot justify a tax increase at a time when we are trying to increase job opportunities and decrease unemployment; and we want to protect the stability of the U.S. dollar in the world market.

Let us act now, then, in a responsible manner, showing that we recognize the need for a spending limitation, and give the President this opportunity to put the lid on spending for 8 months—the remainder of fiscal year 1973. Then, as the 93d Congress begins, let us make a pledge to look into this matter of congressional reform. The joint committee, established by title III of this bill, should be able to give us a head start on this reformation. By taking this action we are not, as some suggest, abdicating our control over appropriations. I contend that we abdicated this power long ago by failing to initiate a workable appropriations procedure.

This bill, therefore, is of utmost importance to us now for three reasons. First, it will show that we are acting now in order to demonstrate fiscal responsibility. Second, it will help to reduce the otherwise large budget deficit and thereby be a significant factor in restraining inflationary trends in the economy. Third, this legislation will help protect the stability of the U.S. dollar in the world markets.

The time to act is now, and I strongly urge Senators to support all three titles of H.R. 16810 without amendment.

MESSAGE FROM THE HOUSE

A message from the House by Mr. Berry, one of its reading clerks, announced that the House had passed without amendment the bill (S. 1928) to amend the Wild and Scenic Rivers Act by designating a segment of the Saint Croix River, Minn. and Wisc., as a component of the national wild and scenic rivers system; and the joint resolution (S.J. Res. 221) to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the Benjamin Franklin National Memorial.

The message also announced that the House had agreed to the amendment of the Senate numbered 1 to the bill (H.R. 5066) to authorize appropriations for fiscal year 1972 to carry out the Flammable Fabrics Act; that the House insists on its disagreement to the amendment of the Senate numbered 2 to the aforesaid bill; and that the House receded from its disagreement to the amendment of the Senate to the title of the bill and concurred therein.

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 amendments of the Senate to the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

TEMPORARY INCREASE IN THE DEBT LIMIT

The Senate continued with the consideration of the bill (H.R. 16810) to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973.

Mr. TAFT obtained the floor.

Mr. CRANSTON. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. TAFT. I yield.

Mr. CRANSTON. Mr. President, I ask that Ken McLain, of the Labor and Public Welfare Committee staff, may be permitted on the floor during the consideration of this bill.

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

Mr. JORDAN of Idaho. Mr. President, will the Senator from Ohio yield so that I may ask for the yeas and nays on this amendment?

Mr. TAFT. Mr. President, I would suggest that I not yield for that purpose until the amendment I am about to offer is offered.

Mr. President, at this time I offer an amendment in the nature of a perfecting amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. TAFT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and I will explain the amendment.

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

The amendment is as follows:

At the end of line 11 amend section 201(b) by adding the following:

(d) The President shall not reserve funds from obligation in any single budget account by an amount in excess of 10 percent of the amount heretofore or hereafter made available for obligation during fiscal year 1973 by the Congress or in the case of a budget account available for obligation in more than one fiscal year, by an amount in excess of 10 percent of the estimated obligations to be incurred from such account as proposed to be included in the budget for fiscal year 1973 unless—

The President transmits to the Congress a separate notification of each such reservation made with respect to any single budget account, together with a detailed justification therefore, within ten days from the date on which such reservation was made; and

A period of thirty calendar days of session of the Congress following the date on which the notification is transmitted elapses, and during such period there is not passed by either the Senate or the House of Representatives a resolution stating in substance that the Senate or the House of Representatives, as the case may be, does not approve the proposed reservation with respect to such account. In the event of a resolution of disapproval by either the Senate or the House of Representatives, the President shall within ten days make available for obligation the amount of funds reserved in excess of 10 percent of the amount made available for obligation during fiscal year 1973 by the Congress or in the case of a budget account available for obligation in more than one fiscal year, the amount of funds reserved in excess of 10 percent of the estimated obligations to be incurred from such account as proposed to be included in the budget for fiscal year 1973. For the purposes of this paragraph, in the computation of the thirty-day period there shall be excluded the days on which either the Senate or the House of Representatives is not in session because of adjournment of the Congress sine die.

For the purposes of this section the term "budget account" means any appropriation account or other account granting obligational authority including, but not limited to, contract authority, authority to spend

public debt receipts, and authority to spend agency debt receipts.

The provisions of sections 910–913 of title 5, United States Code, shall apply to the procedure to be followed in the Senate and House of Representatives in the exercise of their respective responsibilities under this section (d) in the same manner and to the same extent as such provisions apply to the procedure followed in the case of reorganization plans; except that references in such provisions to a "resolution with respect to a reorganization plan" shall be deemed for the purposes of this section to refer to a resolution of disapproval under this section.

The President shall not establish separate ceiling on expenditures or net lending for any budget account which will prevent the obligation of all funds made available for obligation pursuant to this section.

Mr. TAFT. Mr. President, the amendment is in the nature of a perfecting amendment. The amendment, however, in language, is exactly in the form which has been distributed to all Members of the Senate and it relates to a very different approach to the whole problem of a spending ceiling and a limitation on the President's authority to cut back than that of the amendment which was previously pending before the Senate.

Mr. President, I agree that today we are faced with an issue of great constitutional significance with, I think, very historic consequences for our Nation. The question, very simply, is whether the Congress is willing to relinquish it to the President—any President—the uncontrolled power to curtail or eliminate programs which have been enacted into law.

I share the strong position of the administration that there ought to be a limitation on expenditures. I also believe that the $250 billion is an appropriate ceiling. But I am not willing to relinquish into the hands of any Chief Executive the power to make unlimited decisions cutting Federal programs which have been passed by Congress as representatives of the entire Nation. Such a course would be a wholesale abdication of congressional authority.

What is at stake here is more than a struggle between the executive and the legislative branches of our Government. With spending for social security, medicare, veterans' benefits, and interest on the national debt mandated, all Presidential cuts will have to be made in other areas. This means that a President could dry up programs for school lunches, for housing, for urban development, for education, and for pollution control.

Do we want an Executive to be able to eliminate the school lunch program under the mantel of budgetary prudence? Should this decision be his to make alone?

Once enacted, this law may be renewed and extended from year to year. Do we want a practice that would permit a President to emasculate our Navy and cut away at over two-thirds of our military budget? Should any President be immune from congressional review in these matters? I think not.

The Founding Fathers recognized that one of the weaknesses in the Articles of Confederation was their failure to provide for a clear separation of powers. In an address before the Austrian Parliament in 1931, the Nobel Prize winning president of Columbia University, Nicholas Murray Butler, described the separation of powers as "the foremost particularity" of the American Constitution, "invented by Aristotle, taught by Montesquieu, and regarded as the most important thing by the founders of the American Constitution."

This measure is not unlike the suspending power which the eminent English historian, Taswell-Langmead, has described in his classic "English Constitutional History." At 212 he states:

The suspending power was employed during the latter part of the Seventeenth Century only, and consisted in temporarily suspending the entire operation of any statute or any number of statutes; and was in its nature incompatible with the existence of constitutional government.

It amounted, in the words of a Mr. Justice Powell of that day:

To an abrogation and utter repeal of all the laws; for I can see no difference, nor know of none, in law, between the King's power to dispense with laws ecclesiastical and his power to dispense with any other laws whatsoever. If this be once allowed of, there will need no parliament. All the legislature will be in the King, which is a thing worth considering. *Seven Bishops' Case*, 12 State Trials, 427 (1688).

Now there are those who would have us blur that separation of powers, and emasculate our system of checks and balances. They do so in a misguided belief that this is the only path to fiscal responsibility. It is not. There are others and we must seek them.

Feeling strongly in this regard, I have, over the last week, been carefully studying the various alternatives we do have, and I believe that the amendment I have offered is the most responsible approach to the problem which would provide any meaningful solution.

The amendment which I offer would allow either House of Congress to override proposed reductions of 10 percent or more by the President in any budget item for fiscal 1973. Within 10 days after the President reserved more than 10 percent of any appropriation or other obligation, in other words budget account—1,500—he would be required to notify Congress of his action and to supply a detailed justification for making such an extensive reduction. Either branch of Congress would then have 30 days, not including time elapsing during sine die adjournment, to pass a resolution which would disapprove of the President's action. Within 10 days after either House of Congress passed such a resolution, all funds reserved in excess of 10 percent of the budget item would have to be made available for obligation. The President could not prevent the obligation of funds made available in this manner by establishing a separate expenditure ceiling for any particular budget account.

A "resolution of disapproval" would be afforded expedited congressional treatment; so that a final vote on any such resolution could occur before the reduction in expenditure is scheduled to take effect. A motion to discharge a committee of its responsibility to consider the resolution, if made by a proponent of the resolution, would be in order 10 days after the resolution has been referred to committee. Debate on such a motion would be limited to 1 hour, and no amendments or motions to reconsider would be in order. Once the resolution is reported out of committee, a motion to consider it would be highly privileged and not subject to debate. Debate on the resolution would be limited to 10 hours, and a motion to recommit it would not be in order. Motions to postpone consideration of the resolution, and appeals relating to Senate or House procedural rules, would be decided without debate.

These are the same provisions, basically, as those in the Reorganization Act.

I believe that my amendment strikes a proper and workable balance between the necessity to control Government expenditures and the need to retain congressional control of the Nation's purse-strings over the next 8½ months. Unlike the approach of requiring congressional ratification of any cut the President wants to make, my amendment would afford the President the flexibility to effectuate the $250 billion expenditure ceiling without creating a political circus. In view of the strong constituencies in favor of any given budget expenditure, I do not believe we can expect any plan calling for the Congress to ratify all proposed reductions to be workable. We cannot expect to have an effective and prudently administered budget ceiling if proposed cuts have to go through the entire legislative process, in a highly charged political atmosphere, before they take effect.

My amendment would remedy this problem by allowing the President unilaterally to cut any expenditure by up to 10 percent. He could cut by even greater amounts if neither House of Congress overrode him. On the other hand, Congress would have the power to prevent any really significant presidential alterations in congressionally approved budgetary priorities. In its budget estimate for fiscal 1973, the administration classified approximately $79.8 billion as "relatively controllable," of which $51.6 billion are defense expenditures. To reduce expenditures by the necessary $6 billion across-the-board would take a 7-percent cut in all "relatively controllable" programs. A 10-percent figure as the "trigger" for congressional intervention would therefore allow some leeway, but not any tremendous amount, really not a great deal more than the amendment proposed to the amendment by the Senator from Indiana, without giving the President the power to distort significantly the priorities which we in Congress have already determined.

A congressional veto arrangement is a much more effective way to retain congressional purse power than a requirement that Congress come up with a comprehensive alternative list of cuts before the President can be overruled. Such a veto arrangement would also provide for a more intelligent budget control rather than a "meat ax" approach of cutting all reducible expenditures by the same percentage.

When spending reductions reach 10 percent on any program, it is clear that there is a type of significant policy de-

cision which calls for congressional review. It should not be made by one man alone, no matter who he is or what his party may be.

A spending limit is vital if we are to reserve our fiscal integrity and keep the inflationary forces at bay. We can achieve this within the context of our historic principles of separation of powers and checks and balances. The real question is whether we want to wake up some morning to find that a President has eliminated school lunches, environmental programs, or a major part of our education program and that we are powerless to stop it. This is what is at stake here. That is why I hope the Senate will take this approach in preference to the other amendment pending before the Senate, because I feel the other amendment, even with the new exceptions that have been added to it, will still inevitably cause, require, and mandate very sizable cuts in many programs which really, from the point of view, I am sure, of the priorities, if the matter came before the Senate, should not be cut $1.

On the other hand, there are many programs which I believe the President ought to cut considerably more than the 10-percent figure he would be authorized to, and he could do that under this amendment if he would come to Congress and say, "This is what I am going to do," and not be vetoed by one House of Congress or the other.

I think the amendment I have proposed is a workable solution, maintaining the degree of legislative control I think it is important to maintain, and at the same time a workable solution for arriving at a budgetary limitation, and for giving the President the kind of flexibility he is going to need to do a really effective and efficient job in cutting back to and sustaining a limitation.

Mr. BENNETT. Mr. President, when I was young, there were three famous baseball players on the Chicago Cubs whose names made history with respect to the double play.

Today we have seen a triple play.

Tinkers to Evers to Chance. HARTKE to JORDAN to TAFT.

Before the manager of the bill could get an opportunity to criticize any one of these amendments, the ball had gone to the other fellow.

So I think I will go back and start with Senator HARTKE, and then show how each of these men, instead of leading us out of the wilderness, leads us deeper in.

Senator HARTKE would give the President no choice. He would mandate the President to cut every program in the United States, every Federal program in which Federal money is spent, proportionately, except veterans' benefits, for which he made a beautiful 4th of July speech.

Before I had a chance to point out how impossible that was, the Senator from Idaho came along and said he recognized what I recognized—at least, in part—that there were some programs that the President could not cut, by their very nature. So he said the President must cut the other programs proportionately, with no choice. The President has to figure out the amount by which he has to cut outlays, divides into each program, $1.25 here and $1,050 dollars here. But the Senator from Idaho says there are $114 billion on which no reductions can be made. That left $132 billion which the President could cut proportionately—not could cut, must cut.

The Senator listed a group, and I might as well put it in the RECORD: Interest, veterans' benefits, payments from social insurance trust funds, medicaid, public assistance maintenance grants, social services under title IV of the Social Security Act as amended, food stamps military retirement pay, and judicial salaries.

There is another fatal weakness in his amendment, because it says that in carrying out the provisions of paragraphs 1 and 2, no amount specified in any appropriation or any activity program or item within such appropriation may be reduced by more than 10 percent.

Stop and look those two things in the face. All reductions must be proportionate, but none may be reduced by more than 10 percent. That is an internal contradiction. On the basis of his figures, the average reduction would have been about 5.9 percent, if it were applied across the board to every program other than those he exempted.

If we had stopped there, we would have faced that internal contradiction, plus the fact that there is another $57 billion worth of expenditures which are also uncontrollable. But he would require the President to cut them by 5.9 percent, when the President has no power to control them. For the RECORD, they are farm price support programs, $4.3 billion; the Postal Service, $1.4 billion; and listen to this—legislative salaries, $0.7 billion; and other miscellaneous programs.

Then there are outlays from prior year contracts and obligations: National Defense, $19.7 billion; civilian programs, $23.1 billion. Then there are allowances for pay raises: Department of Defense, $2.7 billion; civilian agencies, $8 billion.

These add up to $57 billion more that the President would be mandated to cut 5.9 percent, when, as a matter of fact, he could not cut them at all. If those are taken out, it leaves $75 billion on which the President can exercise his power to cut.

Now comes the third play. Senator TAFT takes out the requirement that all programs must be cut proportionately. He says that, instead, the President should be given the broad power to cut up to 10 percent without coming back to Congress. That is a beautiful privilage to give the President, because after you take the additional $57 billion of uncontrollable expense out, you have $75 billion less; and it just happens that the President would have to cut every one of those between 9 and 10 percent in order to achieve this without coming back to Congress.

Mr. TAFT. Mr. President, will the Senator yield for a question?

Mr. BENNETT. I yield.

Mr. TAFT. The exemptions are in the other amendment. In my amendment what could be cut would be approximately $150 billion.

Mr. BENNETT. The Senator is assuming that those additional programs are susceptible to the President's ability to cut. The information of the Senator from Utah is that, in effect, they are not subject to such ability and in practice the President could not cut them. The Senator may say he can cut them, but what good is permission to do something that he cannot do?

Mr. TAFT. I just comment that if he cannot do it under this proposal, it has a strange effect on the other amendment, because it would mandate what the Senator says are impossible cuts in the other amendment.

Mr. BENNETT. That is correct. I am telling the Senator that this ball bounces from one to the other, and we are still left with a solution that will not work.

Let us look at the $75 billion that is left. The President can cut, according to the Taft proposal, up to 10 percent of the $75 billion. That is $7.5 billion, and that is approximately the amount he feels he needs to cut; $52 billion of that is in the Department of Defense. So he has to cut $5.2 billion out of the Department of Defense. He has no choice. He has nowhere else to go.

Five billion dollars of it is in revenue sharing, so he has to cut $500 million out of revenue sharing. That leaves him approximately $15 billion of programs scattered all through the Government which he must search out and which he must cut.

So we now find ourselves back more or less in the same position from which we started. In spite of the fact that we have said the President can have the power to cut up to 10 percent, we reduce the base to the point where, if he is going to get the amount of cut he needs, he has to cut everything else by 10 percent.

At this point, let me say this: I have listened to a great deal of discussion this afternoon and this evening about how we are surrendering our power to the President. Senator Hartke started out by saying that we are not going to surrender any power to the President; we are going to tell him exactly how he has to cut. Senator JORDAN said, "Well, we are going to tell him that he has to cut everything equally, but we will give him the privilege to go down to 10 percent if he likes," which, as I said, is an internal contradiction. But it crosses the threshold and say that we will give the President a little leeway.

Then Senator TAFT—I am sure not realizing how uncontrollable these additional $57 billion were—says:

> We will give him leeway up to 10 percent, full leeway up to 10 percent, and then the privilege of coming back and asking us for more leeway when he goes above the 10 percent.

That is quite a problem, but there is still another one, a problem that will plague every attempt to write proportional cuts into this legislation. It is a problem which is avoided by the bill that came over to us from the House.

At what point in the organizational structure do we apply the cut?

To try to make the thing clear, although this is not the intent of either of the bills, if the President could say, "All right, I will take the Secretaries of the various agencies and the various Gov-

ernment departments and say to each of them, 'You have got to cut your department 5.9 percent and I do not care where you take it,'" that leaves a lot of leeway. The President does not have it then. He has given it to his appointed Secretaries. Then we can go one step further and keep coming down, until we eventually get to the point of what is known in the appropriations process as the line item.

Now in the bill of the Senator from Indiana (Mr. HARTKE) and the bill of the Senator from Idaho (Mr. JORDAN), these are the words that describe the level at which the cut must be applied:

. . . shall reserve the amounts proportionately from appropriations or other obligational authority available for all programs and activities.

What is a program? What is an activity?

There is no clear definition. These are not words that are used in the budget. These are words that are used occasionally in appropriation bills.

So, we are still left with this basic decision: Do we really mean that the President has got to apply the cut across the board on the last ultimate subdivision of an appropriation?

We do not mean that. At what level above that do we expect to apply the cut?

Some organizations, the staff of a department like HEW has, I do not know—15?—20?—levels of expenditures, but there are many organizations with simple programs for a single purpose that may have only one or two levels.

I do not think it is possible to write language which will make it absolutely clear at what level in each agency this proportional cut must be applied.

Now in a way, this criticism I am making is academic, because I come back to the mathematics, that if the Taft amendment is adopted, the President has only $75 billion from which to cut and he will effectively have to use the limit of 10 percent on those agencies in order to get the amount of cut he wants. In effect, two-thirds of the cut will come from the Department of Defense, the other $5 billion will come from revenue sharing, and the rest has got to come, a dollar here, a thousand dollars there, from all Government.

He will have a hard time defining it.

I have sympathy with my friends who are trying to face this dilemma: How do we preserve the power of Congress to control the purse and still, in an emergency, give the President some leeway to make sure that the expenditures are within a limit?

The President only asked for this privilege for 9 months. The bill contains a provision which sets up a committee consisting of the senior members of the Appropriations Committee of the two Houses, the tax committees of the two Houses—Ways and Means and Senate Finance Committees, to meet and report in February, presumably to try and make recommendations which can solve this problem and leave control of expenditures in the Congress.

I am sure that the President does not want it. When we do it in Congress, we scatter the responsibility among 535 men, and each of us can take less than one-fifth of 1 percent of the responsibility. But the President has to stand up as a single official and take the full brunt of the cuts that he recommends. Rather than being a grasp for power, as some of my friends seem to think, I think this is a courageous representation of a man who is determined to try to handle the immediate problem and bring spending under control.

Now, Mr. President, for these reasons I think this pile of amendments which began with the Senator from Indiana (Mr. HARTKE) and then followed with the Senator from Ohio (Mr. TAFT) should be rejected. By rejecting the Taft amendment, of course, we then have to peel the layers off, one at a time. But I think that we should do it and go back and trust the President for 9 months to solve this immediate problem.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any yea and nay vote during the remainder of today be limited to 10 minutes, with the warning bell to sound at the end of the first 2½ minutes.

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

Mr. TAFT. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. MATHIAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Maryland will state it.

Mr. MATHIAS. Is a perfecting amendment to the amendment of the Senator from Ohio (Mr. TAFT) in order?

The PRESIDING OFFICER. In one degree.

Mr. MATHIAS. Mr. President, I offer an amendment to the perfecting amendment and send it to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Nothing herein shall be deemed to authorize any reduction or diminution in the amount appropriated for the payment of judicial salaries or the administrative expenses of any courts.

Mr. BENNETT. Mr. President, will the Senator from Ohio yield?

The PRESIDING OFFICER (Mr. MONDALE). The Chair is advised by the Parliamentarian to ask, where does the Senator put his perfecting amendment?

Mr. MATHIAS. As a new section at the end of the Taft amendment.

The PRESIDING OFFICER. That will be in order.

Mr. BENNETT. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I am happy to yield to the Senator from Utah, without losing my right to the floor.

Mr. BENNETT. The amendment the Senator from Idaho contains what I think the Senator is trying to accomplish.

Mr. MATHIAS. It refers to judicial salaries. It does not, however, refer to the administrative expenses of the courts.

Mr. TAFT. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I yield, without losing my right to the floor.

Mr. TAFT. As a procedural matter, I believe I am correct, but let me pose a parliamentary inquiry to the Chair: Is it not correct that my amendment is not affected by the reservation as to judicial salaries and other expenses in the amendment of the Senator from Idaho?

The PRESIDING OFFICER (Mr. MONDALE). The Parliamentarian advises the Presiding Officer that the Presiding Officer does not interpret pending bills or legislation.

Mr. MATHIAS. Mr. President, would the Chair repeat that?

The PRESIDING OFFICER. The Chair was not too sure of it himself. [Laughter.]

It is the Parliamentarian's advice that the Presiding Officer does not interpret pending bills or legislation.

Mr. MATHIAS. I thank the Presiding Officer.

Mr. TAFT. Mr. President, all I am trying to point out is that the Senator's amendment is perfectly appropriate to this. It does not duplicate the provisions of the amendment of the Senator from Idaho, because the amendment of the Senator from Idaho, as I understand it, if it passes, would be superseded and no longer have any effect. I do not know whether that is a correct parliamentary ruling on this or not. That is the way I understand it.

I want to further say that the Senator from Maryland has a good point in his amendment. I point to the serious constitutional implications, which are not too far from my feelings with regard to the risk of putting some limits on the power of the President to cut back. And if there is a requirement to cut back more than 10 percent, the President would have to come to Congress or to either house in advance of the veto.

I would support the amendment of the Senator from Maryland.

[Cries of "Vote!" "Vote!"]

Mr. MATHIAS. Mr. President, I would like to make just a few observations. I see that the distinguished assistant majority leader, as always, is urging us on to action. I will not say anything later in the proceedings, if I can just make a few remarks now.

I agree that this bill may serve at least one useful purpose, and that is, that it has to force us to face the facts, as the distinguished Senator from Utah has outlined in all their grim reality, because they are very grim facts.

I think the fact that last year when the country was in a slump, we had a $23 billion deficit and this year when we are having an economic upturn, it looks like we are going to have a $35 billion deficit. We have something pretty grim to contemplate. The long and short of it is that we are printing money, greenbacks. I am no fiscal expert, but I do know that no nation in the world can print money indefinitely. We cannot possibly escape the fate of other nations which is, of course, a continued ruinous inflation. Congress needs to act and act now. But I do think there are certain considerations that are even more important than money. One of them is the integrity of the Constitution itself.

This amendment—which I have offered on the same assumption and with the same view of the law as the Senator from Ohio—if his perfecting amendment would prevail, would supersede the amendment of the Senator from Idaho. It merely carries out the guarantees, the execution of the constitutional provisions contained in article III, section 1, that judges shall receive for their services a compensation which shall not be diminished during their continuance in office.

I think it is vital that judges are independent, which is an integral part of our constitutional system and should be guaranteed. I think this does it.

I am grateful to the Senator from Ohio for accepting this amendment. I am hopeful that his amendment, or the amendment of the Senator from Idaho, will be adopted, because without it I think we are creating a mold that will not be broken at the end of 8 or 9 months.

Mr. BENNETT. Mr. President, since I sat down after I discussed the series of amendments that ended up with the past amendment, another and more horrible thought has occurred to me. Let us suppose that the amount over the $250 billion is more than $7 billion. Suppose it is $10 billion and with only $75 billion available to cut, the President cannot get down to $250 billion on a 10-percent cut. That would mean he would have to come up to ask for permission for every cut that he makes.

Mr. TAFT. Mr. President, if the Senator will yield, I think he misunderstood the import of what I mean. Under the circumstances, he could still cut 10 percent on any program he decided that he wanted to cut 10 percent on. However, if he wishes to cut more than 10 percent on any program, he would have to come to Congress. And Congress does not have to act if it does not like the program as a matter of policy. It could then be cut by an act of Congress.

It seems to me that this would ideally handle the situation which the Senator from Utah described, and the other amendment does not meet the problem at all.

Mr. BENNETT. Mr. President, I thank the Senator. I have a different idea of his amendment. Assume that there is some $77.5 million increase in a program which automatically forces the President to come to Congress in order to carry it out. I think in the spirit of the other amendments, which his amendment is replacing, he should at least give the President enough leeway so that he can handle the problem without having to come up.

I just think this is another weakness of the amendment of the Senator.

Mr. CRANSTON. Mr. President, I think that the distinguished Senator from Utah has given a good argument from one vantage point in favor of the Jordan amendment, because under the Jordan amendment there would be cuts that would insure that we get down to the $250 billion ceiling. The cuts would be made in accordance with whatever is necessary to get down to the $250 billion ceiling.

We do have, as the Senator indicated, three major amendments before us at the present time. The Taft amendment, I believe, is very preferable to the committee bill, because while all three of these proposals get us obviously down to the $250 billion spending ceiling, the committee bill provides a 100-percent abdication of authority to the President to make whatever cuts are necessary. The Taft bill makes a 10-percent abdication of authority to the President. The Jordan proposal makes a zero percent of abdication of authority to the President.

The cuts will be made in accordance with an act of Congress. It will be made through the power of the Congress.

It will be made on the basis of priorities set by Congress, because they will be related in proportion to an act of Congress.

I would vastly prefer the Taft amendment to the committee proposal. Over that, I vastly prefer the Jordan proposal because it recognizes the importance of keeping the congressional power alive and we recognize that the Jordan amendment is the one that preserves the fort.

Mr. BENNETT. Mr. President, the Senator was not in the Chamber when I pointed out——

Mr. CRANSTON. I have been in the Chamber the whole time. I have been listening very carefully.

Mr. BENNETT. Let me repeat. In giving his uncontrollables, the Senator from Idaho (Mr. JORDAN) left out $57 billion of uncontrollables. And so under his amendment, it would be impossible for him to get down to the $250 billion without a 10 percent cut of the remaining amounts. After all, it does not matter whether it is the Jordan amendment, the Taft amendment, or the Hartke amendment. The fact remains that there is only $75 billion left in the budget which the President can cut. It does not matter. We can appreciate that there is only $75 billion. Anyway, the amendment of the Senator from Idaho (Mr. JORDAN) mandates that it will be across the board. It will be 10 percent across the board under his amendment. The Taft amendment provides that he can have up to 10 percent. But he has no leeway, because it would have to be 10 percent or thereabouts anyway.

Mr. CRANSTON. Mr. President, there is a difference of opinion on the floor and among experts on and off the floor as to what is controllable and what is not controllable.

I believe that the Senator from Idaho and others have worked on this and researched this very carefully. I believe their figures are correct. The Senator from Utah mentioned congressional salaries as one item. I presume that the Senator would hope they should be cut, that we should take cuts, if others take cuts.

Mr. BAYH. Mr. President, I rise to oppose the House-passed version of the spending ceiling. That proposal would give the President the authority to reduce or eliminate any Federal programs he wants in order to keep Federal spending to $250 billion in the current fiscal year.

I am prepared, Mr. President, to agree to a meaningful spending limitation—a limitation which sets Federal expenditures at a level which will put the economy on the right track, away from our present course of high unemployment and high inflation; and a limitation structured in a way which assures Congress its proper constitutional role in setting national priorities. But the proposal before us is not that kind of spending limitation. It is, instead, an abdication of one of Congress' most important powers: the power of the purse. It would grant to the President alone the power to decide where the tax dollars we raise will be spent—a power which under the Constitution belongs to Congress, subject only to a Presidential veto.

The last decade has seen a disturbing flow of power from the Congress to the Executive. In foreign affairs, Congress has too often been excluded from its proper, constitutional role, and its explicit instructions to the Executive have too often been ignored. The result has been disastrous: the war in Vietnam continues to drain American lives, American spirit, and American dollars. Now we are being asked by the President to give up our constitutional responsibility for the allocation of Government funds. Why should we expect that the result of the unprecedented grant of this power to one man will be any better than the results of the Gulf of Tonkin resolution?

The basic principle of our Constitution is that by dividing up government power we can insure liberty to our citizens. To support the House version of the spending ceiling is to violate that principle.

We are told, however, that this principle must be temporarily laid aside, because the spending ceiling is going to be an important political issue, because the President will blame Congress for a tax increase next year if we do not bow to his wishes right now. That argument is both invalid and unsupportable. It is invalid because we should not make an important constitutional decision like this on merely political grounds. If we in Congress stand our ground and it hurts us politically—and I for one do not think it will—then that is simply the price we must pay to do our jobs.

Moreover, even this President with all his experience will not be able to fool the American people into believing that Congress is responsible for our present economic and fiscal problems or for a tax increase, if one is needed next year. The record will show that because of the President's mishandling of the economy, because of his refusal to control wages and prices until the last moment, and because of his continued support of the "trickle-down" theory of economics, we now have severe inflation and unacceptably high unemployment at the same time. And we have a President who has run up the largest deficits of any President since World War II. Why these enormous deficits? Not because of congressional spending which the President opposed, but rather because the President has supported tremendous tax cuts for big business and because the President's economic policies have not produced full employment revenues. A President with this record will not be able to convince anyone that Congress is to

blame for unemployment, inflation, deficits, or taxes.

Let me focus for a moment on taxes, and whether the proposed spending ceiling will really have any effect on tax rates. We are asked to let the President cut spending to $250 billion at his pleasure, from the $256–$258 billion which might otherwise be spent. This means a cut of about 3 percent in total expenditures. Can anyone seriously suggest that this is the crucial 3 percent—that if we do not make this cut we will need a tax increase, and if we do, we will not need a tax increase? I do not think that case can be made. So the threat that a tax increase will come if—and because—we refuse to abdicate our constitutional responsibility is a phoney, political threat.

And if, because of the failures of the Nixon economic policies, we need to raise taxes next year, we should do it not by some blanket increase across the board, but by restoring equity and fairness to our tax system. We can raise revenues—more than enough revenues—by repealing the Nixon administration's unnecessary rapid depreciation tax break to business, by reforming the minimum tax provisions, and by revamping the oil depletion tax system to eliminate tax loopholes. There is no need to take more from the already overburdened individual taxpayer.

And where, Mr. President, where does the difference between the proposed $250 billion ceiling and the estimated $257 billion go? Part of it—about $2.1 billion or close to a third of the total differential—goes for increased social security payments our citizens vitally need. Another large chunk of it—about $1.5 billion—will go for disaster relief incident to Hurricane Agnes; clearly a vital need. But another large part of it, $1.2 billion, will go for additional outlays for the Vietnam war—a pointless, useless waste of funds. Under the proposed ceiling, the President could cut any or all of these vital programs; but given the position he has taken on military spending and on the war for the last 4 years, who can realistically hope that he will cut useless programs instead of vital ones?

We can and should control spending and taxes by putting out money into programs which meet our social needs—full employment, health care, equal educational opportunities, among others—and reducing the money which flows wastefully into military cost overruns, into the war in Vietnam, and into weapons systems which will not work and are not needed. The way to control spending is by serious discussion and decisions on priorities—and Congress must play the major role in making these determinations. It is hard, of course, to choose priorities among Federal programs, but the difficulty of the task does not relieve Congress of its responsibility to complete it.

To assist Congress in establishing priorities, we need to reform the process by which spending decisions are made.

On that point, I fully agree with the President, Mr. Weinberger and others in the administration. There was a time when Congress passed a single bill making appropriations for a fiscal year, instead of a series of bills as we do now. Perhaps that method is too cumbersome and complicated, but at least it permitted Congress to focus on priorities and on the effect of Federal spending on economic and fiscal policy. An alternative way to proceed would be for us to require ourselves to pass a congressional budget—one which focuses on actual expenditures as well as new obligational authorities—before considering any appropriations bill. But no matter what the mechanism is, the clearest point is that Congress itself must make decisions on priorities, and must establish a process with teeth that leads to those decisions being made before, not after, the appropriations work is done. That is why I will support title III of the bill before us, which establishes a joint committee to review and report on new procedures by February 15, 1973. I plan to submit some suggestions to that committee, along the lines I have outlined.

But the immediate concern is the flat spending ceiling—a proposal I must oppose in its present form, because it violates our most basic notions of the separations of powers.

I certainly think we should, and I hope we can, find a way to bring that about.

Mr. BENNETT. That is seven-tenths of a billion dollars. Does the Senator think farm price support programs are controllable?

Mr. CRANSTON. No. I do not think senatorial and congressional salaries amount to much in dollars in the terms we are talking about. They amount to a great deal in moral impact.

Mr. BENNETT. Let us forget that item. Does the Senator think farm price support programs are controllable?

Mr. CRANSTON. I think we can find a way to control that.

Mr. BENNETT. How?

Mr. CRANSTON. I am not prepared to answer that at this point but it must be if we are to go ahead.

Mr. BENNETT. The Department of Defense has made contracts and has obligations of $19.7 billion. Those obligations were made in previous years. Does the Senator think those are controllable?

Mr. CRANSTON. I think they are in terms of time, and the Jordan amendment talks of cuts in terms of percentages across the board.

Mr. BENNETT. The Senator said there are differences of opinion as to what is controllable and what is uncontrollable. The examples I used and the figures have been regarded by all administrations as being uncontrollable.

Mr. TAFT. Mr. President, I ask unanimous consent that the amendment of the Senator from Maryland be incorporated as a part of my amendment; that my amendment be amended to include that amendment.

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

The question is on agreeing to the amendment, as amended. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. CRANSTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CRANSTON. What is the Senate voting on?

The PRESIDING OFFICER. The Taft amendment as modified.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Louisiana (Mr. LONG) and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from West Virginia (Mr. RANDOLPH) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Vermont (Mr. STAFFORD) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

On this vote, the Senator from Kentucky (Mr. COOK) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from South Carolina would vote "nay."

I also announce that the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The result was announced—yeas 7, nays 66, as follows:

[No. 556 Leg.]

YEAS—7

Beall	Proxmire	Weicker
Buckley	Stevenson	
Mathias	Taft	

NAYS—66

Aiken	Cranston	Humphrey
Allen	Dole	Inouye
Anderson	Dominick	Jackson
Bayh	Eagleton	Javits
Bellmon	Eastland	Jordan, N.C.
Bennett	Ervin	Jordan, Idaho
Bentsen	Fannin	Magnuson
Brock	Fong	Mansfield
Burdick	Fulbright	McClellan
Byrd, Harry F., Jr.	Gambrell	Miller
	Gravel	Mondale
Byrd, Robert C.	Gurney	Montoya
Cannon	Hansen	Moss
Case	Hart	Nelson
Chiles	Hartke	Packwood
Church	Hollings	Pastore
Cooper	Hruska	Pell
Cotton	Hughes	Percy

Ribicoff	Spong	Tunney
Roth	Stennis	Williams
Schweiker	Stevens	Young
Scott	Symington	
Smith	Talmadge	

NOT VOTING—27

Allott	Griffin	Mundt
Baker	Harris	Muskie
Bible	Hatfield	Pearson
Boggs	Kennedy	Randolph
Brooke	Long	Saxbe
Cook	McGee	Sparkman
Curtis	McGovern	Stafford
Edwards	McIntyre	Thurmond
Goldwater	Metcalf	Tower

So Mr. TAFT's amendment, as amended, was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Idaho.

Mr. JORDAN of Idaho. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following Senate bills without amendment:

S. 2741. An act to amend the Act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such act;

S. 3843. An act to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972; and

S. 4022. An act to provide for the participation of the United States in the International Exposition on the Environment to be held in Spokane, Wash., in 1974, and for other purposes.

TEMPORARY INCREASE IN THE DEBT LIMIT

The Senate continued with the consideration of the bill (H.R. 16810) to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973.

Mr. PACKWOOD. Mr. President, I had intended earlier in the day to speak at length on this issue, but the hour is late, and I will not take up the time of the Senate with the rather lengthy speech I had prepared to deliver.

I ask unanimous consent at this time that the speech I would have read in its entirety be placed in the RECORD at the conclusion of my remarks, along with a historical analysis prepared by my legislative assistant, Stan Heisler, backgrounding the subject.

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

(See exhibit 1.)

Mr. PACKWOOD. Mr. President, this issue of a debt ceiling that we are considering and probably are going to vote on in the next hour or two has not been a significant issue before this Congress before perhaps 6 weeks ago. When it was in the House of Representatives, it was not seriously regarded, apparently, until the chairman of the Ways and Means Committee took it seriously and apparently met with the President, and then that bill was passed by the House.

Earlier tonight, the Senator from Minnesota (Mr. HUMPHREY) spoke upon some of the constitutional issues that we face. When most of the other speakers tonight have spoken, it has not been on the substance or merits of the issue that the Senator from Minnesota raised. We have talked about pragmatics. We have talked about whether the President or Congress is at fault for the $25 billion or $30 billion or $35 billion or $40 billion deficit, but we have not really examined this issue in as much depth as I think the junior Senator from Minnesota and some of the others of us would like to see it examined.

We spend a year in a presidential campaign. We talk about the environment and population stability. We talk about spending in the campaign. We spent 6 or 7 weeks on the floor talking about the direct election of the President. Last week we spent a week talking about consumer protection. We talked about busing. In both cases we could not get any action because we could not break a filibuster.

Some of those issues have been talked about for years.

Yet the issue we are on tonight is of greater significance to the Senate and the country. This entire issue has been discussed in the news media for over 20 years. Yet we are going to rush it through without sufficient consideration of what we are doing or perhaps the background as to why we ever got to where we are and why this power we are so anxious to give away to the President adheres in the Congress at all.

I am not altogether impressed necessarily with the consistence of some Members of this body who say we are guilty of giving our power away to the President. I think it would be a lot better if we did not give away our power to the President in all kinds of actions that we take here.

I do not think we really became concerned about giving away our power to the President until the Vietnam war. Regardless of what our feelings may have been about Vietnam 10 years ago, regardless of whether we would have opposed or supported it, most of us now, I think, regret that we ever got into it at all.

If one can point to any single thing that caused Congress to start thinking about giving away its powers, it was the Tonkin Gulf resolution, passed with only two dissenting votes in this body, cast by former Senator Morse and former Senator Gruening. As this war began to go badly and as the light did not appear at the end of the tunnel, as we were told it would, we began to have second thoughts about why the Senate had given away such power. We began flagellating the President, to whom we had given the power, and saying he should not have done the things he did.

Whether or not he had the power under the Tonkin Gulf resolution, I am not sure, but with this feeling of self-guilt setting in, we began to take back some of the power. We repealed the Gulf of Tonkin resolution a couple of years ago, which was a good step. We passed the Church-Cooper amendment, prohibiting the introduction of American troops into Cambodia, Laos, and Thailand. That was a good step.

Then, in April of this year, we passed the war powers bill, which would have very severely limited the power of the President to send troops overseas. That bill is still in conference. It appears to be a casualty because of failure of the conferees to agree. It appears that it will not come out in this Congress.

But after we had done those things, we sat back. Have we really started to take back the power we have given to the President?

My fellow Senators, we have not really scratched the surface. Let me read the Formosa resolution, which is still on the books. It reads as follows:

That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.

We voted on that. We voted to repeal that resolution. It failed by a 43 to 40 vote. We have left on the books a loop hole big enough to allow any President to drive 10 Mack trucks through if he wants to take us into a war in Asia.

Then the Senator from Minnesota mentioned the Middle East resolution, which is still on the books. We have not had the courage to vote on whether that resolution should be left on the books. It has been on the books since 1957. It states:

the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism:

Whatever that means. I think what it means is that the President wants to say that if Syria is controlled by international communism, we can probably bomb Damascus. We have left it on the books. So when we start talking here tonight about how holy we are, and "Don't give the President this power to cut expenditures to $250 billion" and "Isn't it time we took this back to ourselves," let us just begin to wonder, what about the others?

What about the Spanish bases, and the extension of a five-year executive agreement whereby we are going to pay the Spaniards $400 million, as far as I can figure it out, without so much as concurrence by Congress? Or the bases in the Azores, or the naval base we are going to take over from the British in Bahrain, where we have never had a military base before of any kind, and I do not know what kind of agreements we have entered into? Congress has not been asked whether we think it is wise, and apparently we are not going to be asked.

But I know what will be said. This is foreign relations. Apparently throughout history the President has had some sort

of paramount position in foreign relations, and it is therefore argued that Congress should not impinge too much upon the Executive's power in foreign affairs and should not bother itself too greatly with how the Executive chooses to run foreign policy.

But let us take a look at the last 3 years, domestically, at what we have done. We would think at least in the area of domestic affairs Congress would want to keep its power. But what have we done with the Post Office? We used to run the Post Office—badly and politically. Now we have given it away to the President, and he runs it through the U.S. Postal Service, and it is run just as badly.

Mr. PASTORE. Even worse.

Mr. PACKWOOD. Even worse. I thank the Senator from Rhode Island. But we have given all that away. It is no longer our responsibility.

What about the wages for all the white-collar workers in the executive branch? We used to have a comparability board that reported to us, and we decided whether or not to raise their wages.

We changed that a year and a half ago, and now the board is the President's agent, and reports to the President what the salaries should be. And the President has two alternatives. He can send along the recommendations of his agents to Congress just as he got them, and they go into effect automatically—we cannot even veto them. Or, if the President does not like the salaries, he can send his alternative schedules to Congress, and either house of Congress can veto those. But do you know what happens then? If either house vetoes the alternative suggestions, the recommendations of the President's agent go into effect. In neither event does Congress have anything it can do about it.

But neither of those concessions holds a candle to what we have done with wage and price controls. I was privileged to be a member of the Banking, Housing and Urban Affairs Committee when the suggestion came along that we should undertake the responsibility of delegating to the President the power to set wage and price controls. One of the witnesses who came to testify was Arthur Burns, Chairman of the Federal Reserve Board.

As I listened to Dr. Burns and others who testified before him, I thought to myself, "why should this power of whether or not to administer wage and price controls, the decision whether to have them, if we have them, when to have them, and what to control, have to be delegated to the President? Why cannot Congress make that decision? Why can we not at least say that until Congress passes a concurrent resolution there will be no wage and price controls?"

Dr. Burns said it would be very simple. Then Charlie Walker, the Under Secretary of the Treasury, testified. I asked him some questions in the same vein as Dr. Burns: Why could we not add an amendment so that before the President could institute wage and price controls, Congress would have to at least pass a resolution directing him to do so?

Charlie Walker said that would be very simple. Then Representative REUSS of Wisconsin testified, and I posed much the same question to him.

Perhaps he was more realistic—and I am afraid that is where the problem, unfortunately, lies.

He said that Congress could do it and Congress should do it, but Congress probably will not do it, and so we must give the authority to the President.

That did not satisfy me. I drew up an amendment which would have prohibited the President from instituting wage and price controls without a prior concurrent resolution from Congress. It was a simple amendment, which said:

> Whenever the Congress shall by concurrent resolution determine that the public interest requires the imposition of general controls affecting all industries and segments of the economy, the President may issue such orders and regulations as he deems appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970.

I send the amendment off to Charlie Walker, and asked, "Could I have your opinion about it?"

Two or 3 days later, I got a letter back from the then Secretary of the Treasury, John Connally. Connally's letter said:

> This letter is in response to your request for Administration views on your proposed amendment to H.R. 4246, "To extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization.
>
> As we understand your amendment . . . institution of a general wage-price control program would have to be preceded by adoption of a concurrent resolution by the Congress.
>
> We support your amendment. It provides a workable mechanism with the safeguards we have consistently advocated with respect to such powers, namely, that general wage-price controls should not be instituted by the Chief Executive—short of an all-out national emergency—without a further mandate from the Congress.

I offered the amendment on the floor. It failed 41 to 30 in this body, and we gave away to the President the most significant domestic economic power we can give away; for until we have come to the situation we are considering tonight, we did not even want the power. When the administration was not even asking for it, we gave it away.

But as I look at everything that has gone before, it pales into insignificance in comparison with what we are considering tonight. Because, for all of the powers this Congress has, we have only two great ones. One is the power to tax; the other is the power to spend. It is through those two powers that we are able to transmute the rhetoric of politics into the actuality of policy. If we give either one of those powers away, we are giving away our ability to affect the priorities and the policies of this Nation.

The thing that bothers me, as I see us approaching this issue, is that I feel we have no appreciation for why we have this power.

All one has to do is look at English history, where we got most of our laws and the bulk of our interpretations, to see that for almost five centuries the predominant battle between the king and parliament was over only two things: Who had the right to tax and who had the right to control expenditures.

It started with the Magna Carta, and that is a significant document, because up until that time the king was entitled only to feudal dues. All nobles were entitled to a certain type of feudal dues, and it did not require any type of authorization. But prior to the Magna Carta, the king tried to tax the barons with taxes that were not customary and the barons did not like it, and forced him to sign the Magna Carta, which said that he could not levy any taxes on them, other than the customary, normal feudal dues, without their consent.

That was the start. And you know why the king, from time to time, would have to come to the national council which finally came to be the Parliament? It is no different now than it was 800 years ago. He would have to call them together because the normal feudal dues that he was entitled to as a matter of right did not give him enough money to fight wars.

So every time he wanted to fight a war, he would call Parliament together, and he would plead for money; and if he was a popular king or the war was popular, they would give him the money he requested. If it was an unpopular war or an unpopular king, they probably would not vote him the money. Or even if he was popular and they liked the war, but Parliament felt they had any of a variety of grievances against the king to which the king had not paid enough heed, they would come together, dally and delay, or give the king less than what he wanted, until he would meet with the parliamentary leaders and they would come to some kind of conclusion about their grievances.

It was a gradual development through this evolutionary process, with the kings wanting to go to war and Parliament saying, "Okay, but not until we get this grievance met, or not until you stop trying to assess illegal taxes or forced loans or benevolences will we try to get you the money."

If they had strong kings and weak parliaments, the king would dominate, or if, as finally under the Lancastrians, they had a strong Parliament and weak kings, the parliaments dominated.

Finally the showdown came in the 16th century, when the Stuarts came to the throne, who believed in the "divine right of kings" and were not going to have any truck with Parliament. James I was first, but he died. Then Charles I came on the throne, and he could not stand Parliament, and finally decided, in 1622, that he was going to abolish it. He did not call Parliament together for 11 years, until 1640. And do you know why he called it then? Because he had gone to war with the Scots, they had beaten him in the Battle of Newburn, and were knocking on the doors of London. Nothing could be more humiliating to an Englishman than to be defeated by the Scots.

So he called Parliament together to ask for money to fight the Scots; only at this stage Parliament had had it, not only with the Scots but also with the King. So, instead of giving money, it

passed a bill of attainder, impeaching one of the King's ministers and sentencing him to death. The civil war started afterward, and Parliament won, and the King was captured and executed, which was unheard of in that day and age.

England went for 11 years as a republic, but finally, in 1660, it restored the monarchy. But by this time an uneasy but understood truce existed. There were no written documents, but it was understood that the King could not spend nor tax without parliamentary acquiescence.

So, for 25 years, under Charles II, things went along reasonably smoothly.

When James II came to the throne in 1685, he did not have his father's tact or diplomacy. He was a Scotch Catholic and was determined to try to return his country to Catholicism. But his country was principally Protestant. So in 3 short years Parliament threw him out and invited William of Orange to come from Holland and become King.

They passed the Declaration of Right, which, with one or two very minor changes, became the Bill of Rights in 1689. Under that document, henceforth, every king of England, every queen of England served at the sufferance and the will of Parliament. They had no power to tax, no power to spend.

By 1689, a hundred years before our Constitutional Convention, England had settled upon itself who was going to have the power to tax and the power to spend, and it was Parliament.

So when we get to our Constitutional Convention—you can search the Federalist Papers or the debates and you will find that there was very little discussion about who shall have the power to spend and tax. Nobody seriously thought anyone other than Congress should have it. No one seriously thought the President should have any power at all in terms of setting fiscal policy. They very clearly set it forth in Article I, section 8, of the Constitution:

> The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common defense and general welfare of the United States.

And article I, section 9:

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

Here it is, in simple and straight language. What happened? We went from the time of our Constitutional Convention all through the 1800's with Congress perfectly able to draw budgets, determine priorities, and raise money.

In the First Congress, Alexander Hamilton. who was the first Secretary of the Treasury, tried to come forth with an Executive budget, and Congress rejected it. We did not have an Executive budget in this country until 1921, when we passed the Budget and Accounting Act. Of course, the President obviously had a hand in talking with his Cabinet heads; but every department submitted its budget and it was sent to Congress, and Congress made the decision.

We can do it again, if we want to. When people say, "It is beyond us. That was 1921. We were talking about a budget of $3 or $4 billion. We cannot do it now with a budget of $250 billion. Nobody in Congress can fathom that"—I say that is baloney.

Every parliamentary democracy in the world today manages to come up with legislative budgets. A few of them have executives, but they are weak executives. In England, France, Germany, and in the Scandinavian countries there are legislative budgets, and the majority party is able to determine how much they can raise and spend. They come to the parliament with it and debate it, but it is a legislative budget. If it can be done in any other country in the world, why can it not be done in this country?

The fact that we have not done it in the last 10 or 20 years is no reason why we cannot do it again.

The reason why I worry about this bill tonight is that it is not the first time we have toyed with the idea of delegating fiscal matters to the President. Senators will recall that in the late 1950's and early 1960's there was support for a bill to give the President power to raise or lower taxes by 10 percent. It was even endorsed by two of the major newspapers on the east coast that most of us read. Congress kindly did not adopt it.

In 1968, we got the first of our debt ceilings, another in 1969, and another in 1970; but they were really porous. We put enough exceptions in them so that they really were not debt ceilings, especially one which said there shall be a debt ceiling except for those things Congress appropriates over the debt ceiling. That was not much we had to worry about. We had given away no power.

But now we Senators are sitting here like a child on the beach with his sand castle, watching the waves come in; and as the tide comes in, the waves come closer, and now, for the first time, tonight, we are seriously toying with giving away half of the significant power that Congress can have.

I look at us and I say, "Why the dickens do we do it? Why are we willing to give away this power?" I can only come up with two reasons. One is that we really do not want it. We really do not want it.

I see nothing in the legislation about the Post Office, wage and price controls, the Formosa resolution, and the Middle East resolution to convince me that we want the power to make the decisions in this country. It is easy to give the power to the President. Let him make the tough decisions; we will not have to do it. Let him decide where to spend $2 or $3 billion. We will sit back, and if it is unpopular, we will criticize him. We will say, "What a foolish mistake. Any man in the White House who would do that should be defeated. We would not have done it. But, of course, we do not have the power. We have given it to the President." If he happens to make a popular decision and cuts something nobody likes, we applaud him, and we all get reelected together. In neither event have we had to make the prospective decisions and the tough ones as to what to cut ahead of time.

In addition to not wanting it, I think we have gotten in the habit in Congress of saying, "Can't—can't be done." We cannot run the Post Office. We cannot determine wage and price policies. We cannot determine where military bases ought to be placed overseas. We cannot set executive salaries. We cannot fathom the Federal budget. So we delegate it to the President.

Well, "can't, can't, can't," to my mind, is just an excuse for "don't want to." "Can't" is an excuse to avoid the onerous and unpleasant task of leadership, because leadership is no fun. It is a lonely job, and you make decisions in isolation. You make decisions that you later wish you had not had to make. So we delegate the leadership because we say it cannot be done.

Let me make clear that I am not a defender of Congress. I spoke earlier about the argument we had back and forth about who was responsible for the deficits, and we say we have trimmed appropriations, and we do. We trim appropriations every year after we pass authorizations the year before, requiring the President to double his budget, and then we trim it.

I think this Congress is fiscally corrupt. I do not think we have the discipline or courage to raise the taxes or lower the expenditures; or, at least, nothing I have seen since I came to the Senate in 1969 would convince me that we have the ability, capacity, wisdom, or discipline to do it.

So we are faced with a Hobson's choice: Either we delegate these powers to the President in order to save the country from Congress, or we keep the powers in Congress and perhaps run the country into bankruptcy. What it amounts to is a choice between a fiscally irresponsible Congress and a totally irresponsible Congress. If I have to make a choice between the two, I will choose the fiscally irresponsible Congress, because anything we do that is wrong, if we keep the power, we can right. Once we give it away, we have no capacity to right it; and, frankly we have no course of complaint if we once give it away.

When President Kennedy was a Member of this body, he was appointed chairman of a committee called the Committee on the Senate Reception Room. For the life of me, I do not know the history of why the committee was created. But one of the things the committee undertook was to determine the five greatest Senators of all time. Their pictures are now in the Reception Room.

The committee picked two people out of this century, Bob Taft and Bob LaFollette, and three out of the last century, Daniel Webster, John C. Calhoun, the great southerner, and Henry Clay, who is perhaps by historical acclaim the greatest Senator of all time. It is interesting that Clay, Calhoun, and Webster all served in the Senate at about the same time. They served in that little Senate Chamber down there across the hall from the Senate Disbursing Office, which I am delighted to see we are going to restore under the Legislative Appropriations Act of 1973 which we passed. The room is kind of dusty. It is not used any more, but if we go down

there and sit quietly in the room, we can, with any degree of imagination, almost hear the Clays, the Calhouns, and the Websters arguing the great issues of those days: The Missouri Compromise, the Kansas-Nebraska Act, the Tariff of Abominations where they argued about the opening of the West, the Bank of the United States, and the theory of nullification so eloquently argued in the Webster-Hayne debates. The theory of nullification, if it had prevailed, would have meant the dissolution of this country. It was a theory that finally led to the War Between the States.

Mr. President, as I think about those men, I cannot help recalling the banquet at the Indian Queen Hotel in Washington in 1830. It was a Jefferson Day Banquet and the Democrats were celebrating Thomas Jefferson. Andrew Jackson was President then and he was, of course, trying to put down the theory of nullification if he could. Calhoun was there. He was actually Vice President but that was through a quirk of the electoral college process, which allowed a man who ran second to be the Vice President, although Calhoun said he would much rather be a Senator than a Vice President.

When the banquet reached the time appropriate for the toast, Jackson rose and looking squarely at Calhoun proposed:

Our Federal Union—it must be preserved.

Calhoun rose to the occasion. He raised his glass and said with feeling:

The Union—next to our liberty—the most dear.

Those were great men and great times. They did not agree among themselves. The enmity among Clay, Webster, and Calhoun is legendary. But they almost spanned 50 years, the length of time those three men served here. They had many bitter battles but they all agreed on one thing; they agreed on the fact that the policies of this country were going to be made on the floor of Congress and not in the White House. It was not that they were unaware of the dangers of usurpation of Executive power, because Clay said in 1840:

In my deliberative opinion, the present distressed and distracted state of the country may be traced to the single cause of the action, the encroachment, and the usurpations of the Executive Branch of the Government.

So, they were aware of the problems. They are not new. Only we face graver problems now. The President has not tried to steal our power. We want to give it away.

Congressional power is like chastity, it is seldom lost by force because it is usually given up voluntarily. We will give up our power here tonight, if we vote for this bill.

Short of physical or mental limitations that God places on any man, there is nothing that cannot be done by man if he believes it. God did not bless or circumscribe the President with any greater physical or mental limitations than he did us. Anything he can do as a President, we can do as a Congress—if we want to. But we must have the will and the capacity to do so.

There is no reason today why we cannot appropriate money sufficient for ourselves and for the committees to come forth with a legislative budget.

There is no reason why the distinguished majority leader cannot come forth with a Democratic budget, and there is no reason why our distinguished minority leader cannot come forth with a Republican budget.

Even Senator McGOVERN has a budget and he is only a candidate. So, it can be done.

I am simply saying: Why are we not willing to do it? Why, after we have spent—as I look around this Chamber, some of us are only 2 or 4 years in national politics, but there are others here who have spent 30 years of their adult lives in the service of their country, who ask the voters to delegate to them the power to make the policies of this Nation—why are we so wild to hand over our power to someone else?

Mr. President, I tell you what will happen if we adopt the Jordan amendment. It will not be a cure-all. Twenty years ago, in politics, the cry was of the 5 percenters. What we will have if we pass the Jordan amendment will be the cry of the 10 percenters. Everyone will have a favorite project and will come on the floor of the Senate and want to get his appropriation increased 10 percent to take care of the 10 percent cut that will be made in the budget by the Executive. Everyone will do the best he can, whatever committee it may come from that has jurisdiction over it, to get his particular little bailiwick, whether it be veterans, or social security, put into the "uncontrollable items" list, so that it cannot be cut at all.

We will find some way to weasel around the Jordan amendment, some way to increase the appropriations enough so that when they are cut 10 percent it will still be too much. So, I fear, instead of an 8-month experiment, we will find it too easy so that we will say education needs $10 million more, so make it $20 million. Housing needs $20 million so make it $40 million, and we can go out and tell the people that the President is the one that has got to cut the budget and he does not have any humaneness or understanding of the problem so that we can blame it on him. We can go out and say to the poor, "We want to try to help you. It is that man in the White House that does not have any sympathy for you."

Mr. President, let me make it clear that by that time, Congress will be reduced to passing on minor matters of trivia. The Senate will be called upon from time to time to confirm judges and ambassadors and that will be the sum total of the function of this body, if we adopt the Jordan amendment, or if we adopt the committee position.

When Benjamin Franklin was leaving the Constitutional Convention, walking down the steps of Independence Hall, a woman, Mrs. Powell, came up to him and said:

Dr. Franklin, what have we got—a republic or a monarchy?

Benjamin Franklin replied:

A republic, if you can keep it.

We are all going to be celebrating the 200th anniversary of this Nation in 1976. I am curious whether we will be celebrating 200 years as a Republic, or as year three of an Executive monarchy.

Can we keep it?

That choice is ours.

I hope that the Senate will opt on the side of the republic.

Mr. President, I yield the floor.

EXHIBIT 1

A REPUBLIC OR A MONARCHY?

(By Senator BOB PACKWOOD)

Mr. President, we are approaching the closing days of the 1972 presidential election. Many issues have been raised and discussed. Among those are Vietnam, the economy, environmental problems, race relations, equal rights for women, and numerous others. Some of these were issues in 1968. Some were not. Some might still be issues in 1976 but the greater likelihood is that most of the issues of 1972 will be but dim memories in 1976. For if there is any one constant in history, it is that the only constant is change.

We are at this moment in the United States Senate, however, facing an issue that transcends all others. That issue, and how we decide it, will be more important to the future of this country than how we decide all other specific issues combined. That issue is who will decide the main policies of this country—the Congress or the President.

For the past decade, we've heard a great deal in Congress about the delegation of powers to the President. Much of this has stemmed from the tragic conflict in Vietnam. Regardless of our feelings a decade ago, most of us today realize that we'd be better off if we had never become involved in Vietnam.

If any specific vote can be pointed to as the vote which focused attention on delegation of power to the President, it would be the vote in 1964 on the Gulf of Tonkin Resolution. Whether or not under that Resolution Congress gave to the President authority he did not have is now moot, as the Tonkin Resolution has now been repealed. But, from the date of the passage of the Gulf of Tonkin Resolution onward, many in Congress have become troubled by the erosion of congressional powers and the increased authority and power of the President. As the war dragged on, self-guilt in the Congress, caused by the passage of the Tonkin Resolution, increased. Congress started to flagellate the President and to question the wisdom of the Tonkin Resolution specifically and executive power in general.

With much hoopla and breast beating, Congress, in June 1970, passed the Cooper-Church Resolution which prohibited funds from being used to introduce American ground combat troops in Laos, Thailand or Cambodia.

In July of 1970, we repealed the Gulf of Tonkin Resolution.

In April of 1972, the Senate passed the war powers bill substantially curtailing the power of the President to involve the United States in armed hostilities overseas, but that bill has yet to be enacted by the Congress.

Having accomplished all of the above, Congress sat back with a certain degree of smugness and prattled about its reassertion of congressional authority.

But what about the Formosa Resolution initially passed in 1955. That Resolution reads, "... The President of the United States be and he hereby is authorized to employ the armed forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and the protection of such related position and territories of that area now in friendly hands

and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores." The Senate specifically refused to repeal that resolution by a vote of 43–40 on October 28, 1971.

Or consider the Middle East resolution passed in 1957. That resolution reads, ". . . the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any nation or group of such nations requesting assistance against aggression from any country controlled by international communism. . ." Congress has never even voted as to whether or not we should repeal this resolution.

Under either the Formosa resolution or the Middle East resolution, the President, if he didn't already have the power, was certainly delegated the power by Congress to take whatever military action he wishes in those areas under the flimsiest of pretexts. If Congress wants to make sure that some future President doesn't get us into a war over Formosa, or the Middle East, they have done nothing to prohibit it by leaving these two resolutions on the books.

There are other examples. We've extended our lease on our bases in Spain for 5 years through an executive agreement which doesn't even require Senate ratification or congressional concurrence. In this executive agreement, we have agreed to pay Spain $400 million dollars. All of this without so much as a by-your-leave of Congress even though it is Congress that must find the money to fulfill the agreement.

We've extended our agreement with Portugal for the use of bases in the Azores—again without so much as a request for congressional acquiescence.

In addition we apparently, by executive agreement, intend to establish a naval base in Bahrain where we have never had a naval base before, nor for that matter, any military base of any kind in that country. Congress has never been asked whether or not we thought the establishment of this base was in our national interest. It may be. It may not be. But, apparently it is going to be established without asking for the benefit of Congress' thought on the matter.

Now it might be said that all of these matters involve foreign policy, and that constitutionally the President is given paramountcy in foreign affairs and within reason ought to be able to conduct the foreign policy of the nation as he chooses. It is therefor argued that Congress should not impinge too much upon the executive's power in foreign affairs and should not bother itself too greatly in how the executive chooses to run foreign policy.

I don't agree with that premise. But, putting it aside for the moment, without arguing for or against it, one might at least suppose that Congress in the area of domestic matters would be concerned with maintaining its preeminence in deciding what policies shall be followed in running this country.

But what have we seen in the last few years. Well, to begin with—take the Post Office. Congress used to run the Post Office—politically and badly, now, Congress has delegated its authority to run the Post Office to the United States Postal Service, governed by a board of directors, appointed by the President. And now, instead of the Post Office being run politically and badly—it's just run badly. But don't complain to Congress anymore about bad mail service, because, you see, it's no longer our responsibility.

Congress used to set the salaries of the workers in the Executive Branch of the Federal Government. Now, we've given that away also. Today the President receives reports from various boards, appointed, I might add, by the President. These boards recommend what the salaries of the employees in the Executive Branch ought to be. The President passes along these recommendations to Congress. They go into effect automatically. No longer does Congress have to worry about setting the policy as to what the wages in the Executive Branch should be.

Example upon example of such delegation can be compiled. Some of it minor, some of it major. But the most sweeping and dramatic power that Congress has recently delegated to the President is in the field of wage and price controls—the most critical power over the private lives of all of us. We have delegated this power so broadly to the President that he has virtually a carte blanche to set the wage and price policies of this Nation—at his sole discretion.

When Congress was first considering the matter of whether to establish wage and price controls, the matter was referred to the Banking, Housing and Urban Affairs Committee which I'm privileged to be a member. Numerous witneses testified. As I listened to the witnesses, I began to think to myself, why can't the specific decision as to when and whether there should be wage and price controls be decided by Congress. Why did we have to delegate to the President the decision when to institute them or if to institute them. I posed this question to Dr. Arthur Burns, the Chairman of the Federal Reserve Board who was then testifying:

PACKWOOD. "I have some misgivings about yielding this power to the President. Is there any reason why the legislation we chose to enact cannot leave with Congress the discretion as to whether or not to trigger the policy decision to institute wage and price controls?"

Dr. BURNS. "It could be done through a triggering device."

PACKWOOD. "It would not be that difficult a piece of legislation to enact, would it?"

Dr. BURNS. "I would think that a triggering device could be written into legislation, a device that would work reasonably well."

Another witness was Charls Walker, the Under Secretary of the Treasury, and I posed essentially the same question to him as follows:

PACKWOOD. "Let me ask you the same question I asked Dr. Burns. While I have misgivings about giving the power to the executive to make the decision to impose general controls, I don't argue with giving the executive the authority to administer such controls.

"Would it be relatively easy to draw a piece of legislation which would enable Congress to quickly trigger the policy decision as to whether or not we should institute either general or specific wage and price controls and also providing for the administration to administer them?"

Dr. WALKER. "I think it would be."

Finally, Congressman Henry Reuss from Wisconsin was testifying. He agreed that Congress ought to exercise this power rather than the President, but he didn't have much hope or faith that Congress would. I questioned him as follows:

PACKWOOD. "What you are saying is that Congress could do it; Congress probably should do it, but in all likelihood Congress probably will not do it?"

Mr. REUSS. "A fair statement."

I had an amendment drafted that would reserve to Congress the power to specifically decide when and whether we should have wage and price controls. That amendment read:

"Whenever the Congress shall by concurrent resolution determine that the public interest requires the imposition of general controls affecting all industries and segments of the economy, the President may issue such orders and regulations as he deems appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970."

I mailed the amendment to Under Secretary Charls Walker, and asked for his comments and suggestions. In a few days, I received a letter from Secretary of the Treasury, John Connally. He indicated that the administration supported my amendment. They did not want the power to institute general wage and price controls without a further mandate from the Congress. He indicated that I was free to use that letter in support of my amendment on the floor of the Senate. That letter, dated April 30, 1971, reads as follows:

"This letter is in response to your request for administration views on your proposed amendment to H.R. 4246, 'To extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization.'

"As we understand your amendment . . . institution of a general wage-price control program would have to be preceded by adoption of a concurrent resolution by the Congress.

"We support your amendment. It provides a workable mechanism with the safeguards we have consistently advocated with respect to such powers, namely, that general wage-price controls should not be instituted by the Chief Executive—short of an all-out national emergency—without a further mandate from the Congress.

* * * * *

"We have been advised by the Office of Management and Budget that there is no objection to the submission of these views.

"JOHN CONNALLY."

I offered the amendment on the floor of the Senate and it was defeated by a vote of 41–30 on May 3, 1971. When the Senate, on a silver platter, was handed the opportunity to limit the President's power in the field of wage and price controls and to reserve unto Congress the final decision as to when and if wage and price controls should be instituted, the Senate refused to accept the opportunity. They preferred to give away the power.

Well, all the powers that Congress has delegated to the President, be they in foreign affairs or domestic affairs, pale into insignificance when we consider the matter now under discussion.

Congress has only two great powers—the power to tax and the power to spend. It is through the exercise of these two great powers that much of the rhetoric of politics is transmitted into the fulfillment of policy. Now Congress is seriously considering delegating to the President the power to cut all Federal expenditures over $250 billion—wherever he wants to cut them. The President is a good and able man. I support his re-election and I'm certain that he will be overwhelmingly re-elected. But no President should have this power.

Justice Oliver Wendell Holmes once said: "A page of history is worth a volume of logic." This statement should be considered carefully by those in this body who contemplate delegating the power of over-spending to the President.

America received most of her concepts of government from England. One of the most controversial of all subjects in the history of England was the issue of who would have the power to levy taxes and to appropriate money—the Parliament or the King.

The battle started in 1215 with Magna Carta. Under this document, King John was forced to sign an agreement with the nobles that he would levy no extraordinary taxes (as distinct from the customary feudal dues to which the king was entitled as a matter of right) without the consent of the nobles. From that date onward for almost five centuries the battle waged back and forth between king and the parliament. Parliament was at its strongest when the king wanted to wage war. The king's normal feudal dues simply would not produce enough revenue to wage war.

The king was, therefore, forced to go to parliament from time to time and ask them to assess taxes for the starting or continuance of a war. If the king or the war happened to be popular with parliament, they would normally acquiesce. If the king or the war was unpopular, it was quite common for parliament to be quite miserly in providing funds. And even if the war or the king was popular, if parliament felt that it had other grievances to which the king had given little heed, parliament might delay or appropriate less than the king requested until the king would meet with parliamentary leaders to discuss the grievances about which parliament had complained.

In spite of the efforts of parliament, it was not uncommon for the king to attempt to levy what parliament regarded as illegal or unconstitutional taxes. Under the Lancastrian monarchs, parliament was greatly strengthened because the kings respected the growing power of parliament and didn't seriously attempt to undermine or circumvent it. But, under the Yorkist and Tudor monarchies, arbitrary taxes, "forced loans", and "benevolences" and other illegal methods of extracting revenue without parliamentary consent were attempted.

The showdown arrived with the era of the Stuarts (James I, 1603 to 1625; Charles I, 1625 to 1649; Charles II, 1660 to 1685, and James II, 1685 to 1688). In the era of James I and Charles I, not only did the normal contest between the king and the parliament over the power to tax continue, but fused into the dispute was the rise to power in England of the Puritans and Oliver Cromwell.

Parliament became more and more truculent. Not only would the members of parliament refuse on most occasions to authorize the taxes requested by the king, but in addition, members would make speeches on the floor of the parliament assailing the king and his ministers. Parliament attempted to impeach ministers. The king, in turn, imprisoned members of parliament.

In the 1640's, the century's long battle erupted into a bitter and bloody civil war. Cities divided against cities. Nobles chose sides between the King and parliamentary forces. Members of Parliament were imprisoned, their estates forfeited and on occasion their lives lost. Finally in 1649, the parliamentary forces led by Cromwell and his new model army, were completely victorious; the King was captured and executed. England ceased to become a kingdom and became a republic with Cromwell at its head.

But Cromwell proved in the long run to be the leader in not of the entire country nor even of all the parliamentary factions. Instead Cromwell's power rested narrowly on a zealous band of religious fanatics known as Puritans. What they tried to impose upon England was an anathema to everything that that great country ever wished or ever willed. Cromwell died in 1658. In 1660, the monarchy was restored and Charles II became King.

The House of Stuart was restored, however, with not constitutional guarantees. The supremacy of Parliament was not declared in any formal document nor was the King required to acknowledge that his powers were limited or derived from the people. And while in form and law, the King was supreme—in fact, he was no subservient to Parliament.

During the reign of Charles II (1660 to 1685) there was a de facto truce between the King and Parliament. The King refrained from imposing taxes or levies without parliamentary consent and the Parliament, in turn, granted the King greater privileges and liberties than they had been willing to grant to either James I or Charles I.

On Charles II's death, however, James II ascended to the English throne. But where Charles II had adjusted to the parliamentary system, James II did not. James II lacked Charles II's tact and diplomacy. He assumed the crown with the full intention of exercising arbitrary authority. He attempted to discard the law. He attempted to bring Roman Catholicism back to an England that was now thoroughly Protestant. Immediately, an intense and bitter battle started between the King and Parliament. The King imprisoned some members of Parliament. In a short span of 3 years, the situation became so tense that James was driven from the throne.

William of Orange was invited by Parliament to come to England to assume the throne. William came and jointly assumed the throne with Mary, the daughter of James II. But at last, Parliament had proved itself supreme. William and Mary were crowned subject to the conditions expressed in "the declaration of right."

These set forth innumerable parliamentary grievances and asserted parliamentary powers. With slight changes "the declaration of right" was enacted by Parliament as *the Bill of Rights*. William and Mary, therefore, ruled England at the sufference and at the will of Parliament. They had limited powers and, most importantly, were subservient to a Parliament which had complete domination over the power to tax and the power to spend. The bill of rights said specifically,

"That levying money for or to the use of the crown by pretense or prerogative, without grant of Parliament for longer time or in other manner than the same is or shall be granted, is illegal."

The Bill of Rights is—without question—one of the most crucial documents in Anglo-American constitutional history. For it marked the end of a struggle which had taken almost five centuries. As the great historian, Maitland observed, with the passage of The Bill of Rights "one great chapter of English history had been closed." Or as Shepard Morgan in his history of parliamentary taxation in England said:

"With the passage of the Bill of Rights the principle was vindicated that Parliament rather than the Crown has the power to tax. . . . The corollary principle that Parliament has the power to appropriate supplies for specific purposes and that it can demand an accounting for the money so appropriated were accorded general acquiescence then and thereafter." (The History of Parliamentary Taxation in England by Shepard Morgan, New York: 1911; pp. 307, 308).

The passage of the English Bill of Rights in 1689 occurred almost a 100 years before our constitutional convention. By the time we held our constitutional convention and started discussing the theories of separation of powers, there was relatively little debate on the power of the purse—that is the power to tax and the power to spend. There was relatively little debate because to everyone involved the question had been irrevocably settled. Congress was to have the power of the purse and no one seriously disputed it, challenged it, or thought that any other conclusion should be reached. To insure that Congress would be the ultimate repository of the power of the purse, the constitutional convention enacted article 1, section 8, of the Constitution which says:

"The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States."

and article 1, section 9:

"No money shall be drawn from the Treasury, but in consequence of appropriations made by law."

The issue of legislative fiscal supremacy could not have been made more clear than it was in the first Congress. Alexander Hamilton, the first Secretary of the Treasury, tried to persuade the Congress to allow the President to establish an executive budget. The effort was rejected out of hand by the Congress. As one author has observed:

". . . jealousy between the legislative and executive branches of the Government became so intensified that Congress sought executive decentralization in budgetary matters . . . thus budget making became an exclusively legislative function in the National Government and as such it continued for more than a century." (Public Budgeting, by A. E. Buck, p. 17)

No—American blood has never been spilled, brother has not been turned against brother nor the President against Congress over the issue of taxing and spending, because nobody, and I re-emphasize, nobody including Presidents, thought the President should have that power.

During the entire nineteenth century, Congress alone determined the budgetary priorities of the United States. As is required by the constitution, fiscal matters originated in the House of Representatives. As a matter of fact, until 1865, the ways and means committee of the House was responsible both for taxation and appropriations. In 1865, the House appropriations committee was created to consider appropriations and in 1867, the Senate followed suit. But, regardless of the method of handling fiscal matters in the Congress, it is fair to say that it was exclusively handled in Congress.

Even into the twentieth century, Congressional Supremacy of budgetary matters continued. As a matter of fact, there was no executive budget until 1921. Up to that time, although the executive obviously had a hand in determining what the budget recommendations of each of its cabinet departments would be, the various recommendations from all departments were simply given to the Secretary of the Treasury and he in turn presented them to Congress. It was Congress that estimated revenues, set priorities and determined appropriations.

Then in 1921, Congress enacted the budget and accounting act of 1921. This act was not designed to give the President the power to determine the policies of this country, but rather to give the President the power to administer the Government—the fiscal power of planning and oversight—the power that any executive officer of a corporation has to run the corporation.

And, what do we see today? We stand here in the Senate of the United States, considering the possibility of giving the President the power to limit all Federal expenditures over $250 billion. We are considering saying: "Cut where you want, Mr. President. It doesn't matter what Congress thinks our national priorities should be. You do whatever you want to limit Federal expenditures to $250 billion. It's beyond us."

The suggested $250 billion expenditure ceiling is not the first time Congress has toyed with the idea of delegating fiscal powers to the President. In the late '50's and early 1960's, the idea was in vogue of delegating to the President the power to raise or lower the tax rates in the United States by as much as 10% a year. Fortunately, this suggestion received short shrift from Congress. Then in 1968, the Congress passed the first of its so-called expenditure ceilings. This ceiling, however, was not a firm ceiling. First, "uncontrollable" programs were exempt. Secondly, a two billion dollar cushion was allowed. So a ceiling that was originally enacted to be $180 billion dollars in 1960, totalled $185 billion.

A ceiling was again tried in 1969, but the exemptions enacted with the ceiling were sufficiently porous that the effect was no ceiling at all. A similar attempt in 1970 was equally unsuccessful. Thus the efforts in 1968, 1969, and 1970 were illusory. There were too many holes to call these genuine expenditure ceilings. But the efforts may have, unfortunately, foretold the future. Like an incoming tide, the waves of an expenditure

ceiling crept ever closer to surrounding the fiscal powers of Congress.

Now, Mr. President, we stand on the threshold of the decision which may make the difference as to how this country is governed in the future. We soon will vote on whether or not to give the power to control spending to the President.

Why does Congress give away this power? Why does Congress not hold this power unto itself? I can find only two reasons. First, it's easier to give it away. That way we don't have to make the tough decisions prospectively. We can wait until the President makes them and then we can applaud or criticize him as we choose, depending upon public opinion. If he makes an unpopular decision, Congress can stand back and say—that was a foolish thing for the President to do.

Congress would not have made such a terrible decision. And if the President happens to make a decision that is popular, Congress can come forward and applaud the President, exclaim how wise we all are, bask in the collective glory of the popular decision, and hope that we'll all be re-elected together. But in either event, Congress has no responsibility, because we will have given that power to the President.

The second reason we give away these powers is that we say to ourselves "it can't be done." We "can't" really run the post office well, if at all. We "can't" make decisions about military bases overseas. We "can't" set the wages for government employees. We "can't" determine when or whether to institute wage and price controls. We "can't" fathom the Federal budget and how to control Federal expenditures, so we must delegate that power to the President. "Can't"—can't—can't." Well, Mr. President, "can't" is just an excuse to avoid the onerous and rather unpleasant task of leadership. It's not that Congress can't answer these questions—it's just that Congress has no desire to.

Mr. President, the intricacies and mysteries of the Federal budget are not beyond us. It is self-evident that every parliamentary democracy in this world manages to estimate government income, set priorities, determine appropriations and put it all into a document called a budget.

Most of these democracies don't even have the independent executive and those that do usually have a weak executive totally dependent upon the legislative branch of government. The making and fashioning of taxation and expenditures in most free countries of the world are done by the legislative body, not by an executive, and if it can be done in those countries, it can be done here.

Mr. President, I am the first to fault Congress. We are fiscally corrupt. Left to Congress, we will probably succeed in bankrupting this Nation. We haven't the discipline and courage to either expand revenues or trim expenditures. We don't like to raise taxes and we're reluctant to cut appropriations. The answer is said to be, "delegate the power to the President." Mr. President, this is a Hobson's choice—leave the power with a Congress with no discipline or delegate it to the President to save the country from Congress and the devil with what may be the ultimate consequences of the delegation. It's the unfortunate choice between a fiscally irresponsible Congress and a totally irresponsible Congress.

When Jack Kennedy was a member of this body, he headed a commission to determine the five greatest Senators of all time. The committee heard experts from all over the United States. It weighed and sifted recommendations from the best scholars in the field of American Government this country could produce. And finally the Commission named the five greatest Senators of all time. Two were from this century—Bob Taft of Ohio and Bob La Follette of Wisconsin—and three out of the last century—Daniel Webster, perhaps the greatest orator in the history of the Senate, John C. Calhoun, the great southerner and Henry Clay, who is perhaps by historical acclaim, the greatest Senator of all time.

It is interesting that the latter three, Clay, Calhoun and Webster, all served in the Senate at about the same time. They served at a time when that small room across from the Senate disbursing office was the Senate Chamber. I'm happy to see that the Legislative Appropriations Act of 1973 provides for the restoration of this beautiful old Senate Chamber. But even in its present rather disheveled condition, a person can go into that room and sit quietly and with any degree of imagination can hear the Clays, the Calhouns, and the Websters debating the great issues of those days. The Missouri compromise, the Kansas-Nebraska Act, the tariff of abominations, the opening of the West, the Bank of the United States, and perhaps most importantly, the theory of nullification so strongly championed by Calhoun and so eloquently argued in the Webster-Hayne debates. This theory of nullification was, of course, the precursor of the eventual War Between the States.

The theory of nullification produced an extraordinary struggle between the congressional forces led by Calhoun who supported nullification and President Andrew Jackson who opposed it with all his might and main.

There perhaps could have been no more illustrative and dramatic moment in the history of our country than at that small banquet at the Indian Queen Hotel in Washington in 1830. President Jackson and Calhoun were at the banquet. Calhoun and his supporters were determined to use the banquet as a vehicle for furthering nullification. Jackson was equally determined that no such effort succeed.

When the banquet reached the time appropriate for toasts Jackson rose and looking squarely at Calhoun, proposed the following toast:

"Our Federal Union—it must be preserved!"

Calm and reposed, Calhoun rose, gazed with determination at the President and raised his glass and said:

"The Union—next to our liberty—the most dear."

These were great men facing momentous decisions. These were men aware of the dangers of executive power and the possibilities of the loss of Congressional prerogative. Henry Clay was quite disturbed about it when he said in 1840:

"In my deliberate opinion, the present distressed and distracted state of the country may be traced to the single cause of the action, the encroachment, and the usurpations of the executive branch of the government.

Yes indeed these were great men—striding these corridors—sitting at some of the very desks we now use—debating the critical issues of their day. But while these men may have been divided in their opinions they were united on one thing. And that was that the policies of this country should be made on the floor of Congress—not in the White House.

Today, the problem is not that the executive is trying to steal our powers. The graver problem is that we are prepared to give them away. Congressional power is like chastity. It is seldom lost by force. It is usually yielded voluntarily. We sit here a timid and tremorous little band, too undisciplined to exercise our prerogatives and too unwilling to exercise our authority.

It's time to return to the courage and conviction of the Clays and the Calhouns and the Websters—to determine for ourselves as a Congress what the policies of this country should be.

It does require courage and determination, and most of all it requires leadership. We can make the policies of this country. Short of the physical and mental limitations that God imposes upon man, there is nothing that man cannot do if he believes in it. And Congress is nothing but man combined into a legislative body for the purpose of governing a country.

The only thing that distinguishes us as members of the House and Senate from the rest of our citizens is that we have been elected to a position of political leadership, and the minimum that the voters of this country have a right to expect is leadership. It's incredible that the members of Congress, who have spent the better part of their adult lives asking the voters of their respective constituencies to delegate to them the power to determine the policies of this country, should now run from the chance to make those decisions. Decisions, I might re-emphasize, that Englishmen died for, so that policy might be made in parliament rather than by a king. Decisions that a Clay, Calhoun or a Webster would never delegate to a president. They would be aghast at what we are contemplating and they would be ashamed to be associated with such an act.

We can delegate this power to the President, and having done it once this year, we'll surely do it again the year after that, and the year after that, and the year after that. Once having told the President that he spend only $250 billion, the last restraints are off Congress. We can then appropriate $260, or 70 or 80 or 90 billion dollars without care. The responsibility will no longer be ours. We can then, with total abandon, go back to our constituents and tell them that we tried to appropriate $10 billion dollars for housing, but the President cut it. We can tell educators that we tried to appropriate $30 billion dollars for education, but the President cut it. He's the one that has no heart or humaneness, no understanding of the problems of this country. We can say it in perfect safety because we know we can never be called to account for our actions. And after four or five years of making these reckless statements, Congress will then gradually wither into a moribund instrument, called forth from time to time to confirm ambassadors and judges and to pass routinely upon matters of trivia.

I'm reminded of that fateful day long ago in Philadelphia as Benjamin Franklin emerged from the constitutional convention in Independence Hall. A woman, Mrs. Powell, anxiously approached Dr. Franklin and said: "Well doctor, what have we got—a republic or a monarchy?" "A republic," replied Benjamin Franklin, "If you can keep it."

We will soon be celebrating the 200th anniversary of that republic. During those years, we have undergone much change. But, throughout, we have jealously guarded the principles upon which this republic was built and has flourished.

Can we keep it? Will 1976 mark the celebration of 200 years of a glorious republic or year 3 of an executive monarchy? The decision is ours. What do we want: A republic or a monarchy?

HISTORICAL ANALYSIS OF ENGLISH HISTORY

(Prepared by Stanley D. Heisler, Legislative Assistant to Senator PACKWOOD)

Congressional control of taxation and the purse strings of government is not new—it is largely derived from England.

Prior to the rise of Parliament, the medieval English king was expected to pay for his government and his personal household from revenues received from his own estates, from feudal dues, etc. Taxation—as we now know it—was only resorted to on extraordinary occasions. Indeed, Maitland notes that "it is not until the very end of the Anglo-Saxon time that we hear of anything that can be called a tax."

After the Norman conquest, Maitland enumerates seven different source of royal revenue:

In the first place there were the demesne lands of the crown. The remnant of the old folk land had become *terra Regis*, and this constituted the ancient demesne. Then escheats and forfeitures were constantly bringing to the King's hand new demesne lands. Apart from his being the ultimate lord of all land, the King was the immediate lord of many manors—he was by far the largest landowner of the kingdom. Secondly, there were his feudal rights—rights which had steadily grown in some directions, if they had been deminished in others . . . Thirdly, the profits of justice in the King's court must have been very considerable. Under John the sale of justice had become scandalous. By the charter, he promised to sell justice to none—but without exactly selling justice, there was much profit to be made by judicial agencies: fees could be demanded from litiants, and in the course of proceedings, civil as well as criminal, numerous fines and emercements were inflicted. Fourthly, the King had many important rights to sell, in particular the right of jurisdiction, and though the more far sighted of the Kings dreaded and checked the growth of proprietary jurisdiction, there was always a temptation to barter the future for the present. The right to have a market was freely sold, and many similar rights. Pardons again were sold. The towns had to buy their privileges bit by bit. What is more, the grantee of any privilege had in practice to get the grant renewed by every successive King. That the King was bound by his ancestors' grants might be the law, but it was law that no prudent man would rely on. Offices too, even the highest offices of the realm, were at times freely bought and sold—this does not seem to have been thought disgraceful. Fifthly, a good deal could be made out of the church—when a bishop died, the King took the temporalities, the lands, of the see into his own hand, and was in no hurry to allow the see to be filled; this however was an abuse. Sixthly, the King had a right to tallage the tenants on his demensne lands were found many of the most considerable towns . . . Lastly, somehow or another, the process is obscure, the King had become entitled to certain customs duties: Magna Carta recognizes that there are certain ancient and right customs (antiquae et recate consuetudines) which merchants can be called upon to pay, and with these it contrasts unjust exactions, or maletolts. To all this we may add that the obligations of tenure supplied the King with an army which could be called up in case of war.

(The Constitutional History of England by F. W. Maitland, pp. 92–94)

However, in the reign of King John, taxes were so oppressive that the barons were driven to revolt. The result was Magna Carta.

Magna Carta was, in essence, a treaty between the King and the barons. And, though it antedated Parliament, in a very real sense, it was a Parliamentary document. For it established, if not the right, at least the unremitting claim of the community of the realm to be consulted in matters of high policy and in the demand that no extraordinary taxation (as distinct from customary feudal dues) should be levied without consent.

Though Magna Carta spelled the beginning of the end of absolutism—arbitrary rule lingered on, in one form or another, for another four and a half centuries.

During the reign of Henry III, it became customary for the National Council to grant money to the King. On January 24, 1218 "suctage" or "shield-money" was exacted by the National Council. Also, one writer has found a note of a land tax levied by the National Council on January 9, 1218.

(The History of Parliamentary Taxation in England by Shepard Morgan P. 77).

The above appear to be the very earliest instances of general taxation in England through the National Council.

In 1224, England was at war with Phillip II for the possession of Poictou. But, as the taxes were insufficient to fund Henry III's war effort, the King demanded that a tax be placed on moveables. The Barons on the National Council refused to consent to the tax unless the King should "of his own natural and good will" renew Magna Carta. The King yielded and re-issued Magna Carta. And, this re-issue took the form of a contract between the barons and the King—as it stated that:

"The archbishops, bishops, abbots, priors, earls, barons, knights, freeholders, and all persons of the realm, give the fifteenth part of all moveables to the King for this concession and granting of liberties."

(Quoted in The History of Parliamentary Taxation in England, P. 80.)

This is likely the first—but certainly not the last—conditional grant of taxation of the King of England. Indeed, there were instances in the thirteenth century when the Council refused to make any grant of taxation on the King's request. In 1232, for instance, the Earl of Chester—speaking for the barons—objected to a request for money with which to carry on the war with France because the barons had served in France themselves.

In 1242, as England was on the brink of war with France, Henry III summoned the National Council. But realizing that the King sought more revenue, and

"That the King had so often harassed them in this way on false pretenses . . . they made oath together that at this council no one should on any account consent to any extortion of money to be attempted by the King."

(Quoted in The History of Parliamentary Taxation in England by Shepard Morgan, Pp. 84–5.)

When the Council met, it refused to raise money as the King requested on the grounds that he had engaged in the war without asking their advice and that he had so often extorted large sums of money from them.

But though the Council refused Henry III's demand for revenue, he induced the barons individually to give him what he had been unable to induce the Council to give him.

In 1224, Henry asked the Council to raise funds to fight a war in Scotland. Being unwilling to make an unconditional grant of revenue, the Council appointed a committee of twelve to respond to the King's demand. The Committee complained of the King's nonobservance of Magna Carta, of the King's reckless expenditure of money, and demanded the appointment of a justiciar and a chancellor. However, as the King would not submit to this compulsion, he refused the petition and ordered the Council to reassemble in 1245. The nobles then expressed their willingness to grant him revenue, provided that in the meantime the King would choose proper counselors and institute reforms. The nobles insisted that whatever money was granted to the King should be expended not by the King, but by a committee of twelve nobles for the King's benefit. But Henry III refused to agree to these terms and the Council adjourned.

In 1245, during Henry III's absence in Gascony, the Regents—Queen Eleanor and Earl Richard Cornwall—broadened the base of the Council by summoning two knights from each county to meet with the Council. The knights were to be chosen by the counties themselves, probably in the county court, since there the machinery of election already existed. In 1246, at the assembly of the National Council in London, the name "Parliament" was first applied to it.

At the Parliament of 1255, the magnates of the realm were summoned to Westminister. This was necessary because in 1254, in an effort to secure the crown of Sicily for his son, Henry III had agreed to pay the Pope 90,000 Pounds. But the Parliament refused to grant this money to the King because all the members of the Parliament had not been summoned, according to the terms of Magna Carta.

At the first Parliament of 1258, the barons refused to help Henry III pay an installment on the 90,000 Pounds he owed the Pope. The barons, led by Simon de Montfort, attacked the King for reducing the realm to destitution by mortgaging it to the Pope, and for granting such enormous favors to his followers that it was now impossible to shake off even such insignificant enemies as the Welsh. The barons insisted that they intended to put an end to the King's excesses. They demanded that the King sanction the appointment of a committee of twenty-four "by the whole of Parliament on behalf of the community" which would have complete control over the Exchequer and full power to reform the government.

The King relented and chose twelve persons and the barons chose twelve more to compose the committee. The committee began by drawing up a set of articles known as the Provisions of Oxford, by which all the powers of government were placed in their hands. In effect, this put the kingship into a commission. All important administrative officials—i.e. the chancellor, justiciar and treasurer—were appointed by and responsible to the barons. The sheriffs were likewise under control of the Council.

However, in actual operation, the Provisions of Oxford were unsuccessful. The provisional government lasted for a year and a half from its creation in June, 1258, without interruption. Thereafter, it continued for four years with a number of breaks until 1263, when the civil war began between Simon de Montfort and the King.

In 1261, Pope Alexander VI absolved Henry III from his oath to obey the Provisions of Oxford and excommunicated all those who opposed the King's absolution.

This all but brought about the impending civil war. In 1264, Louis IX of France agreed to arbitrate the dispute between Henry III and the barons. In the famous Mise of Amiens, Louis decided in favor of Henry III. The result was civil war.

At the Battle of Leives, in May, 1264, Simon de Montfort defeated and captured Henry III and his son, Prince Edward. In January, 1265, de Montfort summoned a Parliament to London, including the barons and ecclesiastics and two knights from the shires and two burgesses or citizens from each larger town. This led to de Montfort's fame as: "The founder of representative government in England."

In calling to the Parliament elected representatives of the boroughs, de Montfort completed the formation of the English Parliament on substantially the same basis on which it operates today.

De Montfort's action outraged many of the barons and he quarreled with his principle supporter, the Earl of Gloucester. In May, 1265, Prince Edward escaped from his captors and was joined by Gloucester. In August, 1265, Simon de Montfort was defeated and killed in the Battle of Evesham. De Montfort's death was followed by Henry III's restoration to the throne. On Henry's death in 1272, his son Edward I became King.

Edward I was a wise and prudent monarch. And, as one historian has written:

"It was in the reign of the valiant and sagacious Edward I that our Parliamentary institution and the civil law began to advance by rapid strides."

Edward I's first Parliament met in April, 1275. This Parliament consisted, not only of the prelates and barons but of four knights from each county and four burgesses from each borough. This Parliament enacted the

first statute of Westminster which was composed of 51 articles including a provision for regulating the feudal aids which were required upon the knighting of the lord's son or the event of the marriage of his daughter. Twenty shillings on the knight's fee and 20 shillings from each parcel of land held in socage yielding 20 pounds a year would be the maximum rates.

This same Parliament also made a grant of customs duties on wool, wool-felts, and leather. The grant of a duty on wool by Parliament has great significance to the constitutional history of England because, in granting this customs duty, Parliament assumed the power of assenting to a tax which previously had been considered within the prerogative of the King himself.

The knights of the shire were summoned to Edward's second Parliament which met in October, 1275. This Parliament granted the King a tax on movables.

In 1282, Edward I was involved in a war to conquer Wales. Finding himself in financial difficulty, Edward initially sought to avoid calling a Parliament by negotiating with individuals for the money he needed to carry on the war. But as these private offerings were insufficient, the King decided to call his second Parliament.

On November 24, 1282, the King issued writs to the sheriffs, ordering them to send to Northampton or York—as the case may be—on January 20, 1283:

All freeholders, not already with the army capable of bearing arms and holding lands of more than 20 pounds annual value; Four knights from each county having full power over the community of the same county; and two men from each city, borough and market town having like power for the community of the same.

The knights and burgesses—meeting at Northampton granted a tax to the King. At York, the knights and burgesses also made a grant to the King. In this manner the King discovered that it was easier to raise his revenue through a Parliament than through private solicitations.

Four years later, on October 8, 1294, King Edward I being in need of money—both to suppress a rebellion in Wales and for his projected expedition against Phillip the Fair for the recovery of Gascony—again summoned Parliament to meet at Westminster on November 12. This Parliament granted Edward I a tax.

The following year, 1295, is a landmark in Parliamentary history. For, in this year, Edward I summoned the first full and model parliament in English history. This Parliament was so constituted as to represent, and have the power to tax, the entire nation.

Edward I summoned the Model Parliament on the theory that "what touches all, by all should be approved." It met on November 27, 1295. Each of the estates met by itself and each made its grant to the King independently of the others. The barons and the knights of the shire gave Edward an eleventh of their moveables, the clergy a tenth, and the burgesses and citizens a seventh. One author has remarked that this is probably the first instance where the three estates taxed themselves in different proportions.

But Edward I's financial problems grew with the passage of time. To raise money to carry on his extensive wars, Edward I needed massive infusions of revenue—which he raised by arbitrary exactions from all classes of his subjects—both lay and clerical. The clergy resisted these taxes, under the bull of Pope Boniface VIII, Clericis Laicos, which forbade—under pain of excommunication—the payment of any tax, whatever, on the revenues of the church to a layman.

However, Edward I's outlawry of the clergy in January, 1294 and the temporary confiscation of the estates of the see of Canterbury which followed, compelled the clergy to abandon their untenable position and to yield to the King's demands.

The merchants were also upset with the King at this time, because the King had taxed them heavily and seized their wool (as wool was most readily convertible into currency). The barons were irritated by the King's flagrant disregard of the many provisions of Magna Carta and the Charter of the Forest.

Edward I next summoned a "Parliament" to meet at Salisbury on February 24, 1297—but invited only the baronage without any bishops or representatives of the Commons. The King proposed that the barons should go to fight in Gascony. But the barons refused and—on their refusal, the King threatened to confiscate their lands and give them to those who would go. The assembly broke up.

On May 15, Edward I issued writs for a general military levy on all the landowners of the kingdom, the value of whose lands exceeded 20 Pounds. The barons were to assemble in London on July 7, prepared to go to France. However, the barons violently opposed this unconstitutional tax.

As he was still in need of money to finance this war, Edward I induced an irregular assembly of some of the barons and others who had attended the military summons to make a grant of an eighth from the barons and knights and a fifth from the towns. Edward ordered the collection of the eighth and fifth and directed the seizure of all the wool in the kingdom—promising to pay for it as soon as he was able.

As the King was prepared to embark for the continent, a bill of grievances prepared by the barons was presented to him. The barons complained of the heavy taxes which reduced them to poverty; that they were not treated according to law and custom; that the provisions of Magna Carta and the Charter of the Forest had been breached; and that the tax on wool was too heavy.

Rather than answer the remonstrance, the King sailed to Flanders leaving his son—the Prince of Wales—as regent. But as soon as the King had sailed, the barons entered the Exchequer and forbade the barons there to seize the wool or collect the taxes until the charters had been confirmed. The barons were supported by a large military following and by the citizens of London.

Assessing the gravity of the situation, the Prince of Wales called a full Parliament—at which knights of the shire attended as representatives of the commons as well as the lay and clerical baronage. The Confirmatio Cartarum was published on October 10, 1297 and immediately sent to the King at Ghent, and there confirmed by him on November 5. The former tax of an eighth and a fifth were annulled and a new grant of a ninth was substituted.

The Confirmatio Cartarum was not merely a re-issue of Magna Carta and the Charter of the Forest. It also enacted a series of new provisions intended to deprive the Crown, in the future, of its assumed right of arbitrary taxation. The most critical parts of this covenant are clauses 6 and 7. After enumerating, in the fifth clause, the illegal taxes and exactions of Edward I, the 6th clause declares:

"Moreover we have granted to us and our heirs, as well to archbishops, bishops, abots, priors and other folk of holy church, as also to earls, barons and to all the community of the land, that no business from henceforth will we take such manner of aids, mises, nor prises from our realm, and for the common profit thereof, saving the ancient aids and prises due and accustomed."

Clause 7 relates to the new duty on wool—"the Maletote"—and provides that:

"The King shall never take this nor any other without common consent and good will; saving to us and our heirs the custom of wool, skins and leather granted before by the commonalty."

This "Confirmation of the Charters" of 1297 is of crucial significance to English constitutional history. One author has observed that as a part of the foundation on which the English constitution was built, the Confirmation is hardly less important than Magna Carta itself.

(Constitutional History of England, by George Buxton Adams, p. 190).

The significance of this Charter rests on the fact that it established the exclusive right of Parliament to tax the people of England—except for the collection of the customary feudal dues.

It has been written that:

"The articles generally represented the gain of a struggle extending over a period of eighty-two years; and while verbally they seemed to indicate but little advance over John's Great Charter, in reality they were infinitely more important as there was a power now behind them with due machinery for their enforcement.

(History of the English Parliament, Vol. I by G. Barnett Smith, p. 162).

In 1307, Edward I died. Six months later, on February 25, 1308, the new king was crowned. But, where Edward I was strong and prudent, his son—Edward II—was weak and inept.

The oath which Edward II took in French (as he was not familiar with Latin) was of great constitutional importance, for it not only recognized the limitation of the Royal power by existing laws, but that the power to alter these laws and enact others could only be exercised with the consent of the people. In fact, Edward II's oath was unusually stringent. The last of the four promises required of the King was this:

"Sire, do you grant to hold and to keep the laws and righteous customs which the community and the realm shall have chosen, and will you defend and strengthen them to the honor of God, to the utmost of your power.

Edward answered:

"I grant and promise."

Edward II didn't call on Parliament until April, 1309. It was fully attended by the clergy, lords, burgesses and knights. The Commons granted the King a twenty-fifth of their movables, on condition of a redress of grievances which were detailed in eleven articles.

Two of the eleven articles dealt with taxation. The first complained of the abuses of purveyance, and the seizure of articles of food, the imposts on wine, cloth, and merchandise. The second dealt with the New Customs which Edward I had provided for in the Carta Mercatoria in 1303. The king agreed to these conditions.

In 1327, Edward II was deposed by a revolution. He was succeeded by his son, Edward III, then only 14-years old. The new King took the same stringent oath that his father had taken earlier.

The regularity with which Edward III summoned Parliament had a decisive impact on English constitutional history—for it strengthened the power of the House of Commons by affording them an opportunity for its frequent exercise. As Edward III was perpetually involved in wars, he was repeatedly compelled to ask Parliament to raise money to pay for them. Thus during the fifty years of his reign, forty-eight sessions of Parliament were held.

In spite of the Confirmatio Cartarum, Edward I, occasionally Edward II, and Edward III continued to levy arbitrary taxes of every kind. The Commons, however, by their continual remonstrances, their conditional grants and their liberal subsidies, succeeded in establishing its control over direct taxation.

In 1332, because rebellion had broken out in Ireland, the King assigned commissioners

to tallage—a tax levied at a feudal lord's arbitrary discretion upon more or less servile dependents, who had neither the power nor the right to refuse—the cities, towns and royal demesnes throughout England. But Parliament met three months later, on September 9, 1332, and persuaded the King to revoke these commissions to collect tallage. Parliament then offered, as a substitute, the grant of a fifteenth from the shires and a tenth from the towns. In accepting this grant, Edward III promised for the future that he would not lay such a tallage,

"Except as was customary in the time of our ancestors, and as he might rightly do."

Paralleling the struggle against tallaging the royal demesne, was the contest with the King in matters of custom on wool. In 1303, Edward I established the Nova Custuma ("New Customs") on wools and other articles.

This was annulled by the Ordinances of 1311 but renewed by Edward II in 1322 and confirmed on the accession of Edward III, who later—with his Council—imposed other similar taxes. Repeatedly, the Commons petitioned against these exactions or attempted to set up a precedent in its favor by granting a similar tax. It was not until 1340 that Parliament succeeded in controlling this illegal tax.

On January 20, 1340, Parliament met. The Lords offered to grant the King "the tenth sheaf, the tenth lamb, and the tenth fleece, payable in two years" and the Commons granted the King 30,000 sacks of wool—on condition that the King accept certain articles drawn up by them. (In the event that the King rejected the articles, they offered a free gift of 2500 sacks of wool).

Edward did reject them and called a new Parliament which met on March 29, 1340. Instead of a tenth, the prelates, barons and knights of the shire granted the king the ninth sheaf, fleece and lamb for two years. The towns granted a ninth of goods and the rest of the nation a fifteenth. In addition, a custom of forty shillings was granted on each sack of wool, on each three hundred wool-fells, and every last of leather. But the grants were conditional: the King had to accept the articles prepared by the Commons. The king finally accepted them and the articles were re-drafted into statutory form.

The statute pertaining to the duty on wool provided that:

"And for this grant, the King by the assent of the prelates, earls, barons, and all others assembled in Parliament, hath granted, that from the feast of Pentecost that commeth in a year, he nor his heirs shall not demand, assess, or take, nor suffer to be take more custom of a sack of wool of any Englishmen but half a mark of custom only; and upon woolfells and leather the old custom . . . And this establishment lawfully to be holden and kept, the King hath promised in the presence of the prelates, earls, barons, and others in his Parliament, no more to charge, set, or assess, upon the custom, but in the manner as afore is said."

The second statute is much more sweeping. It stated that:

"We . . . will and grant for us and our heirs, to the same prelates, earls, barons, and commons, citizens, burgesses, and merchants . . . that they be (not) from henceforth charged nor grieved to make common aid, or to sustain charge, if it be not by the common assent of the prelates, earls, barons, and other great men, and commons of our said realm of England, and that in the Parliament; and that all the profits raising from the said aid, and of the words and marriages, customs, and escheats, and other profits rising of the said realm of England, shall be put and spent upon the maintenance of the safeguard of our said realm of England and of our wars. . . ."

These statutes are crucially important to the constitutional history of England for they clearly enunicated the principle that Parliament was the sole authority for levying taxes on the nation at large.

As one writer has observed:

"The promise of Edward to abide by the recommendation of Parliament in the matter of the subsidy on wool, was an admission by the King that not he but they had final control over the laying of customs duties. Thus was established the principle to be defended and likewise to be questioned in the future. that Parliament alone had the power to lay a tax on wool. . . . (Also), by the statute which provided that no charge or aid should be levied but by consent of Parliament, tallage died a legislative death. And not only was this statute aimed at tallages but as well at every species of unauthorized taxation."

(The History of Parliamentary Taxation in England by Shepard Morgan; NY–1911; Pp. 178–9).

After the enactment of the vital statutes of 1340, Parliament was willing to bargain with the King for the control of his customs duties. But problems developed because, at this time, Parliament could not yet enforce this right, but rather could only petition the King for redress. And, the King frequently assented to Parliamentary petitions and then broke his word. For instance, in 1340, Edward III received a grant from Parliament of forty shillings on a sack of wool, for a year and a half, on condition that he would abolish the maletolt—Maletolt was "evil tolls"—i.e. unconstitutional duties or taxes.

In 1342, the King procured a duty of forty shillings per sack of wool from the merchants without the consent of Parliament and issued orders for its collection. Parliament balked at this because it realized that the tax fell not on foreign merchants but upon English wool growers. Edward III then declared that the price of wool would remain fixed, pursuant to an act of Parliament, and that consequently the foreign merchants would have to pay the tax. Commons agreed to this and granted the King a duty of forty shillings on a sack of wool for three years.

After the passage of three years and the revocation of the act fixing the price of wool, as the King had no authority to continue the duty, Parliament petitioned against its continuance. When the King replied that he had secured the approval of the barons and of the merchants for the duty, and that he had already pledged the revenue to be raised by the duty to his creditors, the House of Commons—finding that it couldn't win their point—contented themselves with the belief that having established the principle, they could at anytime demand the implementation of it, and extended the duty for another two years.

In 1348, the Commons presented a remonstrance to the King, asserting that the wool subsidy was, in actuality, a land tax. Parliament then granted a fifteenth for three years on condition that the subsidy of wool should cease in three years, and that for the future "no such grant should be made by the merchants." The language was all-encompassing: no "imposition, tallage or charge by way of loan or in any other manner," was to be laid "without the grant and assent of the commons in Parliament." Edward III accepted the grant and the conditions.

However, in 1362, arbitrary exactions on wool received the attention of the Commons and the statute passed in that year provided that thereafter no subsidy should be set on wool without the assent of Parliament. But notwithstanding these explicit and repeated assertions that Parliament had the sole right to levy the subsidy on wool, Edward at times continued to exact the maletolt. The matter arose again in 1371 and was met with a similar statute.

As Parliament's power grew, so too did its faculty to supervise the expenditure of money so raised—which would later evolve into the "power of the purse". In 1237, during the reign of Henry III, William of Raleigh had suggested to the National Council that it appoint a committee with whom the proceeds of a grant of taxation be deposited and by whom the money be expended. One writer has suggested that the reason this proposal was not taken was perhaps, "due to the ignorance of the baronage" of its ramifications.

(The History of Parliamentary Taxation in England by Shepard Morgan, pp. 184–5)

Parliament never asserted the power to supervise the expenditure of money during the reign of Edward I, because he was too strong; or during the reign of his son, Edward II, because the power of the Crown was for a time delegated to others. But during the reign of Edward III—primarily because of his endless and extravagant military expenditures—Parliament demanded a voice in the disposition of public funds. In 1340, a Parliamentary Committee was appointed to examine the accounts of the collectors of the last grant of taxation to the King. In the words of the statute, the committee was assigned to see that the "profits of the said realm of England shall be put and spent upon the maintenance of the safeguard of our said realm of England, and of our wars."

(Quoted in The History of Parliamentary Taxation in England, by Shepard Morgan, p. 185).

The following year, Parliament appointed commissioners for the same purpose. The 1341 act said:

"The great men and commons of the land pray, for the common profit of the King and themselves, that certain persons be deputed by commission to audit the accounts of all those who have received the wool of our said lord, or other aid granted to him; and also of those who have received and paid out his money, as well beyond the seas as in the realm from the commencement of his war until now; and that the rolls and other remembrances, obligations and other things made abroad be delivered into the chancery, to be enrolled and recorded, just as was wont to be done heretofore."

(Quoted in The History of Parliamentary Taxation in England, by Shepard Morgan, p. 186).

In time, this power of Parliamentary oversight evolved into the "power of the purse". In 1344, for instance, Parliament demanded that the money granted should be spent solely for the purpose for which it had been asked. In 1348, it granted money specifically to defend England against Scotland. And, in 1353, a subsidy on wool was granted which could only be applied to fighting the war.

In fact, all of these acts were the starting point of Parliamentary (and Congressional) appropriations. And, though the Parliamentary appropriations we now perceive did not exist at this time, the foundations for the appropriations process were firmly laid by the end of the fourteenth century.

On Edward III's death in 1377, his eleven-year-old grandson—Richard II—assumed the English throne. Parliament took full advantage of Richard II's youth. It not only solidified its power that no money could be levied or laws enacted without Parliament's consent and that the administration of government was subject to their inspection and control but it also secured two vital rights which were first established in the reign of Edward III—viz. the right to examine public accounts and appropriate supplies and the right to impeach the King's ministers for misconduct.

At Richard II's first Parliament in 1377, grants of two fifteenths and tenths were made for the prosecution of the French war on the express condition that two persons be appointed as Treasurers, to receive the

money granted to the King and to spend it "for the said wars and for no other work."

(Quoted in The History of Parliamentary Taxation in England by Shepard Morgan; p. 185).

Richard II's next Parliament met in 1378. The House of Commons demanded that it be allowed to examine the public accounts. The King ordered the governmental accounts produced with the understanding:

"That this shall not in future be considered a precedent or an inference that this should have been done otherwise than by the personal volition and command alone of our said lord the king . . ."

(Quoted in The History of Parliamentary Taxation in England by Shepard Morgan, p. 192).

In 1379, as England was in imminent danger of invasion, Richard II called on Parliament to raise the needed money. It is significant that this year, the King voluntarily, without reservation and without waiting for a petition from Parliament, informed the Commons that the Treasurers were prepared to show them "in writing their receipts and expenditures made since the last Parliament."

(Quoted in The History of Parliamentary Taxation in England by Shepard Morgan, p. 193).

In 1380, a similar committee, with more extensive powers, was appointed. Thus, it became apparent that by 1380, the right of the Commons to investigate the accounts and appropriate the supplies was clearly established.

However, during this period, the expenses of the wars in France and Scotland and the ordinary expenses of government were so great that the Royal treasury was bare. Indeed, the King had even pawned the Crown Jewels. To remedy this problem, the House of Commons set up a poll tax and continued the duty on wool. But as the new tax was the equivalent of a laborer's weekly earnings, it ignited a political explosion. Indeed, the poll tax of 1380 has been termed the last precipitating cause of the great Peasant Revolt of 1381.

The bloody rebellion was quelled within a short time, but it had taught the members of Parliament what can happen when the weight of taxation burdens the people.

From 1389 to 1397, Richard was a model monarch—ruling within the constitution and allowing Parliament to control both taxation and the expenditure of public money. But in 1398, Parliament granted Richard II a custom on wool for five years, tunnage and poundage for life and a duty on wool, woolfells and leather for life. Further, Parliament gave the King a tenth and a half and a fifteenth and a half for a year and a half. And, if this wasn't enough, Parliament recklessly delegated its authority to eighteen members chosen from the whole body—ten lords temporal (six to be a quorum), two earls as proctors for the clergy, and six members of the House of Commons. As one commentator has observed:

"The committee consisted of persons devoted to the King's interests, and its powers were so indefinitely expressed that it completely usurped the rights of the legislature, and exercised all the powers and functions of a full parliament."

(History of the English Parliament, Volume I, p. 237 by G. Barnett Smith).

Whatever Parliament's intention, these actions had the effect of installing Richard II as an absolute monarch. The cumulative effect of this delegated authority was to destroy the limitations which Parliament had so painstakingly placed on the King's prerogative.

But Richard's despotism sealed his fate. He banished the Dukes of Hereford and Norfolk. And then seized the estates of John of Gaunt—in spite of his promise to secure them to Hereford in the event of his father's death. Richard II's tyranny incited Henry of Lancaster to action. While Richard II was in Ireland, Henry led a revolt against the King. With no difficulty, he raised an army of 60,000 men. On Richard's return to England, he resigned his throne—and Parliament accepted his resignation.

Richard's fate—much like that which awaited Charles I and James II—resulted from his failure to understand the developing constitutional history of England. As one writer has observed:

"The trouble with Richard was that he did not go to school to (learn) history. Parliament was putting into practice what it could learn from the experience of its predecessors. Richard, swept with a desire, intense and perhaps insane, to wield the septre of absolutism, was blinded to what he might have read, and underwent the consequences."

(The History of Parliamentary Taxation in England by Shepard Morgan, p. 202.)

Henry of Lancaster was crowned Henry IV on October 13, 1399. The new King chose not to buck the tide of increasing Parliamentary authority. Indeed, during the reigns of the three Lancastrian Kings, the power of the Parliament was more complete than ever before—fuller than it would be until the Bill of Rights was enacted in 1689. Parliament voted the taxes, appropriated money to the King and examined public accounts. Indeed, instances of direct taxation without Parliament's assent were very rare under the Lancastrian kings.

An example of the freedom Parliament enjoyed under the Lancastrians was the Common's attempt to make the granting of appropriations dependent upon the redress of grievances a regular Parliamentary procedure. In 1401 the House of Commons asked that the King respond to their petitions before they granted supplies. The King resisted firmly and the Commons relented for the time being, but the practice gradually became established.

In 1410, Henry IV asked Parliament for permission to collect a tenth and a fifteenth annually, whenever Parliament was not in session. But Parliament had learned the effect of such a grant from Richard II and was resolved never again to foster the rise of a tyrant. Accordingly, it refused the King's request.

When Henry IV died in 1413, his son—Henry V—acceded to the throne. Though his reign lasted less than a decade, he proved to be a wise King and a brilliant soldier. And though the taxation during his reign was heavy, Parliament willingly granted taxes to the King to fight France.

When Henry V died at the age of thirty-five, his son and heir—Henry VI—was barely a year old. Henry VI won the dubious distinction of being one of the only Lancastrians to attack Parliament's supremacy in taxation. In 1425, while the King was still a child, his uncles—the Duke of Bedford and the Duke of Gloucester—as regents, united with other lords and announced in Parliament that, with the advice of the justices, a tax granted upon certain conditions by the House of Commons in the previous Parliament should be collected and levied by the King—notwithstanding any conditions in the grant. The Commons, though, firmly established their undoubted right by making a fresh grant and restating the former conditions with the following explicit addition:

"No part thereof be beset ne dispendid to no othir use, but oonly in and for the defense of the seid roialme."

(Quoted in English Constitutional History by Thomas Pitt Taswell-Langmead, p. 207)

The War of the Roses—the intermittent civil and dynastic war between the Houses of York and Lancaster—was responsible for the fall of the Lancastrians and the accession of the Duke of York to the throne in 1461. As one writer summed up the reign of the three Lancastrian kings:

"The right of Parliament as against that of the King to control taxation was enunciated again and again, not only in the instance of direct taxation, including the levies of tallage, but in the case of the customs, as indicated in the legislation prohibiting the maletolt.

"But the enunciation of powers of Parliament was not followed by complete and undisputed exercise of the rights so enunicated. The Kings clung to what they deemed their ancient prerogatives and more than once over-stepped the law. The Yorkists and Tudors showed a disposition somewhat less amendable."

(The History of Parliamentary Taxation in England by Shepard Morgan p. 212.)

While the Lancastrians respected the taxing powers of Parliament, the Yorkist and Tudor monarchs continually assailed them. Parliament granted Edward IV tonnage and poundage and a duty on wool for life in 1465. Besides this, Parliament granted the new Yorkist King frequent fifteenths and tenths.

But, not content with Parliament's generous grant, Edward initiated a new method of extracting money from his subjects, without the consent of Parliament—called "benevolences". The benevolence was a "gift" made to the King by individuals or groups, ostensibly out of charity, but really under coercion. This means of extortion differed from the "forced loans" of Richard II only in that the King incurred no obligation for repayment.

Apparently no objection was made in Parliament to this unconstitutional tax. Edward IV also raised additional revenue by reviving obsolete statutes and laying fines for breaches of them. He also collected ancient debts due the Crown. This enabled Edward IV to rule England as an absolute monarch. He raised revenue in violation of the English Constitution and the clear weight of precedent. During his rule not a single statute was enacted in redress of grievances. And, amazingly, Parliament seemed to acquiesce to the King's assertion of his prerogative. Edward IV surely set back the development of English constitutional history.

Upon Edward IV's death in 1483, the crown passed to his son—Edward V. But the twelve year old King lost his crown in two months to his scheming uncle, Richard III. Richard III received a grant from Parliament in 1484 of tunnage and poundage and a duty on wool for life. But as his reign ended with his death on Bosworth Field the next year, he didn't have an opportunity to emulate the despotism of either Richard II or Edward IV.

However, Parliament spoke out against benevolences during Richard III's reign. The address which was presented to Richard in 1483, when he was invited to assume the throne said:

"For certainly wee be determined, rather to aventure and committe us to the perill of oure lyfs and jepardye of deth, than to lyve in suche thraldome and bondage as we have lyved long tyme heretofore, oppressed and injured by Extorcions and newe Imposicions, ayenst the Lawes of God and Man, and the Libertee, old Police and Lawes of this Realme, wheryn every Englishman is enchanted."

(Quoted in English Constitutional History by Thomas Pitt Taswell-Langmead, Pp. 232–3.)

Further, Richard III's first and only Parliament in 1484—declared benevolences illegal and said that they were to be "dampened and annulled forever."

(Quoted in The History of Parliamentary Taxation in England by Shepard Morgan p. 217)

Henry VII—the first of the Tudor kings—won his crown at the Battle of Bosworth. During his reign—and that of the other Tudor monarchs—Parliament didn't increase its powers; but, rather, it lost ground.

Though Henry VII ruled for nearly a quar-

ter century, he only called seven Parliaments—and six of the seven met within the first eleven years of his reign. Henry's first Parliament gave him a grant of tonnage and poundage and a duty on wool for life. In 1491, Henry VII resorted to benevolences to raise needed revenues. And, in 1495, Parliament turned its back on the precedents and made this benevolence lawful ex post facto. It further impowered the King to enforce the promises of those who had promised money but not yet paid it. The act points up the validity of Maitland's observation that:

"Under the Tudors the danger is of a different kind—it is not so much that the King will tax without Parliamentary consent, but that Parliament will consent to just whatever the King wants and will condone his illegal acts."

(The Constitutional History of England By F. W. Maitland, p. 181).

Like Edward IV before him, Henry VII revived ancient statutes and rigorously exacted fines for every violation of them.

Henry VII was succeeded by his son, Henry VIII, in 1509. His first Parliament granted him tunnage and poundage for life, but with the distinct proviso:

"That these grants be not taken in example to the Kings of England in time to come."

(Quoted in English Constitutional History by Thomas Pitt Taswell-Langmead p. 256)

The four following parliaments granted Henry VIII liberal subsidies to wage the war with France. But in 1523, Cardinal Wolsey committed a severe breach of Parliamentary privilege. Since the time of Henry IV it was the custom that the King should not know of the progress of a grant of taxation until the House of Lords and Commons had agreed on the grant. Wolsey reversed this process.

He went to the House of Commons with all his following:

"With his maces, his pillars, his pole-axes, his cross, his hatte, and the great seal too. . ."

(Quoted in the History of Parliamentary Taxation in England by Shepard Morgan, p. 223)

Wolsey asked the Commons for 800,000 Pounds, collected over four years and to be raised by a 20% property tax on everyman's lands and goods. He addressed the House of Commons and it debated the question for fifteen days. At the end, Parliament granted the King a graduated property tax, much smaller in amount and to be paid over four years.

As a consequence of this action, Henry VIII did not summon the next Parliament for seven years. In the meantime, the King raised needed revenues through "forced loans" and "benevolences". The forced loan of 1522 required every man to swear to the value of his possessions and to contribute a ratable portion according to such declaration, on the King's promise of repayment out of the next subsidy granted by Parliament.

In 1526, commissions were issued for the collection of a sixth from the goods of the laity and a fourth from the clergy. This demand was unanimously resisted. The people knew enough law to know that these exactions were illegal. The clergy led the movement against the tax, asserting that:

"The king could take no man's goods without the authority of Parliament."

(History of Parliamentary Taxation in England by Shepard Morgan, p. 225)

The royal commissions were forcibly resisted in several counties and open rebellion erupted in Suffolk. The effect of this was to force Henry VIII to withdraw the commission.

As his "forced loan" scheme had failed, Henry VIII now demanded a voluntary benevolence. However, the people of London objected so strenuously to this, as it was illegal under the statute of Richard III, that it also had to be withdrawn.

In 1544, Henry VIII again sought a "forced loan" from all persons who earned 50 Pounds or more a year. Parliament was so subservient to Henry VIII in this that a statute was enacted granting the King all sums borrowed from his subjects since 1542, with a further provision that any money which his Majesty should have already paid in discharge of these debts, should be refunded by the creditor or his heirs.

Henry VIII died in 1547. He was succeeded by his son, Edward VI, who died a child. Edward was followed by Mary. After Mary's five year reign, Queen Elizabeth I ascended to the throne.

Though Queen Elizabeth's rule was despotic, she was loved by the people of England. And, Parliament granted her taxes with great liberality. She exacted "forced loans" from the wealthy—but endeavored to repay them as soon as possible. Elizabeth circumvented Parliament by raising revenue through the grant of monopolies—based upon the right of the Crown to assure an inventor the exclusive benefits of his invention or innovation.

The importance of the Yorkish and Tudor monarchs is that though they did little to advance Parliamentary supremacy in taxation and spending—they did not destroy whatever progress had been made. And, the later effort of the Stuart kings to end Parliamentary supremacy was responsible for the establishment of permanent parliamentary control over taxation and appropriation.

James I—the first of Stuart Kings was a staunch advocate of the "Divine Right of Kings." He earnestly believed that a King was appointed by God and responsible only to him. His subjects could not resist the King's commands, as that was a sin. James I felt that, as God's deputy on Earth, he was above Parliament, above the laws of England and above the people. He believed that it was his duty to see to the welfare of his subjects, for God would hold him accountable for his stewardship. But beyond that point he had no responsibility. Whatever privileges Parliament possessed, the courts possessed, or any individual possessed, were theirs by grace of the King, and were not held by any right. Clearly a conflict between such a monarch, on the one hand, and Parliament and the courts on the other was brewing.

The Common Law courts were strongly opposed to James I's concept of absolutism. Led by Sir Edward Coke—a noted author, Chief Justice of the Court of Common Pleas and later Chief Justice of the Court of King's Bench—many influential judges and lawyers insisted that the Common Law controlled the King's royal prerogative. They asserted that the rights of both Kings and Parliament were derived and limited by precedent.

The Common Law courts did not, however, early accept Coke's view of the King's limited powers. This fact is pointed up by Bate's Case (2 St. Tr. 371; 1606). As King James I needed more revenue to pay for the necessary expenses of the state, instead of applying to Parliament, he acted on his own prerogative and imposed a duty of five shillings per hundredweight on imported currants—over and above the duty which was set on them by the Statute of Tunnage and Poundage.

John Bate, an English merchant trading with the East, refused to pay the duty. Bate was brought to trial before the Court of Exchequer. The judges were unanimous in approving of the King's right to impose the extra duty on his own prerogative. However, as it was to later develop, this was in incorrect statement of the Common Law.

The right of earlier sovereigns to raise and lower tariff duties by proclamations had been established. But the right had been limited to trade regulation, to secure protection or retaliation and fair trade. As one distinguished English constitutional historian has written:

"In using it not for such purposes but to raise revenue, James was assuming an important constitutional power which the precedents did not warrant. It was perhaps natural, however, that a court of law, bound normally by the letter of precedents rather than by the remote consequences which might be involved, should decide as it did." (Constitutional History of England by George Buxton Adams (Holt, 1938).)

Bate's Case is representative of the conflicts between the Crown and Parliament that dominated England for the next eight decades. The King would stretch a precedent to cover a substantial increase in royal power, and the courts held that the precedent justified the new application. On the basis of the decision in Bate's Case, for instance, James I shortly afterwards issued a new "Book of Rates" in which heavy additional duties were placed on a great number of imports.

However, Parliament did not sit idly by as the King imposed new and unlawful taxes. In 1610, the Commons objected to the schemes James I had used to raise more royal revenue. It enacted a bill providing that no new duty could be imposed without the consent of Parliament; but the House of Lords rejected it.

King James then forbade the Commons to continue. The Commons thereupon refused and announced that they would proceed to "a full examination of the King's alleged prerogative powers regarding taxation." As James had tired of Parliament's haggling and at its delay in granting money to him, he dissolved Parliament in February 1611 and didn't call a second Parliament until April 1614.

But, James I's second Parliament was inflamed over the King's imposition of new taxes without Parliament's consent and unanimously enacted a bill denying the King's right to impose taxes on his own initiative. As Parliament refused to grant the King the taxes he desired, James dissolved it in June before it had voted him any taxes—and sent four members of the House of Commons to the Tower in punishment for their conduct.

James I's third Parliament did not meet until January, 1621—and during the decade from 1611 to 1621, when no Parliament except that of 1614 which did nothing, had met, James resorted to a host of extra-legal means of raising revenue. "Forced loans" were used, old debts and fines were ruthlessly collected, titles were sold and a new title of baronet was created.

The outbreak of the Thirty Years' War between the Catholic and Protestant states of Germany (whose leader, Frederick, the Elector of the Palatinate, was James' son-in-law) incited England to go to the aid of the Protestants and the people bitterly opposed the King's policy of securing peace in Europe through an alliance with Spain. As Spain's invasion of the Palatinate in 1620 signaled that England's involvement in the conflict was imminent, James summoned Parliament to meet at the end of January, 1621 to provide for a war if it should prove necessary.

When Parliament met, James asked that it appropriate 500,000 Pounds for an army. Parliament appropriated 160,000 Pounds for the King and then began to debate their grievances. Led by Sir Edward Coke, Commons attacked the granting of industrial patents to courtiers; it impeached the Lord Chancellor—Francis Bacon—for accepting bribes; and it placed "The Great Protestation" in their Journal which declared that the Commons' privilege were "the ancient and undoubted birthright and inheritance of the subjects of England."

This infuriated the King. He ripped the "Great Protestation" from the Journal and

then dissolved Parliament. Two leaders of the House—one of them Sir Edward Coke—whom the King had earlier dismissed from the post of Lord Chief Justice for refusing to accept his commands—were imprisoned. Another member—John Pym—a wealthy landowner who sat for a small Wiltshire borough, was placed under house arrest.

As James I couldn't wage war with Spain without Parliament's granting him taxes to raise an army and buy supplies, he sent his son and The Duke of Buckingham to Madrid in 1623 to arrange a marriage with the Infanta. But when the negotiations broke down they returned to England hot for war. James now called the Parliament again.

James' fourth Parliament was summoned in 1624 and unlike the earlier Parliaments of his reign, it felt more friendly toward the King. This Parliament was determined to fight a war against Spain in the Elizabethan manner and it was eager to assist the Protestant cause in Germany. The House of Commons voted 300,000 Pounds for the war against Spain but, as it concluded that the King was often spending money for purposes against its wishes, Commons devised a scheme for parliamentary control, not only of its levying but of its spending. Therefore, to ensure the proper expenditure of money, the Subsidy Bill contained a clause whereby money was paid into the hands of commissioners appointed by the House of Commons, to be expended by them upon direction of the council of war.

James I's death in 1625 brought his son Charles I to the throne. As he was eager to wage war with Spain, he asked his first Parliament for a large grant of money for that purpose. However, as the Commons were resolved to abolish the abuses of Royal prerogative it refused to vote adequate funds to fight Spain.

The House of Commons immediately made it clear that they intended to debate foreign affairs and religious reforms as they didn't want to take any chance on Charles dissolving Parliament as soon as it had granted him the needed taxes. Instead of granting tonnage and poundage duties to the new King for life—as had been the custom of two centuries—the Commons gave them for one year only. In fact, Charles didn't get this income at all as he later dissolved Parliament before the House of Lords had passed the bill.

The second Parliament of Charles I met from February to June, 1626. The House of Commons proceeded to prepare for the impeachment of the Duke of Buckingham—the King's favorite minister—whom it believed responsible for the worst abuses. The King told the Commons that he would not permit Buckingham to be impeached and informed them that their first business was the granting of supplies and that he would not permit his servants in high posts to be impeached for they merely acted at this command. The Commons refused to grant supplies until their grievances were redressed.

On May 8, the impeachment of Buckingham was brought up to the House of Lords by the managers for the Commons. Two of them were immediately thrown into the Tower for things they said in their speeches—and the Commons resolved to do no further business until the release of their members. The King yielded with reluctance, but when the Commons resolved that tonnage and poundage could not legally be collected unless granted and that no supply would be voted until Buckingham was removed, the King dissolved his second Parliament on June 15.

Clearly since Charles' accession to the throne, Parliament had assumed a new place of power in the state. Not even the relatively powerful parliaments of the Lancastrian era, or of James I showed the same spirit. But Charles' Parliament felt themselves on a par with the King. They were resolved to do battle with the sovereign on equal terms—for the passage of time had given Parliament formidible weapons: the levying of taxes, the power of impeachment and the various other privileges of Parliament.

As the Commons had once again refused to vote the King supplies for the war, he had to find a way to meet the necessary expenses of government. Charles I now pawned the Crown jewels and mortgaged Crown lands. He began to levy tonnage and poundage without Parliamentary consent and tried to exact the revenue denied to him by levying a "forced loan" which, again, was taxation without Parliamentary sanction. The "forced loan" was widely resisted, whereupon a number of knights and rich men were arrested under royal warrants for their refusal to pay, while soldiers were quartered with the King's poorer subjects.

Chief Justice Carew, who refused to find these "forced loans" legal, was dismissed from office. After this, the Court of King's Bench granted Writs of Habeas Corpus to five knights who had been imprisoned by the Crown for refusing to contribute to the "loan." But, though the Writ was granted, the Warden of the Fleet refused to release the prisoners because he declared that he was acting on a warrant from two members of the Privy Council ordering that the knights be held "by special order of his Majesty."

This precipitated a grave constitutional crisis. The prisoners, upon being informed that they were not entitled to bail asserted that the ancient rights of the subject set forth in Chapter 39 of the Magna Carta were at stake. They contended that freedom from arbitrary arrest was basic to English liberty. But the knights were not released, and Chief Justice Hyde held in the Case of the Five Knights (or Darnel's Case) that:

"If no cause of the commitment be expressed, it is to be presumed to be a matter of state which we cannot take notice of."

Thus, the constitutional question of whether Charles I could imprison his subjects without cause was, for the time, left unsettled.

After flagrantly violating the liberties of his subjects in unexampled fashion, Charles was compelled—by the necessities of the war with France—to call another Parliament which met on March 17, 1628. Among the members of the new House of Commons were no fewer than twenty-seven of the men who had been imprisoned by orders of the King for refusal to pay the "forced loan."

When Charles I addressed Parliament, he concentrated upon the grave dangers that England faced in the war with France and Spain. He declared that it was their duty to find a speedy way of supplying the government's needs and that if they failed to do so, he would have to use those other means which God hath put into my hands, to save that which the follies of particular men may hazard to lose.

But Parliament paid no attention to the King's urgings. Instead of making even a small grant, the House of Commons immediately set to work to reform the abuses before granting a tax. However, unlike earlier Parliaments, this concentrated not on the King's ministers—but on the King's misinterpretation" of the constitution which Commons felt threatened to establish absolute government. The Commons—and the nation—were greatly inflamed about four specific grievances: illegal taxation, arbitrary imprisonment, the billeting of soldiers on individuals and punishment by martial law. The Commons put their grievances to the King in the Petition of Right.

In the Petition of Right, the Commons did:

Humbly pray your most excellent Majesty that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax or such like charge without common assent by act of Parliament.

The King reluctantly agreed to consent to the Petition of Right. And, though it was of little or no immediate practical value, ". . . the historical and constitutional meaning of the Petition of Right stands in line with the more important Magna Carta of 1215 and the Bill of Rights of 1689 . . . It stated principles and precedents and it became a precedent itself in the long assertions of the powers of Parliament and the supremacy of law in England." (A Constitutional and Legal History of England by Goldwin Smith (New York; 1955) P. 320.

As another noted scholar has written of the Petition of Right, it was: . . . the first attempt made since the beginning of the struggle between King and Parliament to draw a definite line between prerogative and law, to fix with some exactness the point where the power which is above the law shall end and where the reign of law shall begin. This it attempts to do, not as to a general matter but in specific particulars. That in doing this it reduces the King's prerogative powers and sets new limitations to them is quite in harmony with the spirit of past constitutional growth." (Constitutional History of England by George Burton Adams (NY; 1938) P. 295).

After Charles I accepted the Petition of Right, the Commons voted him money. But relations between the King and Parliament had by no means healed. They soon clashed on the question of tunnage and poundage—which the King had exacted without the consent of Parliament and the Commons was determined to place the grant upon its true constitutional basis. A bill was then prepared granting tunnage and poundage, but it was delayed to remonstrate against the King's illegal collection of tunnage and poundage duties. To prevent this Charles brought the session to an end.

When the second session of Charles' third Parliament opened six months later, Commons was still incensed with the King and proceeded in its battle against unlawful taxation. Fuel had been added to the fire by the proceedings against certain merchants who had refused to pay the duty. Their goods had been distrained, and when the owners sued on writs of replevin, the courts found for the Crown holding that the King's right had been established beyond question in the Case of Bate—which had arisen two decades earlier.

In order to prevent the Parliament from further remonstrating against the King's claim to tunnage and poundage, Charles at first ordered a short adjournment and then a longer one. But this time, Commons was in no mood to go home until it had placed its opinions on record. The House of Commons accordingly voted against adjournment.

When the Speaker declared that he had the King's orders to leave his chair, he was forcibly held down by two members, while the door was locked to prevent members who wished to go from leaving. The House then passed resolutions providing that:

(1) Whoever advised the collection of tunnage or poundage without Parliamentary consent should be considered "a capital enemy of the kingdom and commonwealth."

(2) Whoever voluntarily paid tunnage and poundage thus levied should be considered a traitor to the liberties of the land.

After these resolutions were passed, the Commons voted to adjourn.

The King was outraged at the Commons' action. He accused the Commons of attempting to exert an universal, overswaying power which belongs only to me and not to them.

The King dissolved Parliament on March 10, 1629—and it would not meet again for eleven years. The King was determined to govern England "by those means God put into my hands."

Charles moved swiftly to punish the leaders of the opposition. Nine members of the House of Commons were arrested, sent to the

Tower and their papers seized. When they sought a Writ of Habeas Corpus, the prisoners learned that they were detained under the King's order. At their trial, the prisoners pleaded the privileges of Parliament and declined to make any other plea. The court found that they should each be imprisoned at the King's pleasure.

As no adequate grant of taxes had been made by any of his three Parliaments and he no longer dreaded the checks which might be imposed by Parliament, the King proceeded to govern England without Parliament. He continued his illegal levies of tunnage and poundage. He revived such obsolete customs as the compulsory distraint of knighthood and forest fines based upon Henry II's Assize of the Forest of 1184. He expanded his extensive sale of monopolies—soap, fisheries, the vintner's company, etc. He collected feudal dues whenever he could.

But the most important discovery of new revenue was the revival and extension of "ship money." In medieval times this had been a levy imposed in times of national emergency on the port towns of England by which these ports were asked to provide ships for the navy. Charles' first writ for ship money was issued in October, 1634 and it was near enough to the traditional practice not to lead to serious opposition. It called upon port towns to furnish ships of war, but of a size which were only found in London, or in lieu of these to levy a sum of money sufficient to cover the cost of one. As one author has observed: "The demand was a transition from ancient precedent to a practically undisguised tax." (Constitutional History of England by George Burton Adams (New York, 1938) P. 301).

The Lord Mayor of London at first resisted the writ. But it was soon acceded to with little opposition.

When the second writ appeared in August, 1635, it was extended to all the Kingdom on the ground that as the support of the navy concerned the safety and defense of all, so all should contribute to that end. It then became clear that ship money had become a general tax on the people of England. For, whereas the earlier writs only demanded the actual equipment of ships, the latter writs directed the sheriffs to assess every landowner and other inhabitants—according to his particular means—and to enforce the payment by distress.

Considerable resistance developed to the second writ. It was felt that ship money had become, in fact, a tax levied without Parliamentary grant—violating the Petition of Right.

The third writ was issued in October, 1636, and like the second extending the levy to the whole kingdom made it plain to everyone that the King had discovered a method of annual taxation which could be used to finance the government.

And, it soon became evident that if the King could lay such a tax upon alleged grounds of national necessity—determined by himself alone—that there was no limit to this arbitrary taxation. And, believing that the writs of ship money were clearly an unconstitutional tax, many persons resisted them. But by far the most celebrated case was that of John Hampden. In 1637, the sum of 4500 Pounds was demanded from Buckinghamshire. John Hampden—a cousin of Oliver Cromwell—refused to pay twenty shillings assessed upon his land in the parish of Stoke Mandeville. Hampden was tried before the Court of Exchequer in November, 1637.

Hampden was eloquently defended by Oliver St. John who argued against the tax alleging that it violated the Magna Carta, the statutes of Edward III, the Petition of Right and there was no national emergency as England was not actually engaged in a war at that time. But the judges found for the King. Two judges decided in favor of Hampden on technical grounds and three judges found for him on all counts. But the remaining seven held against him. One judge wrote that:

"The King pro bono publico may charge his subjects, for the safety and defense of the kingdom, notwithstanding any act of Parliament, and a statute derogating from the prerogative doth not bind the King; and the King may dispense with any law in cases of necessity."

Further, another judge wrote that:

"No act of Parliament can bar a King of his regality—therefore acts of Parliament to take away his royal power in the defense of his kingdom are void."

But, though Hampden had lost the case, he had won a place in the hearts of the people of England for resisting the hated tax. The trial galvanized the resistance of the people to the tax. But, in spite of popular resistance to it, the King succeeded in financing the government without Parliament for eleven years. As one writer has observed:

"The financial dependence of the King on Parliment, which was at that date the only thing making a meeting of Parliament necessary, seemed for the moment at least to be successfully overcome."—Constitutional history of England by George Buxton Adams (New York, 1938, P. 304–5).

For a period, Charles I's arbitrary measures were successful and it appeared that Parliament would never again be summoned to Westminster. During this period Charles and Archbishop Laud endeavored to reconstruct the Church of England according to the aristocratic ideas of the high church party—which had the effect of ending religious and political liberty in England. And, the ensuing persecution of the Puritans drove many to America.

The oppressive policies of Charles I are of more than passing interest to Americans because they generated the basic constitutional ideas which the English Puritans brought to America and which—in a century and a quarter—became the bedrock on which the American Constitution was fashioned.

As Charles was apparently successful in reconstructing the Church of England, he endeavored to do the same thing to Scotland by crushing Presbyterianism in Scotland. In the summer of 1637, Charles and Archbishop Laud sought to impose a version of the English Book of Common Prayer on the Church of Scotland. But the Scots were too thoroughly devoted to Presbyterianism to accept this. When an attempt was made to read services from the Book of Common Prayer in Edinburgh, riots broke out. The Scots set up a resistance group known as "The Tables" and the Scottish Covenant was drafted inviting the Scottish Protestants to swear the resist to the death these religious innovations. To meet the Scottish resistance, Charles was compelled to raise an army—which placed too great a strain on his makeshift finances.

When the Chancellor of the Exchequer informed him that the Royal Treasury was empty, Charles sought a contribution from London and then from the entire nation and loans were requested. Another obsolete levy upon the counties for the support of a military force—"coat and conduct money"—was revived. But every levy was resisted and failed to raise the needed revenue.

Therefore, the King bowed to necessity and called what became known as the "Short Parliament"—which met on April 13, 1640. But it soon became evident that the members of the House of Commons sympathized with the Scots and would do nothing until their many grievances were redressed. The King pressured Commons to vote an immediate grant of money to allow him to prosecute the war—and to settle their grievances later. The House of Lords voted that appropriations should come before grievances which the Commons rejected as a "high breach of privilege." The King then offered to give up ship money in return for a grant of twelve subsidies. But the Commons balked at this too—holding the collection of ship money to be a crime and the judgement against Hampden an infamy; which they would never assent to.

When Charles was convinced that they could not be moved, he dissolved the Parliament, after a three week session in which nothing had been done. But, though Parliament accomplished little of a tangible nature, it learned how strong it was against the King and it learned that the bulk of the English people were united behind them.

After the dissolution of the "Short Parliament", the King imprisoned some members of the House of Commons and the sheriffs ruthlessly proceeded to collect ship money and coat and conduct levies. The King seized pepper from the warehouses of the East India Company and bullion from the London goldsmiths. The Lord Mayor and aldermen of London were coerced into making a "loan." A convocation—which supported the King's Scottish policy—tried to support a general benevolence; two attempts were made to get a loan from Spain in return for help against the Dutch; it was proposed that the coinage be debased and it was planned to seize Spanish bullion deposited in the Tower for coinage. But all these efforts were of no avail. They generated very small sums while the expenses of government skyrocketed.

Meanwhile, the army which had been raised posed a critical problem. It was undisciplined, poorly supplied, and scarcely paid at all. It had to be quartered on the country and martial law had to be rigorously enforced—both in violation of the Petition of Right.

Finally, in August of 1640, the Scots crossed the border. When the two armies confronted each other at Newburn—near Newcastle—a mere cannonade dispersed the English ranks. Newcastle surrendered to the Scots and once more the King was forced to come to terms with them.

As the historian Thomas Pitt Taswell-Langmead has observed:

"After the defeat at the ford of Newburn-on-Tyne, the English army, disheartened, undisciplined, and disaffected, had retreated to York, leaving the counties of Northumberland, and Durham to be possessed by the victors. 'The game of Tyranny' observes Macaulay, 'was now up. Charles had risked and lost his stake. . . . His army was mutinous, his treasury was empty; his people clamoured for a parliament; addresses and petitions against the government were presented. Strafford was for shooting the petitioners by martial law; but the king could not trust the soldiers.' "—(*English Constitutional History* by Thomas Pitt Taswell-Langmead; P. 440.)

At the end of August, 1640, twelve peers petitioned the King "to summon a Parliament within some short and convenient time." But in a last-ditch effort to avoid summoning Parliament, Charles seized on an old precedent. As the National Council had once performed some of the functions of Parliament—and as it had continued to meet long after Parliament had been established—the King issued writs for a meeting of Peers at York on September 24, 1640. The Great Council met and concluded a treaty with the Scots, by which they were to hold the two northern counties until a definite peace was made and to receive 25,000 Pounds per month for their expenses. The Council also pledges the security of the Peers to a loan to fill the King's sagging coffers.

But, as this expedient proved inadequate to solve the King's staggering problems, King Charles reluctantly called his fifth Parliament—the so-called "Long Parliament." It met at Westminster on November 3, 1640.

The entire House of Commons stood united in their opposition to the King. Roughly sixty percent of the members of

the previous "Short Parliament" were re-elected. As one historian has observed:

"The King addressed the Commons in an unusually conciliatory speech, but the Stuart tyranny had gone too far, and the Lower House was absolutely bent upon redress. Neither can the men who came to this Parliament with such a resolve be blamed, for it depended upon them whether people and Parliament should recover their ancient liberties, or become the mere vassals of the Sovereign."—(*History of the English Parliament* By G. Barnett Smith; Volume I, Page 399)

And, in a large sense, it was the Long Parliament which framed the basic constitutional ideals upon which the American Republic was fashioned.

Under the leadership of John Pym and John Hampden, the House of Commons struck first at the King's advisors—by impeaching the Earl of Strafford. Strafford was accused of subverting "the fundamental laws", of "exercising tyrannical and exorbitant power." When it became clear that Strafford would never be found guilty of high treason by the judicial process of impeachment before the House of Lords, the Commons turned to condemn him to death by a Bill of Attainder. The bill passed both Commons and Lords. Realizing that he, too, was in peril, the King signed the Bill and on May 12, 1641, over 200,000 people saw Strafford executed.

Meanwhile, Parliament acted to make arbitrary rule impossible in the future. First, to protect itself against a possible "untimely adjourning, proroguing, or dissolving" by the King, it provided that a Parliament could not be dissolved without its consent. Second, in the Triennial Act, it established that Parliament was to meet once every three years, whether or not it had been summoned by the King.

Ship money was next attacked and declared illegal—and the judgment against John Hampden was annulled. The collection of tunnage and poundage duties without the consent of Parliament was made unlawful. Compulsory knighthood and the abuse of forest fines were prohibited.

However, in November, 1641, Parliament prepared the Grand Remonstrance which recited the wrongdoings of Charles I, and set forth what had to be done to remedy national grievances and set forth further demands. For example, it proposed that the King's ministers should be "such as Parliament may have cause to confide in." This Grand Remonstrance passed Commons by a majority of only eleven out of over 300. This angered Charles I and he directed the Attorney General to lay articles of impeachment for treason before the Lords against five members of the House of Commons. And, though the men excaped before they could be arrested, this greatly inflamed the passions of the people and hastened the drift toward civil war.

But, before the civil war actually broke out, Parliament presented its final demands to the King in the so-called Nineteen Propositions. By the terms of the Nineteen Propositions, the privy councillors, the principal officers and judges of the state, the tutor's of the King's children, all were to be appointed only with the approval of Parliament. It asked the King to put royal forts and castles under Parliamentary control, to dismiss his military forces; to take away the votes of all Roman Catholic peers, and to promise that his children would not conclude any marriage not approved by Parliament.

Charles refused and the civil war began—to be terminated in a little over two years. After the Presbyterians had been expelled from Parliament, the remainder (known as the "Rump"), tried the King for treason and sentenced him to death.

What followed were eleven years of military despotism. After Cromwell's death, the dead King's son, Charles II, was placed on the throne. The House of Stuart was restored to the throne, but with no constitutional guarantees. The supremacy of Parliament was not declared in any formal contract, nor was the King required to acknowledge that his powers were limited by, or derived from, the people. Indeed, there was nothing of a constitutional character to even indicate that Charles I had been deposed. And, though, in form and law, the King was supreme—he was now, in fact, subservient to Parliament.

Charles II's first Parliament granted him the proceeds of the Customs for life. Parliament abolished the feudal incidents, e.g., wardship, marriage and knight's service, and the three feudal aids: knighting the King's son, ransoming the King, and furnishing a dowry for his eldest daughter. Parliament made up for the revenues lost by abolishing these by granting the Crown an hereditary tax on beer and some other liquors.

The year 1665 marked the reassertion of legislative control over the spending of the public money, viz., the practice of Parliamentary appropriations. Prior to this time, the King went to Parliament with requests for money. But, generally, once the money was raised, the King could spend it as he wished.

Sir George Downing amended the Subsidy Bill of 1665 to provide that the money raised in accordance with the Bill be applicable soley to the prosecution of the Dutch War—and that money could not be paid out by the Exchequer save by special warrant stating that as the purpose of the payment.

In 1667, Parliament solidified its control of the purse strings of England by appointing a Parliamentary commission to examine the public accounts in order to determine that the funds raised in the Supply Bill of 1665 were, in fact, spent solely for the Parliamentary designated purpose. This Parliamentary commission later expelled the Treasurer of the Navy from the House of Commons for spending public money without a warrant.

As one author has observed:

"The bill was the natural consequence of the liberty of appropriation enjoyed under the Commonwealth. The exercise of the principle of appropriating supplies in detail was not carried to its full extent until after 1689. Its importance is difficult to overestimate. It placed the executive power in a position of perfect dependence upon the bill of Parliament, for the money requisite for any administrative act was to be forthcoming only in accordance with the previously expressed intent of Parliament."—(The History of Parliamentary Taxation in England by Shepard Morgan; New York: 1911; Pp 304–5).

Another writer has written:

"The foundation was securely laid for the changes that followed after his expulsion. Modern Angle-Saxon legislatures have considered the practice of appropriations, now extended to even minute items of expense, to be one of the most essential sources of their power and have guarded it with the utmost care. It is a check upon government policy not by calling a minister to account for what he has done, but by rendering action which is not approved of impossible in advance. The full establishment of the right of appropriation should probably be regarded as the last step in the creation of so great a power in Parliament over the executive that resistance was hardly possible . . ."—(Constitutional History of England by George Buton Adams, New York: 1938, P. 349).

On Charles II's death in 1685, James II acceded to the English throne. But where Charles II had been willing to adjust to the Parliamentary system, James II was not. James II lacked Charles II's tact and diplomacy. He assumed the Crown with the full intention of exercising arbitrary authority—as had the earlier Stuart Kings. He attempted to bring Roman Catholicism back to England.

Prior to calling his first Parliament James II had collected customs duties by proclamation—i.e. without Parliamentary sanction. But, in spite of this poor beginning, the Parliament—which was overwhelmingly royalist—granted him a large revenue for life and seemed ready to do anything else within reason which the King wished. But this spirit of harmony didn't last long.

Primarily because of his zealous desire to restore England to Catholicism, James clashed with Parliament. In 1685, Parliament balked when the King asked that a large standing army be raised in which Roman Catholics were to hold key positions. Instead of complying with the King's request, the Commons gave the King less than he sought and attempted to impose conditions. This infuriated the King to the extent that he committed a member of the Parliament to the Tower for saying: "We are all Englishmen and not to be frightened out of our duty by a few high words."

Refusing to tolerate such criticism, the king dismissed his first, and only, Parliament.

These and other outrages so inflamed the nation that in November, 1688, William of Orange was invited to come to England. An advisory "assembly" was called to assume the provisional government of England pending the calling of a Parliament—composed of the Lords and of the members of the House of Commons which last met in the Parliament of Charles II. The assembly advised the calling of a convention Parliament, and letters were issued for the holding of Parliamentary elections. The convention Parliament met on January 22, 1689, and remained in session until August 20, and later continued its work in a second session.

On February 13, 1689, William and Mary were crowned subject to the conditions expressed in the *Declaration of Right*. That same day, the Convention Parliament declared itself to be the Parliament and its acts valid law.

The *Declaration of Right* with some slight changes was—in the second session of Parliament—incorporated into the *Bill of Rights*. Specifically, the *Declaration of Right* enumerated the arbitrary acts of James II and declared each of them specifically to be illegal.

On October 25, 1689, the *Declaration of Right* was enacted by Parliament, in statutory form, as the *Bill of Rights*. It stated that King James "did endeavor to subvert and extirpate . . . the laws and liberties of this kingdom . . . by levying money for and to the use of the crown, by pretense of prerogative, for other time and in other manner than the same was granted by Parliament." Then followed the absolute assertion "that levying money for or to the use of the crown by pretense or prerogative, without grant of Parliament for longer time or in other manner than the same is or shall be granted, is illegal."

The *Bill of Rights* is—without question—one of the most crucial documents in Anglo-American constitutional history. For, it marked the end and summed up the results of a struggle which had lasted for over four centuries. As Maitland observed, with the *Bill of Rights* "one great chapter of English history had been closed."

Clearly the impact of the *Bill of Rights* was not limited to England. It had as great an impact on the British colonists who came to America—who had suffered as much in their charters and in their free governments from the absolutism of Charles I and James II as had the people of England. And, reacting from British experience—and from their own experience under British rule—the Framers wrote into our Constitution the exclusive function of Congress to impose taxes and to control public expenditures by appropriations.

As one author has observed:

"With the passing of the Bill of Rights the principle was vindicated that Parliament rather than the crown has the power to tax . . . The corollary principle that Parliament has the power to appropriate supplies for specific purposes and that it can demand an accounting for the money so appropriated were accorded general acquiescence then and thereafter."—(The History of Parliamentary Taxation in England by Shepard Morgan; New York: 1911; pp. 307–8).

The PRESIDING OFFICER (Mr. BENTSEN). The question is on agreeing to the amendment of the Senator from Idaho (Mr. JORDAN).

Mr. McCLELLAN. Mr. President, I just want to make a brief statement about this.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, I have prepared a comparable amendment, not identical, to be introduced and would have possibly offered it had I the opportunity to do so. However, during the afternoon, I was engaged in a conference with the House members of the Appropriations Committee on the Supplemental Appropriation bill. I would prefer to have had the amendment I prepared to the one of the Senator from Idaho (Mr. JORDAN), but it will have to go to conference if it is adopted and some moderate change would be made in conference if it is found advisable to do so. Since it does have the basic approach that I have in the amendment that I intended to offer, I intend to support this amendment.

Now I want to say at this time that I will have serious difficulty voting for the House bill just voted for the $250 billion limitation.

I am reluctant, most reluctant, to vote for a measure and confer upon the Chief Executive the power to completely reject and to strike from the bill what Congress, on any project or program that Congress, in its judgment and wisdom, has established and authorized under the law.

For that reason, Mr. President, I hope that the Senator's amendment will be agreed to.

While I have this moment, Mr. President, I would like to say to the Senate that immediately after action on this amendment, if I can get the floor, I intend to offer an amendment, adding a new title to the bill.

It will be noticed in this bill that provision has been made for a joint committee to deal with the study from now until some time next year. That would be a temporary committee. And that committee's functions and duties would expire.

Mr. PROXMIRE. Mr. President, will the Senator yield at that point?

Mr. McCLELLAN. I yield.

Mr. PROXMIRE. Mr. President, I am very interested in the Senator's proposed committee.

However, I would like to tell the Senator that at about 2:30 this afternoon I was to be recognized. And I understood that I was the next one to follow the Jordan amendment. I will not take very long.

Mr. McCLELLAN. Mr. President, I am very sorry. The Senator understands that I have not been on the floor. If that is the order, of course, I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I would be happy to yield to the chairman of the Appropriations Committee if he desires. However, I would prefer it if I could proceed.

Mr. McCLELLAN. No. I will confer with the Senator about this in the course of our voting. However, in the meantime I intend to advise the Senate that I shall offer an amendment to add a new title, and the new title will be practically identical to a bill that the Senate passed on eight different occasions to create a Joint Committee on the Budget, not temporary, but permanent. I have added one thing to its duties, and that is that after performing the duties already provided in that bill, that it submit its recommendations with respect to a ceiling each year in the budget on the amount of appropriations we should make.

I hope that amendment will be adopted. I have just taken this moment to make mention of my purpose to support the distinguished Senator's amendment. And I think that it may need some small modifications, at least in conference. But I shall support it. And I would hope that the Senate would agree to it. At least, we passed this bill eight times, and the House only rejected it one time, and only rejected it by 15 votes. That is the first time they considered it. They never could get to a vote before that because it was opposed by the chairman of the Appropriations Committee of the House primarily. Now that the House has awakened to the necessity for some kind of committee, for some kind of study, and for some kind of additional service that is necessary for the Congress to ably and properly and effectively perform its duties, I think it is time to consider the bill that the Senate has already passed eight times. I think it is perfectly appropriate that that measure be adopted as an amendment and add a new title to the bill.

Mr. PASTORE. It was my privilege for the past several years each time the distinguished Senator, the chairman of the Appropriations Committee, introduced his bill for a joint committee, to consponsor that particular legislation. As I understood, it was not exactly a study. It was not a study at all. But here we are dealing with $250 billion every year, which is a tremendous amount of money. It comes to the committee under 12 different titles, and there is no coordination.

We do not know once we have appropriated the money just how the money is being spent. We have no facilities, no faculties, to follow that money to make sure. The only opportunity we have is when they come up again, to ask them how they spent the money last year. We have to take their word for it.

After all, the Office of Budget and Management has a continuance of operation. They can follow these things through with the administration. But we have no facilities, no faculties at our disposal.

What the Senator did suggest was that we would have a joint operation with the House, that we would have proportional steps in there, that once we appropriate money, we make sure that the money has been used for the purpose for which it was appropriated. That was the purpose of his bill.

Mr. McCLELLAN. That was one of the purposes. We hear only the appropriations on most every bill, with one or two exceptions, like Public Works. But we hear primarily from agencies that want the money to spend, but there is no way for us to check against the immediate intentions they say they have and the information they submit to us.

While I have the floor, I would like to suggest to my colleagues that this bill to which I have referred and that has passed a number of times had many cosponsors. In the 87th Congress it had 67 cosponsors. In the 88th Congress, it had 77 cosponsors. In the 90th Congress it had 66 cosponsors. So at least nearly two-thirds of the Senate have cosponsored the bill each time in the past.

Now, I do hope tonight, or when this amendment is offered, that I will have the support of my colleagues who have heretofore been very well advised as to what this proposal will do and the need for it.

Mr. BENNETT. Will the Senator yield to me?

Mr. McCLELLAN. I am glad to yield.

Mr. BENNETT. As the manager of the bill, I think I am prepared to accept the amendment of the Senator. I would like to see it. I would appreciate the opportunity to look at a copy of it. By the time the Senator is ready to offer it, I think we would probably be willing to accept it without question.

Mr. McCLELLAN. I will be glad to do that. I would like to suggest one thing to be added to the bill, other than technical amendments not necessary to meet existing law. This clause has been added to the bill. This is under subsection (2) of some section of the bill—the duty of the committee:

Recommend to the appropriate standing committees of the House of Representatives and the Senate such changes in existing laws as may effect greater efficiency and economy in government.

And we added at that point:

(b) a ceiling for expenditures and net lending under the budget of the United States Government for the fiscal year.

Mr. BENNETT. May I see that?

Mr. McCLELLAN. Yes. This is the only one I have before me now. It is one I shall want to introduce.

Mr. BENNETT. After the Senator from Wisconsin is recognized. I will be glad to discuss it with the Senator.

Mr. McCLELLAN. That is the only substantive change made in the bill as it passed the Senate.

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

Mr. McCLELLAN. I yield.

Mr. CRANSTON. Mr. President, I am delighted that the chairman of the Committee on Appropriations lends his support to the Jordan amendment. The Jordan amendment is the way we can have a ceiling without delegating the authority of this body to the executive branch.

The distinguished Senator from Ore-

gon (Mr. PACKWOOD) made an eloquent, articulate address on this topic, and it is a very important topic.

I believe, contrary to his conclusions, that the Jordan amendment gives us the opportunity to behave in a fiscally responsible way while retaining our power.

The Senator went through a long history respecting the abdication of power.

Mr. President, behind the Jordan amendment is the Percy amendment, which I have been privileged to cosponsor. It does set a procedure where we can have a solid, constructive, prudent approach to this matter, to set a ceiling that takes into account what we can expect to come in and take out, and put that together in an overall budget, which is what the Senator from Oregon discussed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4018) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The message also announced that the House insists upon its amendment to the bill (S. 2087) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal minimum death and dismemberment benefit to public safety officers or their surviving dependents, agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RODINO, Mr. SEIBERLING, Mr. DANIELSON, Mr. DENNIS, and Mr. MAYNE were appointed managers of the conference on the part of the House.

TEMPORARY INCREASE IN THE DEBT LIMIT

The Senate continued with the consideration of the bill (H.R. 16810) to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973.

Mr. JAVITS. Mr. President, I shall be brief. I wish to put the Senate in mind of another point which has been made, in addition to the very, very moving address of the Senator from Oregon. I think we all liked it so much because he does not speak too often and it was really a great speech. Many of us feel he is entitled to our sincere congratulations.

He put me in mind of talk in the corridor that whatever we pass will go right down the hatch in conference and we will be right back here with a $250 billion ceiling, which is just like the administration asked for and which passed the other body.

So I express the hope, as one Senator, that when I vote "yea" on the Jordan amendment, because I agree with the Senator from Georgia, the Senator from California (Mr. CRANSTON) and many other Senators that this is the way to do it under present circumstances and because the people have a say, in this, too, and I think they have a right to feel as they do about expenditures and taxes, that we are going to stay with this and we should. By the size of the vote we serve notice that conference reports coming back here with these provisions dropped down the nearest hole are not going to find favor in the Senate.

Mr. President, that is one of the things that the speech of the Senator from Oregon should inspire in us all. This is not just a vote that we are not for giving up our powers on this amendment, but these things have a way to come back in a final way with lots of feeling.

I hope Senators will vote with the understanding that when they vote this way on the Jordan amendment they will vote so that there votes will not be meaningless. I hope very much the size of the vote and the conviction of the Senate will carry that message.

Mr. SCHWEIKER. Mr. President, I rise to strongly associate myself with the remarks of the Senator from New York (Mr. JAVITS). As a cosponsor of the amendment of the Senator from Idaho (Mr. JORDAN) I believe this is a very important basic principle. I certainly concur with the thoughts of the Senator from Oregon.

I thought the Senator made some very fine statements, explicit points, and pertinent principles. I differ with him slightly. I feel that the way to do the things that he wants to do is to vote for the Jordan amendment, to stand up and vote on that measure. Nevertheless, I commend him and I join with the Senator from New York (Mr. JAVITS) in saying that if this body expresses its favor with the Jordan amendment, and I hope for that, I could not vote for a conference report which would come back and incorporate the House approach, which is the reason the Senator from Oregon so well outlined it. I associate myself with the Senator from New York because that could be the issue.

I believe the Senator from Idaho (Mr. JORDAN) has the votes to win that basic issue. I hope it does not stop there. The conferees should take this into account in conference because it is a gut issue and as a gut issue I am going to vote down any conference report that goes back to the House approach of giving away economic responsibilities.

Mr. GRAVEL. Mr. President, I share the same views as my colleague. I, too, went over to my colleague from Oregon and congratulated him on a fine speech. In fact, I can say that during my service here it is the finest speech I have heard in this Chamber. I have heard better rhetoric but I have heard no better grasp of history or better logic of an important problem affecting this Nation. So I am going to pay him what to my mind is the ultimate compliment, when I hear something very good. I say to him that he persuaded me. I was going to vote for the Jordan amendment; I am now going to vote against it.

It is not too often in the legislative process that minds are really changed in this Chamber, because of the operation of the system. But I was persuaded. I went up to my colleague from Oregon and I asked what solution he had. I understand the Jordan amendment. It is a tinkering process to get to another goal. Of course, it is true, and I understand the statement of the Senator from New York and the statement of the Senator from Pennsylvania, that we are going to continue that quid pro quo; we will go for that if something does not occur; but that is the way erosion usually takes place, with one simple act.

I asked the Senator from Oregon what his solution was. He said he was going to vote against the Jordan amendment. Then, he was going to vote against the whole piece of legislation. That strikes me as logic because there is no way we will get into trouble if we do not hold things down.

I do wish to address a question to a member of the committee. What would happen if we voted this down? I address that question to the Senator from Utah (Mr. BENNETT), who has just returned to the floor.

Mr. BENNETT. One week after October 31 the Federal Government would be unable to pay its bills. It could not meet its obligations. The dollar would die in the world market because nobody could trade it. We would have about 1 week's flow; 1 week's money in the bank, After that week the Federal Government would be bankrupt, unable to pay its bills, and I cannot conceive that any Senator would want to take the responsibilty for voting for that.

I have been in the Senate a long time and I know there are always votes against the debt limit. Remember that the debt limit is the basic objective of this bill—the spending ceiling is the secondary objective. I know many Senators are going to vote against the debt limit in this bill—I suppose praying in their hearts that enough of us will vote for it so that this event will not take place, but there is not any question about it. This is what would happen.

Mr. GRAVEL. If my colleague will excuse my ignorance, I would like a little information as to how this would be precipitated. What would really happen?

Mr. BENNETT. The debt limit would fall from $450 billion to $400 billion on that day. We already have more than $400 billion of debt outstanding—something like $435 billion. That debt outstanding is represented by bonds that constantly need to be renewed. Some of them are notes that have to be renewed every week. We could not renew another note. Then all we could do would be to float around on the amount of money in the bank. That would last until about election day, and then the Federal Government would grind to a halt.

It could not pay its bills, it could not pay its salaries. The dollar would drop in the world market so precipitously that no one can imagine the debacle it would create.

Mr. GRAVEL. How much are we shy between now and the end of the fiscal year if we leave the debt where it is right now?

Mr. BENNETT. I will answer that question. The Treasury says they need a

limit of $465 billion to get us through the fiscal year, but if we let the bill die, the Federal debt limit drops back to $400 billion. That would be disastrous. We do not have a continuing debt ceiling of $450 billion. We only have a ceiling of $450 billion to the end of October. Then it drops to $400 billion.

Mr. GRAVEL. So if we do not get it, what is it we are talking about? A difference of $15 billion?

Mr. BENNETT. I cannot tell the Senator to the day. We probably would have to be back here in February or March to pass it again.

Mr. GRAVEL. Suppose on Monday we pass a ceiling out of this body which is the ceiling we have now? What is the ceiling now? $450 billion? Is that not what the ceiling is now?

Mr. BENNETT. Yes.

Mr. GRAVEL. What catastrophe would be visited upon this occasion if that were to occur?

Mr. BENNETT. That would take us to about March, and then we would face the same situation.

Mr. GRAVEL. Which would mean it would put the responsibility on the rest of us. Is that right?

Mr. BENNETT. I have been through this many, many times in my 22 years in the Senate. We come up to this point, we argue about it, and we rail about the fact that the Government should not go into debt, but we eventually face up to the fact that none of us wants the responsibility of letting the Government go bankrupt.

Mr. GRAVEL. I want to assure my colleague that I do not want to let the Government go bankrupt, but I like the concept that my colleague from Oregon has enunciated, and I am not reluctant to take the responsibility of lowering taxes or raising taxes to raise money. I want to make my vote meaningful in that direction. If that means voting against this amendment and voting against them all, that may be the way to do it.

What happens if we continue the debt ceiling at $450 billion?

Mr. PACKWOOD. Mr. President, if the Senator will yield, I would like to propound a question to my friend from Utah. Could not we do better simply by deleting title II of this bill, which is the debt limitation, and send that out from Congress?

Mr. BENNETT. No. It would have to eliminate the $465 billion.

I am reminded that it automatically drops to $400 billion. If we want to keep going as we are now, we have to replace the $465 billion figure with the figure of $450 billion.

Mr. GRAVEL. This is title I.

Mr. PACKWOOD. That is title I of the bill.

Mr. BENNETT. Yes.

Mr. GRAVEL. I address myself to my colleague from Oregon. If we wanted it to stay the same, we would substitute for title I a provision saying we raise the debt ceiling to $450 billion. That would be a check on the administration and protect us. Is that correct?

Mr. PACKWOOD. These sections are severable. Title II has the debt limitation. That could go. We could amend title I to make it whatever we wanted.

Mr. GRAVEL. That would give us some control, because that would give us a $15 billion hammerlock on the administration, which we are giving away now.

Mr. BENNETT. It would not have that effect. It would merely bring us back that much sooner to face the same problem. We have already faced it twice this year. This is the third time. If we put it off until March, we will have to come back in March.

Mr. GRAVEL. What is the problem we are facing? Is it the fact that we are spending money?

Mr. BENNETT. No, that is not the problem. The problem is that full faith and credit of the United States dies because we can no longer sell any bonds.

Mr. GRAVEL. But my colleague overlooks one thing. I say this humbly. The full faith and credit is attached to borrowing money to spend money on projects. That is what the $15 billion is for.

Mr. BENNETT. No.

Mr. GRAVEL. What are they borrowing for if it is not to spend money?

Mr. BENNETT. Because we already have a debt of $450 billion. We turn it over. It is not like a continuing debt such as one might have in a bank for 20 years. It is represented by hundreds of issues. It is represented in large part by notes which are floated for 90 days or 6 months.

Mr. GRAVEL. I confess I do not have the brain power or understanding, but if we are borrowing money just to tread water, then we can tread water with $450 billion. If through some device the interest is creeping it up and making it $465 billion, then obviously that increase is all due to an increase in the interest. I do not think that is the case, because we are supposed to be servicing the debt by appropriating money for it. Where is that $15 billion?

Mr. BENNETT. That comes from increased appropriations which the Congress has already made, and they have got to be met. Congress has appropriated the money. We have to have it. That is a part of the problem. The other part is that we have accumulated a debt over many years. I cannot think of the year when we had no Federal debt.

Mr. GRAVEL. Was not this debt contributed to by a deficit this year?

Mr. BENNETT. Yes.

Mr. GRAVEL. Will not this debt be contributed to by a deficit next year?

Mr. BENNETT. Yes.

Mr. GRAVEL. What is the best way to get our hands on that deficit? It is to stop the spending. Is that right?

Mr. BENNETT. Yes.

Mr. GRAVEL. A good conservative, however, in my mind, if a person is fiscally responsible, is not going to let them run wild by raising the ceiling. That is the first grip we could get on this problem.

Mr. BENNETT. Unfortunately, that does not work.

Mr. GRAVEL. Why?

Mr. BENNETT. Because it is not an effective brake. It does not say to the American people, "We are going to stop spending when we reach this point." It says to all the people who own bonds, including people who own savings bonds, "Your bonds are no longer worth anything, because we cannot redeem them."

Mr. GRAVEL. I do not understand that, and I do not think I can accept it at face value. Does the Senator mean to tell me that $15 billion is all the money that is going to redeem bonds?

Mr. BENNETT. Look——

Mr. GRAVEL. I am prepared to vote for $450 billion, which is what we have now. All I am suggesting is the possibility of continuing that. The Senator is telling me they need another $15 billion to redeem bonds that people are going to put up.

Mr. BENNETT. No. I have to go back and start all over again. We now have a debt ceiling of $450 billion, which permits the Treasury to borrow what it needs.

Mr. GRAVEL. Up to that amount.

Mr. BENNETT. Up to $450 billion. All the money that Treasury is borrowing is represented by bonds that are outstanding. Does the Senator follow that?

Mr. GRAVEL. I follow that, but let me ask one point. In that $450 billion we already have covered the deficit of this year, which was over $20 billion. Was it not?

Mr. BENNETT. No; we do not have it covered, because this is the fiscal year of 1973, and to cover that deficit we have got to have the additional $15 or $16 billion, in the opinion of the Treasury. They are the people we have to trust in these matters.

Mr. GRAVEL. That is money we have appropriated. That is the point I am trying to make. It accounts for that increase?

Mr. BENNETT. But in the management of the debt, which is another part of the function of the Treasury, these outstanding bonds keep coming due every day or two.

Mr. GRAVEL. I realize that, and I realize that we must meet our obligations, but I am not sure by the Senator's argument, that we have to increase the debt to meet the bonded indebtedness. Our indebtedness today is $450 billion. If we raise the ceiling, that is raising spending.

Mr. BENNETT. Let me go back further. I have said that if we keep it at $450 billion—and we can—that simply means we will be back in February or March to raise it again. What we have already appropriated will carry us to another crisis, and we will have to raise the debt ceiling to take care of the deficit that will accumulate during the fiscal year 1973.

Mr. HUMPHREY. Will the Senator yield?

Mr. GRAVEL. I am happy to yield.

Mr. HUMPHREY. I am beginning to get the sense of this debate. For a period of time it was somewhat difficult, but what I believe I am hearing is that Congress cannot adjourn and there would be no problem in the next 3 months.

Mr. BENNETT. No, no.

Mr. HUMPHREY. Wait a minute. This Congress could adjourn——

Mr. BENNETT. This Congress could not adjourn without having to come back on October 31, because on October 31 we

will be $50 billion over the authorized debt ceiling.

Mr. GRAVEL. Perhaps I can help the Senator from Minnesota. If we took title 1 and just made it the status quo—that is, left it at $50 billion, which would give us a ceiling of $450 billion, which is what it has been, and then throw the rest of this away—we would still have some power left.

Mr. HUMPHREY. That is exactly what the Senator from Minnesota was getting at: that we could leave the debt ceiling at what it is. Instead of inserting the figure $65 billion, it would be $50 billion, and it would carry us through until March.

Mr. BENNETT. The Senator is correct. It will be $450 billion on January 1. On January 15 we will be over the $450 billion.

Mr. HUMPHREY. So before the new Congress would come into operation or session——

Mr. BENNETT. That is right.

Mr. HUMPHREY. We would have, as a matter of Government, to default on the payments.

Mr. BENNETT. That is right. We would have to be called back.

Mr. GRAVEL. Would not that depend on the revenues received between now and then? If the economy were in good shape, obviously the revenues would increase.

Mr. BENNETT. This is based on past estimates by the Treasury Department of the revenues that will be available between now and then. But I do not think we can take that chance and say that revenues will be better.

Mr. CRANSTON. Will the Senator yield?

Mr. GRAVEL. I yield.

Mr. CRANSTON. We are talking about two ceilings. One is the ceiling on the debt, and we will have to keep upping that until we get a ceiling on spending. Once we get a ceiling on spending and get a budget that takes into account what is incoming and what is outgoing, then we will not have to get together on the ceiling or deficit. We will finally get the deficit in hand. But we will not get it in hand without a ceiling. That is why I am supporting the Jordan amendment.

Mr. BENNETT. But we cannot go home until this bill expires. We would destroy the credit of the United States, and we cannot leave the debt limit at $450 billion, unless we come back before January 15 and go through the same exercise.

SEVERAL SENATORS. Vote, vote.

Mr. PACKWOOD. Mr. President, regardless of the outcome, whether the Jordan amendment is voted up or down, I will offer an amendment to strike title II of the bill, which is the expenditure ceiling.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Several Senators: Vote, vote.

Mr. AIKEN. If the Jordan amendment is approved by a sizable majority, then I suggest that when we go into conference, after the conferees have been appointed, they be instructed to stick with the amendment. That will save them a lot of time on rejecting an undesirable conference report, which I feel will not be passed.

I hope the Jordan amendment will be adopted and that the Senate sticks with it. Such action will save us hours before the end of the session—possibly several days.

Mr. BUCKLEY. Mr. President, I am deeply troubled by the proposal that the Executive should be delegated the authority to cut expenditures at will in order to maintain a $250 billion ceiling on Federal spending during the current fiscal year.

I am troubled, in large part, because it represents a delegation of congressional authority which could establish a most dangerous precedent. But I am even more troubled by the abdication of fiscal responsibility, on the part of the Congress which has made the proposed delegation probable and even necessary.

We are caught on the horns of the proverbial dilemma. On the one hand, we are faced with the fact that the Congress has shown no disposition to exercise that self-restraint which is essential to avoid adding new fuel to our inflationary pressures. The political and social consequences of a significant rise in the rate of inflation are simply too serious to ignore. They will not be alleviated by asserting prerogatives which on the record the current Congress will not exercise. On the other hand, we run the danger of establishing a practice which is subject to the gravest abuse by a future President and which will merely encourage a further abdication of fiscal responsibility by future Congresses.

This lack of self-discipline on Capitol Hill forces us to consider alternatives each of which poses substantial dangers. And in this there is a lesson. The Constitution will safeguard our liberties only so long as each branch of our Government will face up to its responsibilities.

On balance I would approve a delegation of budget-cutting authority to the President within reasonably narrow limits. This is why I have voted for the Taft amendment. I must oppose the Jordan amendment, however, because of its mechanical rigidity. I simply do not feel that it is prudent to require one reciprocal percentage cut in each of the nonexcluded categories of expenditures.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho. 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 Nebraska (Mr. BIBLE), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Louisiana (Mr. LONG), and the Senator from Albama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from West Virginia (Mr. RANDOLPH would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. CURTIS) and the Senator from Texas (Mr. TURNER) would each vote "nay."

On this vote, the Senator from Vermont (Mr. STAFFORD) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Vermont would vote "yea" and the Senator from South Carolina would vote "nay."

I also announce that the Senator from Delaware (Mr. BOGGS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The result was announced—yeas 46, nays 28, as follows:

[No. 557 Leg.]

YEAS—46

Aiken	Hart	Nelson
Anderson	Hartke	Pastore
Bayh	Hollings	Pell
Beall	Hughes	Percy
Bellmon	Humphrey	Ribicoff
Bentsen	Inouye	Schweiker
Brooke	Jackson	Spong
Burdick	Javits	Stennis
Byrd, Robert C.	Jordan, N.C.	Stevens
Cannon	Jordan, Idaho	Stevenson
Case	Magnuson	Symington
Church	Mathias	Talmadge
Cranston	McClellan	Tunney
Eagleton	Mondale	Williams
Ervin	Montoya	
Fulbright	Moss	

NAYS—28

Allen	Dominick	Miller
Bennett	Eastland	Packwood
Brock	Fannin	Proxmire
Buckley	Fong	Roth
Byrd, Harry F., Jr.	Gambrell	Scott
	Gravel	Smith
Chiles	Gurney	Taft
Cooper	Hansen	Weicker
Cotton	Hruska	Young
Dole	Mansfield	

NOT VOTING—26

Allott	Harris	Muskie
Baker	Hatfield	Pearson
Bible	Kennedy	Randolph
Boggs	Long	Saxbe
Cook	McGee	Sparkman
Curtis	McGovern	Stafford
Edwards	McIntyre	Thurmond
Goldwater	Metcalf	Tower
Griffin	Mundt	

So the amendment of Mr. JORDAN of Idaho was agreed to.

Mr. JORDAN of Idaho. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARTKE. Mr. President, the amendment of the Senator from Idaho accomplishes the purposes for which I originally submitted my amendment. The fact is that the amendment of the Senator from Idaho is much more preferable, and in my opinion it does justice to what we intended to do. I still intend to vote against the bill. I think it is a bad bill.

The yeas and nays have been ordered, and I ask unanimous consent that the order for the yeas and nays be vacated.

The PRESIDING OFFICER. Is there objection?

Mr. MILLER. I object.

Mr. MANSFIELD. It is just the same vote twice. The Senator just asked to withdraw the yeas and nays.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the order is vacated.

The question is on agreeing to the amendment of the Senator from Indiana as amended.

The amendment, as amended, was agreed to.

Mr. WILLIAMS. Mr. President, I wish to express my stanch opposition to the administration proposal for Congress to surrender its historic right to determine taxes and expenditures. This right has traditionally been the paramount assertion of legislative bodies. Legislatures have struggled for centuries to obtain this prerogative, and until now, the legislatures in democratic nations have guarded it carefully.

These historical forces which have strengthened legislatures are being rapidly eroded. And, of all the techniques Congress has at its disposal to preserve itself against this trend, the power of the purse is the most important. Any failure on our part to assert our legitimate constitutional role over spending policy will be one of will, rather than capability.

While there may be substantial evidence to indicate a need to restrict total Federal spending this fiscal year, the crucial issue is who should decide where and how it is to be cut. Should the decision be left solely with the President and his advisers or should Congress have a voice in these vital decisions? Should Congress finally yield the item-veto to the President? We are being encouraged to abrogate our constitutional duties because this administration is attempting to frighten the American public and various Members of Congress into believing that only this can save the American economy from the potential disaster which he has authored. I cannot see the logic in giving this administration the opportunity to aggravate the damage it has already done.

The President already has the power to veto spending increases, but he is always eager to take undeserved credit for programs such as the congressional increase in social security benefits. Yet he refuses to accept any responsibility for increased spending. We must not permit the President to compound this duplicity by surrendering our constitutional obligations. Such a response would present our society with a constitutional as well as an economic crisis.

To give the administration the power to cut the budget by eliminating any programs it sees fit, without having to account to anyone, would guarantee the death of key domestic programs. The President has frequently demonstrated his support for excessive farm subsidies to the wealthy, and swollen defense budgets. But he has also consistently cut back on aid to schools and hospitals, has shown that housing for the elderly and the poor are of no concern to him, and has placed full employment, consumer rights, and environmental protection at the bottom of his list of real, rather than rhetorical, priorities. Perhaps the President feels we can afford to neglect these programs. But Congress has declared that these programs are vital to the future of our Nation, and we must not allow them to be decimated.

Mr. FULBRIGHT. Mr. President, after having accumulated the largest budget deficits in our Nation's history—primarily because of escalated military spending—the Nixon administration now has the audacity to tell Congress that it should surrender its remaining control of the Federal budget to the Executive.

Equally unjustified is the effort by the President and other White House officials to try to blame any future tax increase on Congress. Mr. Nixon recently attempted to rationalize his disdain for the American public by demonstrating once again his disdain for Congress. The President said he was staying in Washington, rather than campaigning among the American people, "to fight the battle against bigger spending that would lead to higher taxes."

Mr. Nixon and his public relations staff tell us we must "respect the President." But while he hides behind the shield of the Great Seal, he does not respect the Congress, attempting instead to use this institution as part of a political ploy; nor apparently does he respect the American people, choosing instead to mislead them about the actual facts of Government spending and the record of his administration.

At the same time we are being asked to put a limitation on spending and grant unlimited authority to the President, we are being asked to raise the limit on the public debt from $450 billion to $465 billion. By the end of this fiscal year, a deficit of approximately $110 billion—about one-fourth the total national debt—will have been accumulated under the Nixon administration. What an ironic situation—the Nixon administration is apparently trying to draw attention away from its recordbreaking budget deficits by asking for a spending ceiling.

Why does Mr. Nixon wait until now, shortly before the elections and the adjournment of Congress, to push for a budget ceiling? He submitted a budget in January, just as he has in previous years, and Congress actually cut that Presidential budget request—just as it has in previous years.

In the first 3 years of the Nixon administration, Congress cut $14.5 billion from administration spending requests. Final figures are not yet available for this fourth year. However, it appears that the Congress will have cut the Nixon budget by another $4 to $4.5 billion.

The President requested $82.3 billion for direct military expenditures and military construction for fiscal 1973. The Senate cut this figure by more than $5 billion—not enough of a cut in my view—but still significantly below the President's request.

In 4 years the President has asked for $297.1 billion for direct military spending, but Congress has allocated $281.5 billion—a difference of $15.6 billion. Again, I believe the reductions have been too small, but the President has opposed any reduction. For foreign aid, much of which is military related, the President has asked for $16.1 billion, but Congress has granted about $3 billion less.

While trimming back some of the extravagance in military and foreign spending, Congress has allocated increases over the Presidential budgets in several areas, including health and education, areas which have obviously been of little concern to the administration. Still, overall, Congress will have cut nearly $20 billion from Presidential appropriations requests in 4 years.

It is true that Congress has initiated increases in social security benefits, "black lung" benefits, and veterans benefits. However, in each case the President has gone along; indeed, he tried to take credit for some of the increases. Spending will also be increased by revenue sharing which, as we know, the President strongly favored. Additionally, it should be remembered that the President asked for a $2.8 billion supplemental increase—beyond the original military budget—to pay for stepped-up bombing and military activities in Southeast Asia.

The President refuses to say where he would make cuts if the spending ceiling was approved. He is asking for a line-item veto, a power not granted him by the Constitution. His record thus far makes it all too clear where he would make cuts—not in military spending, which dominates the Federal budget, but in vital human need programs. When the spending ceiling was first discussed, there were cries of outrage from the Department of Defense, which wanted no part of a limit on spending.

Those cries have now been muted because the Pentagon has been assured there will be no cuts in military spending, although in a classic understatement, Treasury Secretary George Shultz said:

> Let's face it, there probably is even some money you can save in defense.

Mr. President, the political gimmickry of this spending limitation proposal is obvious. It would be much more sensible to propose an across-the-board percentage cutback in all "controllable" programs. I would certainly favor such a limitation, which would apply equally to all programs requiring appropriated funds. The President does not want this, however, and insists on having total authority to determine where cuts would be made.

This effort by the administration to obtain such control is one more example of the move to consolidate all significant power in the executive branch, further

undercutting the constitutional authority of Congress.

We have seen in recent years a severe erosion of congressional power in other areas, notably in foreign policy. Indeed, Vice President AGNEW recently asserted that the President has "sole responsibility for developing and initiating foreign policy."

The Vice President says that a President "must be able to make hard choices—alone—and then rally the country to support this decision."

The President has made it clear that the constitutional authority of Congress and the concept of separation of powers have little meaning to him. As the President now largely ignores the elected representatives of the people in foreign policy, so would he like to see these representatives sign away to him their control over appropriations, one of the last vestiges of congressional power.

One may wonder why the President has asked for this power through legislation since he has already arrogated to himself the power to impound appropriated funds. Is this request simply a political ploy to try to embarrass the Congress?

Further, the President retains the power to veto legislation, a power he has not hesitated to use, having vetoed 17 bills, most of them involving major legislation for health, education or community development.

The executive branch's Office of Management and Budget wields tremendous power, and yet most Americans have never heard of this agency which often exercises life or death control over public programs. Earlier this year, "under authority delegated by the President," the OMB had impounded more than $12 billion. Subsequently some of the funds were released, but the President is still relying heavily on impoundment as a means of holding up appropriated funds. Among the funds held up by the President have been those appropriated for rural water and sewer system grants, which are of major importance to Arkansas. Such water and sewer systems are the backbone of growth for our smaller towns and by aiding their development we can ease the burden on our urban areas. However, for fiscal 1973 the President asked no new funds for FHA water-sewer grants, proposing only to spend a portion of the $58 million impounded in fiscal 1972. In fiscal 1971, only $44 million was allocated by Mr. Nixon from a $100 million appropriation.

The study prepared under the direction of Congressman MORRIS K. UDALL earlier this year for the House Committee on Post Office and Civil Service entitled "A Report on the Growth of the Executive Office of the President, 1955–73" is most enlightening.

I would like to quote briefly from Mr. UDALL's conclusions:

In modern times virtually every President has come to the White House pledging to cut back the bureaucracy, to find the best Cabinet members available and to rely on the regular departments for advice and executive administration. Without exception, each President despite his promises has left behind a staff somewhat larger than when he took office.

Yet the pace of growth, for the most part, was reasonably gradual. But with the inauguration of Richard M. Nixon in 1969 something unprecedented in the history of the Presidency began to happen. The addition of staff quite suddenly and without apparent reason sky-rocketed beyond all previously known limits. Whole bureaucracies were created where only a few people with some typewriters and telephones were needed before. The now huge White House staff—that is the personal entourage of the President responsible to no one except Richard Nixon—has become in effect this country's equivalent of a Palace Guard.

In his message to Congress explaining his proposed reorganization of the executive office (March 12, 1970) the President said he needed the "* * * tools * * * to reduce duplication to monitor performance and to promote greater efficiency throughout the executive branch, this also will enable us to give the country not only more effective but also more economical government * * *"

That was Mr. Nixon's promise. What he actually accomplished is, bluntly, bad economics, bad management and bad government.

A look at the record shows the basis for Congressman UDALL's strong statement. Here are some of the facts.

The total Nixon White House staff is up by 25 percent over 1970.

Nine new satellite offices have been created within the Executive Office of the President, ranging from the Domestic Council and the Office of Management and Budget to the Office of Telecommunications Policy. The OTP has a staff of 65 employees, and as has been suggested, its basic function seems to be to attempt to influence the theoretically independent Federal Communications Commission.

Dr. Kissinger's National Security Council staff is up at least 50 percent.

As Congressman UDALL points out:

The White House now has enough people with fancy titles to populate a Gilbert and Sullivan comic opera. A 'special assistant' under President Kennedy was considered top rank; under President Nixon it is at best third-rate on a staff that abounds with counselors, assistants, special consultants, all of whom require their own staffs, complete with secretaries.

Salaries in the EOP have gone from $32 to 41 million annually under Mr. Nixon. During the administration of President Johnson the annual increase was $1.9 million, but since the Nixon administration has been $4.45 million.

Mr. President, it is clear that the President meets neither the test of credibility or sincerity on this issue.

The legislation approved by the House has been referred to as a "domestic Gulf of Tonkin resolution."

If that infamous resolution was, as was later claimed by the executive branch, a virtual declaration of war, then this would be a virtual declaration of surrender—surrender of the constitutional authority of Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Hobart Rowen, entitled "Phony Budget Issue," published in the Washington Post of October 5, 1972.

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

[From the Washington Post, Oct. 5, 1972]

PHONY BUDGET ISSUE

(By Hobart Rowen)

White House aide John Erlichman and other administration officials are now trying to blame any future tax increase on irresponsible congressional spending.

This is a phony issue, as Mr. Ehrlichman and all of the technicians in the Office of Management and Budget know.

The fact, which is recognized by nonpoliticians within the government, and practically everybody outside, is that an increase in federal taxes sometimes in the next two years is virtually a certainly because of commitments already made by the Nixon administration.

The administration could consult, for example, its former Treasury specialist on economic affairs, Murray Weidenbaum. Prof. Weidenbaum, a Republican, has been making a series of forthright speeches on budget realities. In his latest, sketching out the "hard fiscal facts of life," Weidenbaum said: "We have literally mortgaged available federal revenue for many years into the future."

The same situation would confront Sen. McGovern, should he be elected. But the Republicans are promoting the notion that a wave of a magic budget-cutting wand will solve the problem. The idea doesn't survive non-partisan scrutiny.

Take one example cited by a conservative research group, the American Enterprise Institute: based on bills already passed, and on legislation proposed by the Nixon administration, the actual spending total, in fiscal 1975, two years from now, will be $301 billion, up $51 billion from the $250 billion expenditure ceiling Mr. Nixon is trying to squeeze out of Congress.

That doesn't take into account Mr. Nixon's promise (State of the Union Message) for a federal education program, or any other new initiatives—just what's already been cranked into the spending machine.

It covers an increase of $10 billion for defense; $19 billion for income security; $6 billion for health; $5 billion to expand existing education programs; and $5.3 billion for revenue sharing.

Says the AEI report: "The picture that emerges is a rather grim one for the Nixon administration."

To meet its self-imposed test of maintaining a "full employment balance," says the research group, would require "tax increases of some $21 billion in (fiscal) 1975, $13 billion in 1976, and $6 billion in 1977."

This analysis matches almost exactly the projections made earlier by the Brookings Institution. But the administration tends to brush Brookings aside as a haven for Democrats out of office.

Facts don't have a political bias. The administration's problem is that it won't face up to the tax issue during the election. Instead, it talks of a water-tight ceiling on expenditures.

Former Budget Director Charles Schultze of Brookings—a McGovern adviser, a Democrat, and an economist of unimpeachable integrity—pointed out the other day the impractical nature of Mr. Nixon's proposed $250 billion ceiling.

If Congress were to limit spending to $250 billion for fiscal 1973, Schultze points out, it would have to cut $7 billion to $10 billion from Mr. Nixon's January proposals. But by the time a ceiling goes in effect, five months of the fiscal year would have elapsed, requiring cuts of $12 to $15 billion at an annual rate.

Where would they come from? Certainly not from defense, already trimmed $3.6 billion from Secretary Laird's requests. And it is not possible, for legal or political reasons, to touch Social Security, veterans benefits, interest on the debt, public assistance, un-

employment compensation, or revenue sharing.

That leaves Ehrlichman & Co. about $75 billion in such programs as grants-in-aid to the states for education, manpower training, health, pollution control, urban mass transit and similar objectives. These would have to be slashed about 20 per cent to bring the total budget with a $250 billion ceiling. It just is not a realistic concept. The Administration ought to quit playing politics, and buckle down to the important job of deciding what tax program will put its fiscal house in order.

Mr. INOUYE. Mr. President, in recent days our President has projected himself as a lone fighter in the struggle to hold down the cost of Government. However, we, Members of Congress, are equally concerned with the upward spiraling cost of Government, and justifiably somewhat resentful of the President's effort to point the finger of blame at us while gathering about him the cloak of self-righteousness.

In this connection two sets of statistics should be highlighted. First, the administration of President Nixon has to date submitted budget requests to the Congress totalling $636 billion. Congress has responded to those requests by appropriating almost $617 billion, resulting in a net reduction of more than $19 billion.

If the Congress had appropriated all that President Nixon has requested, our national debt would have increased by $95 billion. It should be duly noted that even so, this administration has been responsible for adding $76 billion to the national debt—a sum larger than the combined deficits incurred under Presidents Eisenhower, Kennedy, and Johnson. In fact, it exceeds the total incurred from the administration of George Washington through to the mid-point of Franklin Roosevelt's third term.

Second, and finally, I recall vividly the President's admonition during his campaign for that office that if we are to expect the households of America to operate within a balanced budget, then we in Government must also adopt frugal standards. I assume the President had in mind that we should set a prudent example and I applaud that suggestion.

I would suggest that this objective should have particular relevance for the President's staff and his household. In view of his admonition and his present posture as the foremost exponent of Government frugality, I wish to bring the following to your attention.

	Fiscal 1969		Fiscal 1973 (request)	
	Average number of employees	Amount (thousands)	Average number of employees	Amount (thousands)
The White House	220	$3,229	510	$9,767
Executive residence	84	823	85	1,372
Special assistance to the President	None		38	773
Office of Intergovernmental Relations (Vice President)	None		9	322
Domestic Council (Erlichman)	None		73	1,847
National Security Council	38	610	85	2,762
Total	342	4,662	800	16,843

Although I recognize that I may be getting into a dispute over semantics, I often wonder who should be looked upon as a spender. In the average American household, the principal wage earner, usually the husband, provides his wife with an allowance or budget to cover household expenses. When things get tight, conceivably the husband can cut that allowance. At the same time, the housewife could cut spending. She is not required to spend currently every cent which is provided.

In like manner, we have the Congress giving the executive branch an allowance. While we have not given the Chief Executive all he requested, he has the option also of not spending all that has been appropriated. Except for the uncontrollable accounts such as interest on the debt, social security payments, veterans' benefits, and a few others the President can exercise control over the rate of spending. He has in fact impounded many billions of dollars. An estimated $10 billion are not being spent as appropriated. The President has exercised that power.

This leads to but one conclusion. Apparently, what he wants is for the Congress to further legitimize the practice of impoundment and delay in making appropriated expenditures. The only rational explanation for the President's request is, therefore, that he is engaged in a patent political ploy by which he hopes to sell the American people that Congress is the great spender and that he, Nixon, is the careful and frugal budgeter, the facts notwithstanding.

We are fully aware of the inflation which has ravaged our pocketbooks. We are fully aware of the increased cost of Government and the increased cost of maintaining our desired high quality of life. But at no place has that cost increased more than at the White House and in those offices of Government immediately and most directly under Presidential control.

Expenditures by the White House for the above items have increased by 360 percent. The number of personnel increased 234 percent. All expenditures of the Executive Office exclusive of the Office of Economic Opportunity have increased from $33 million to $165, or 500 percent. There are those in the White House who will tell you this is an unfair comparison—that President Johnson detailed people from other agencies. I want to tell you that that practice still goes on today and that the above is not a full measure of President Nixon's total Executive Office expenditures.

It is a travesty, not just on the Congress when the President now seeks to pin the label of spendthrift on this body—it is a fraud and a disservice to the American people which we cannot abide. When he seeks to usurp the powers of the Congress and increase his Executive power over the spending of Government on the grounds of fiscal responsibility, and he comes before us with such a shoddy and disgraceful record, I say shame.

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. 141) to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1852) to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes.

TEMPORARY INCREASE IN THE DEBT LIMIT

Mr. PROXMIRE. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 6, strike out "$250,000,000,000," and insert "$245,000,000,000."

Mr. PROXMIRE. Mr. President, I will not take more than 10 minutes.

My amendment would limit Federal expenditures for fiscal year 1973 to $245 billion instead of the $250 billion ceiling the President has asked for. There are a large number of reasons why, if we are to have a ceiling at all, it should be at this lower $245 billion level.

FULL EMPLOYMENT BALANCE BUDGET

It was with great fanfare that a year or so ago, the Nixon administration announced that they were going to follow the concept of the full employment budget. What that means is that the administration estimates what revenues would be received if there were full employment. Then, they should spend that much and no more.

This concept was unleashed with massive publicity. The President and his advisers were hailed for their forward looking ideas.

It was a remarkable change. One simple, clear consequence of the change was that at last there was an upper limit on Federal spending. If we spend more than that—that additional spending is inflationary unless taxes are raised.

Now, what is the full employment balance? Is it $250 billion? No. As given in the fiscal year 1973 budget itself, it is $245 billion. Not $250 billion or $260 billion. It is a cold, precise $245 billion.

If we spend $250 billion, the full employment budget will be out of balance by $5 billion. There will be a $5 billion deficit; by any definition this spells inflation.

That is reason No. 1, why the ceiling should be at $245 billion. It is a good reason. It follows the best, most logical, most intelligent economic doctrine about budgets that we rely on today. All it would do would be to ask the administration to carry out the full employment budget concept which they say is their policy. Some economists argue we should balance the budget, period. Some say we should run a deficit to stimulate the economy to achieve full

employment. But to argue the deficit should be so deep that it will not even balance at full employment is to argue for a planned premeditated Government-fed inflation.

WHY GIVE MORE THAN ASKED FOR?

Let me give a second reason why the ceiling should be at $245 billion. At the beginning of the year the President asked for $246 billion. He did not ask for $250 billion.

But since then, the Bureau of the Budget itself has recommended more spending and the administration itself has increased outlays.

The bombing in Vietnam will cost at least another $1.5 billion, and if it continues it will cost $2 billion and perhaps $3 billion this year. If the military wants to bomb the Vietnamese back to the stone age, why should they not at least have to take the money out of the budget they asked for at the beginning of the year?

Let us take some other items. After the President submitted his budget of $246 billion, he and the Bureau of the Budget sent up additional requests for money to Congress. They asked for $17 million more for State-Justice-Commerce. They asked for $85 million more for HUD-Space-Veterans in the regular bill, and $250 million more for HUD in the supplemental. They upped their requests for Interior by $7 million. But the big one was Labor-HEW. Between the time the administration submitted the budget in January and the time the Senate considered the Labor-HEW bill, another $1.44 billion had been requested by the administration for Labor-HEW.

When Congress raises a President's request, we are damned as "big spenders." But when the Budget raises their own original requests—for the military, for HEW, for HUD, and for others, nothing is said.

What my amendment says is simply this. We should set the ceiling at an amount which is what the President originally asked for. I have put that at $245 billion which is within a billion of the $246 billion in the original Nixon budget. Thus, $245 billion would carry out the original budget request and would also meet the noninflationary full employment budget concept.

CUT BY CONGRESS OF $5 BILLION

There is a third reason why I am proposing a $245 billion ceiling. Unknown to most Members of the Congress and to most of the press, the Congress has cut $5 billion from the requests by the President for appropriations or for what is called new obligational authority. We have done that this year.

Unknown to most people, we do that every year. Congress has done it for 25 years.

In the 4 years since Mr. Nixon has been responsible for budgets, we have cut about $20 billion from his requests for funds.

No one seems to know that. No one reports that. At the same time we cut his requests by $5 billion we are called "wild spenders" and compared with drunken sailors on a spending spree.

What my amendment does, in addition to setting the budget ceiling essentially at the amount the President first asked for this year, is to reflect the $5 billion cut Congress has made in the President's appropriations requests.

I would reduce the ceiling from $250 to $245 billion for that reason, too.

CONGRESS AT FAULT, ALSO

Having criticized the President and the administration for spending too much—and he has spent too much—and having defended Congress for cutting $5 billion from the President's requests, let me nevertheless say that Congress is also at fault. Congress must bear a heavy burden for failing to do its job. Congress has given away far too much power. Congress has voted for big spending which should never be passed, which is irresponsible, and wasteful.

Let me be specific.

We have just passed an $18 billion social security bill in the Senate. At least $6 billion of that is unfunded. And the amount we funded is to be raised through an increase in the most regressive tax we have; namely, the social security or employment tax which has no relationship to ability to pay. And now it is going to accelerate taxes hardest for those whose family incomes are at $10,000 to $12,000 a year who are having a tough time making ends meet.

The Senate was irresponsible in not funding the $6 billion and in the way it funded the remaining $12 billion of the $18 billion total.

Congress was also irresponsible when it passed revenue sharing. We raised no new revenue to share. While the President and the administration were equally culpable, we did have the opportunity to be responsible. But we overwhelmingly voted down the amendment of my colleague, the Senator from Wisconsin (Mr. NELSON), to raise some of the money to fund the over $30 billion revenue-sharing bill.

There is at least one other way Congress is at fault. Most Members of the House and Senate—Democrats and Republicans alike—vote for almost any spending increase. Amendments I have put forward just to cut the fat and frills from Federal spending are overwhelmingly defeated.

We spend $60 million so that soldiers do not have to do their own KP. The House and Senate votes for that.

We commit ourselves to $27 million for a new garage for Senate employees where each parking space will cost $15,000. We are going to park $3,000 cars in $15,000 parking spaces. But the Senate votes for that overwhelmingly.

I put forward an amendment to knock out $250 million urban renewal funds which the testimony showed cannot and will not be spent for 3 or 4 years from now. And Senators rise to support that spending with tears in their eyes and a catch in their throats even though those funds are not needed now, cannot be spent now, and will not be spent for a single house or business or reconstruction for years to come.

NOT GIVING AWAY OUR POWER

Let me now meet one of the main arguments used against any spending ceiling; namely, that Congress is ceding to the President an unusual grant of congressional authority.

The distinguished Senator from Oregon (Mr. PACKWOOD) is one of the brightest Members of this body. He is a wonderful young Senator, but he is plain wrong on this issue.

I am one of those who thinks Congress has abandoned its responsibilities in countless ways and that we have ceded far too much power over the purse to the Executive.

But I do not agree that a ceiling on spending is one of the ways. Here is why.

Congress controls appropriations, or new obligational authority.

The President controls outlays or spending. We do not. He does. He decides how much will be spent, the pace of spending, and what the outlays will be each year from the appropriations we grant.

There is no absolute connection between the amount Congress appropriates and the amount the President spends. In the case of military procurement, for example, money we appropriate this year will not be spent until 1, 2, or 3 years from now.

In fact, over the past 5 fiscal years we have cut $18.4 billion from President Johnson's and President Nixon's military budget requests. But they have spent $22 billion more than we appropriated. That is the fact as of January 1, 1972.

Let me repeat. The Congress controls appropriations. But the President controls outlays or spending. Therefore, a spending ceiling which we impose on him, far from ceding congressional authority to the President, limits the President's powers to spend. Without such a ceiling, he can spend $250 billion, $260 billion, $270 billion, or in fact, he could limit his spending to $245 billion or $240 billion.

He has that authority. With a note to Mr. Weinberger or even a verbal statement to him, the President can say what the outlays or what the spending will be.

What Congress is doing by imposing a ceiling, is to limit the power the President otherwise has.

Therefore, I believe we should limit that power to spend at an amount which is almost exactly what he originally asked for, which is the figure that would carry out the full employment budget concept, and which reflects the $5 billion cut Congress has made in his appropriations requests.

NOT A MISERLY AMOUNT

A ceiling of $245 billion is not a mean, or miserly amount. It is a fantastic amount of money.

It is $14 billion more than the President spent last year.

It is $60 billion more than the $185 billion spent under the last Johnson budget.

And it is being imposed at a time when the budget deficit for each of the last 3 fiscal years is more than $23 billion. Why should we not limit spending when the budget deficits in the last 4 years have totaled over $70 billion?

Everyone knows there is waste in Government spending. Military procurement is a scandal. The welfare program is a mess. According to the study of the

Joint Economic Committee, in excess of $63 billion goes out in subsidies to every manner of interest group. No one can argue that all of this is spent efficiently.

The only way to force a reexamination of spending is to limit the funds.

For all of these reasons, I believe we should limit the amount the President can spend in fiscal year 1973 to $245 billion. That figure carries out the full employment budget concept. That is close to what the President originally asked for. That is certainly enough money to run the Government of the United States.

Mr. President, I have thought about this amendment for many months. I have felt strongly that the $250 billion ceiling is too high since it has been suggested in the past few weeks. But I am realistic enough to know, having taken a beating, as it were, in the past 3 or 4 days on the amendments I have offered, and in view of the context of the debate which has been concentrated on the $250 billion, that my amendment has no chance whatsoever, although a number of wonderful Senators, Senators ALLEN, BYRD, and others who have spoken to me have indicated that they support it, and they feel that $250 billion is too high. But that is only a handful of Senators, and I do not wish to waste the time of the Senate.

However, it is important to make this point because it must be made. I will withdraw the amendment and will not ask for a vote on it.

The PRESIDING OFFICER (Mr. MONTOYA). The amendment is withdrawn.

Mr. BENNETT. Mr. President, I am happy that the Senator from Wisconsin offered his amendment and made his speech on it because I think he has made one very important contribution to tonight's debate, when he reminds us that Congress controls appropriations but the President controls the spending. When we put this limit on the President, we are not giving up any power that Congress has. We are reducing the power of the President.

Mr. President, earlier, I indicated to the Senator from Arkansas (Mr. MCCLELLAN) that if he wished to offer the amendment we discussed, I would be prepared to take it. In order to hurry things along, if the Senator is ready——

Mr. MCCLELLAN. I am ready.

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

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

TITLE IV—JOINT COMMITTEE ON THE BUDGET

SEC. 401. (a) Part 1 of title II of the Legislative Reorganization Act of 1970 is amended—

(1) by inserting immediately after "title" in section 207 the following: "(other than section 208)"; and

(2) by inserting after section 207 the following new section:

"JOINT COMMITTEE ON THE BUDGET; BUDGET DATA

"SEC. 208. (a) There is hereby created a joint service committee, to be known as the Joint Committee on the Budget (hereafter referred to in this section as the 'joint committee') to be composed of fourteen members as follows:

"(1) seven members who are members of the Committee on Appropriations of the Senate, four from the majority party and three from the minority party, to be chosen by such committee; and

"(2) seven members who are members of the Committee on Appropriations of the House of Representatives, four from the majority party and three from the minority party, to be chosen by such committee.

For purposes of paragraph 6 of Rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the joint committee, or as chairman of the joint committee, shall not be taken into account.

"(b) No person shall continue to serve as a member of the joint committee after he has ceased to be a member of the appropriations committee from which he was chosen, except that the members chosen by the Committee on Appropriations of the House of Representatives who have been reelected to the House of Representatives may continue to serve as members of the joint committee notwithstanding the expiration of the Congress. A vacancy in the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original selection, except that (1) in case of a vacancy during an adjournment or recess of Congress for a period of more than two weeks, the members of the joint committee who are members of that appropriations committee entitled to fill such vacancy may designate a member of such committee to serve until his successor is chosen by such committee, and (2) in the case of a vacancy after the expiration of a Congress which would be filled from the Committee on Appropriations of the House of Representatives, the members of such committee who are continuing to serve as members of the joint committee, may designate a person who, immediately prior to such expiration, was a member of such committee and who is reelected to the House of Representatives, to serve until his successor is chosen by such committee.

"(c) The joint committee shall elect a chairman and vice chairman from among its members at the first regular meeting of each session, except that during even-numbered years the chairman shall be selected from among the members who are members of the House of Representatives and the vice chairman shall be selected from among the members who are members of the Senate, and during odd-numbered years the chairman shall be selected from among the members who are members of the Senate and the vice chairman shall be selected from among the members who are members of the House of Representatives.

"(d) The joint committee may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation or report shall be made to a standing committee of either House of Congress unless a majority of the joint committee assent.

"(e) It shall be the duty of the joint committee—

"(1)(A) to inform itself of all matters relating to the annual budget of agencies, including analytical, investigative, audit, and other reports on Federal operations prepared by the General Accounting Office pursuant to section 312 of the Budget and Accounting Act, 1921, the Government Corporation Control Act, and section 206 of the Legislative Reorganization Act of 1946, and by other Federal agencies, and including the initiation or continuation of Federal programs by utilization of borrowing authority, contract obligational authority, or other means which do not require direct appropriations for the initiation or continuation of such programs; (B) to provide the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate with such information on items contained in such budget, and the justification submitted in support thereof, as may be necessary to enable such committees to give adequate consideration thereto; (C) to consider the President's messages on the state of the Union and the Economic Report, to consider all information relating to estimated revenues, including revenue estimates of the Department of the Treasury and the Joint Committee on Internal Revenue Taxation, to consider essential programs, and to consider changing economic conditions; and (D) to report to the Appropriations Committees of the House of Representatives and the Senate its findings with respect to budget estimates and revisions in appropriations required to hold expenditures to the minimum consistent with the requirements of Government operations and national security;

"(2) recommend to the appropriate standing committees of the House of Representatives and the Senate (A) such changes in existing laws as may effect greater efficiency and economy in government; and (B) a ceiling for expenditures and net lending under the budget of the United States Government for each fiscal year.

"(3) make such reports and recommendations to any standing committee of either House of Congress, or any subcommittee thereof, on matters within the jurisdiction of such standing committee relating to deviations from basic legislative authorization, or to appropriations approved by Congress which are not consistent with such basic legislative authorization, or to cutbacks in previously authorized programs which require appropriations, as may be deemed necessary or advisable by the joint committee, or as may be requested by any standing committee of either House of Congress or by any subcommittee thereof; and

"(4) report to the Committees on Appropriations of the House of Representatives and the Senate at the beginning of each regular session of the Congress the total estimated costs of all programs and projects authorized by the Congress during the preceding year, together with estimated costs of such programs and projects during the current fiscal year, the ensuing fiscal year, and subsequent fiscal years, and to make such interim reports as may be deemed advisable.

"(f)(1) The joint committee, or any subcommittee thereof, is authorized, in its discretion (A) to make expenditures, (B) to hold hearings, (C) to sit and act at any time or place, (D) to subpena witnesses and documents, (E) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel, information, and facilities of any such agency, (F) to procure printing and binding, (G) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Senate may procure such services and provide such assistance under subsections (i) and (j), respectively, of section 202 of the Legislative Reorganization Act of 1946, and (H) to take depositions and other testimony.

"(2) Subpenas shall be issued under the signature of the chairman or vice chairman of the joint committee and shall be served by any person designated by them. The provisions of sections 102 through 104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify

when summoned under authority of this section.

"(g) The joint committee shall have a staff director, an associate staff director, and such other personnel, as may be necessary to carry out the duties of the joint committee. The staff director shall be appointed by and be responsible to the members of the party of which the chairman of the joint committee is a member, and the associate staff director shall be appointed by and be responsible to the members of the opposition party. No person shall be employed by the joint committee unless the members appointing him have favorably considered the data with respect to him submitted by the Federal Bureau of Investigation after a thorough investigation of his loyalty and security.

"(h) The joint committee shall make available members of its staff to assist the staffs of the Committees on Appropriations of the House of Representatives and of the Senate and the several subcommittees thereof during the periods when appropriations bills are pending.

"(i) Professional and technical personnel of the joint committee, upon the written authority of the chairman or vice chairman, shall have the right to examine the fiscal books, documents, papers, and reports of any agency within or without the District of Columbia, and data related to proposed appropriations incorporated in the annual Budget transmitted by the President.

"(j) The annual budget of the United States shall include a special analysis of all active long-term construction and development programs and projects authorized by the Congress, showing for each the total estimated cost, and the actual or estimated expenditures during prior fiscal years, the current fiscal year, the ensuing fiscal year, and subsequent fiscal years. All grant-in-aid programs shall be included in this analysis, in a separate grouping, showing under the heading 'Subsequent Fiscal Years' for grants of indefinite duration the estimated annual cost for a ten-year period. Each agency carrying on any program by utilization of the borrowing authority shall, at such times as the joint committee shall specify, report to the joint committee upon the extent of its borrowings under such program, and upon its operations generally under such program. Upon request of the joint committee, any agency shall submit to the Appropriations Committees of the House of Representatives and the Senate estimates for proposed appropriations on an annual accrued expenditure basis.

"(k) Qualified members of the staff of the Office of Management and Budget shall, at the request of the Committee on Appropriations of the House of Representatives or the Senate, or any subcommittee thereof, be assigned to attend executive sessions of the subcommittees of such committees and to explain the content and basis of proposed appropriations.

"(l) The Comptroller General of the United States shall, at the request of the chairman of the joint committee, make such investigations and reports with respect to any agency as will enable the joint committee to give adequate consideration to items relating to such agency which are contained in the Budget as submitted by the President, and the justifications submitted in support thereof. For purposes of this subsection, the Comptroller General is authorized to employ technical and professional personnel without regard to those provisions of title 5, United States Code, governing appointments in the competitive service, and to fix their compensation without regard to chapter 51 and subchapters III and VI of chapter 53 of such title relating to classification and General Schedule pay rates and limitations.

"(m) When used in this section, the term 'agency' means any executive department, commission, council, independent establishment, Government corporation, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government, and the Comptroller General of the United States, the General Accounting Office, and any and all parts of the government of the District of Columbia except the courts thereof.

"(n) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section. Appropriations for the expenses of the joint committee shall be disbursed from the contingent fund of the Senate by the Secretary of the Senate upon vouchers signed by the chairman or vice chairman."

(b) Title II of the table of contents of such Act is amended by inserting immediately below item 207 the following new item:

"208. Joint Committee on the Budget; budget data."

SEC. 402. Section 252 of the Legislative Reorganization Act of 1970 is amended by adding at the end thereof the following new subsection:

"(c)(1) Each Federal agency primarily responsible for carrying out, if enacted, the provisions of a bill or joint resolution of a public character to be reported out by a committee of either House of Congress (other than the Appropriations Committees of the two Houses, and the Committee on House Administration, the Committee on Rules, and the Committee on Standards of Official Conduct of the House of Representatives) shall furnish such committee with an estimate of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is to be reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such estimates shall require only an estimate of the gain or loss in revenues for a one-year period. If the chairman of the committee determines that no existing agency is primarily concerned with the legislation, the estimate shall be made by the Office of Management and Budget.

"(2) Estimates received from a Federal agency under this subsection may be submitted by any such committee to the Office of Management and Budget for review, and such reviews, when practicable, shall be included in the report before such bill or joint resolution is reported.

"(3) The Joint Committee on the Budget shall maintain compilations of all such estimates, and semiannually shall print those compilations (together with any comment of the Office of Management and Budget) for the information of the Congress."

SEC. 403. (a) Part 4 of title II of the Legislative Reorganization Act of 1970 is amended by adding at the end thereof the following new section:

"JOINT HEARINGS

"SEC. 244. The Joint Committee on the Budget is authorized to recommend that joint hearings be held by the Committees on Appropriations of the House of Representatives and the Senate, and of subcommittees thereof; but such joint hearings shall not affect the power of the respective committees, and of subcommittees thereof, to conduct separate additional committee hearings, and shall not affect the independence of committee deliberations and decision. The chairman of each such joint hearing shall be the chairman of the Committee on Appropriations, or of the appropriate subcommittee thereof, of the House in which the bill is pending at the time of the hearing, and the vice chairman shall be the chairman of the Committee on Appropriations of the other House, or of the appropriate subcommittee thereof."

(b) Title II of the table of contents of such Act is amended by inserting immediately below item 243 the following new item:

"244. Joint hearings."

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Oregon (Mr. PACKWOOD) and the Senator from Mississippi (Mr. STENNIS), and Senators MONTOYA, ERVIN, BUCKLEY, ALLEN, PERCY, HART, BEALL, DOMINICK, JAVITS, and FONG, be added as cosponsors. And if other Senators wish to be listed as cosponsors, they can be listed at the desk.

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

Mr. PERCY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. McCLELLAN. I yield.

Mr. PERCY. Mr. President, I ask unanimous consent that Mr. Robert Vastine, a member of the staff of the Government Operations Committee, be permitted the privilege of the floor during the debate this evening.

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

Mr. McCLELLAN. Mr. President, a major—and constant—problem facing the people of the United States is the maintenance of our fiscal solvency and integrity. We have just approved a $75 billion defense bill which was $5 billion below the budget request. But even so, it was the largest single appropriations bill ever approved by the Congress.

I believe that we must maintain an adequate system—a strong posture—of defense whatever the price. But we also have mushrooming demands for spending on domestic programs and services, and in addition to all this, we recently passed a new $5 billion revenue sharing program with the States. We have levied upon our people a heavy burden of taxes that has grown with every new demand to which we accede.

The time has clearly come when we must act to conserve our fiscal resources just as we have moved to conserve our natural resources. The time has come when we must take an aggressive and positive approach toward the elimination of extravagance, waste, and needless expenditures of public funds.

So, Mr. President, I am indeed pleased and gratified to note that the House of Representatives has included in title III of H.R. 16810 a provision to establish a joint committee to recommend procedures to improve congressional control of budgetary outlay and receipt totals.

This proposal is similar in many respects to one which I first introduced as long ago as 1950 and repeatedly sponsored in the intervening years. I sought the creation of a Joint Committee on the Budget to provide the Congress with the machinery necessary to enable it to meet its constitutional responsibilities with respect to the appropriation of funds required for the conduct of the Federal Government.

Composed of Members of the Senate and House Appropriations Committees, the committee was to have assisted the Congress in exercising adequate control

over the expenditure of public funds by the executive branch of the Government.

The Joint Committee on the Budget was designed to remedy serious deficiencies in congressional appropriations procedures by providing the Congress with the same type and caliber of detailed technical information in the appropriation field, as the Joint Committee on Internal Revenue Taxation provides for the revenue committees of Congress and the Office of Management and Budget now provides for the executive branch.

I first introduced this measure on February 19, 1950, but no action was taken upon it in the 81st Congress.

In 1951, at the start of the 82d Congress, I reintroduced the bill, with certain modifications. On April 8, 1952, the Senate approved the measure by a vote of 55 to 8 but it was not acted upon by the House.

A similar bill was introduced in the 83d Congress with 57 cosponsors. It passed the Senate on May 23, 1953, but once again the House took no action.

In the 84th Congress, a bill was passed unanimously by the Senate on May 19, 1955, only to expire in the House Committee on Rules.

I introduced a further revised bill in the 85th Congress with 70 Senators as cosponsors which was passed without opposition on April 4, 1957. This, too, was in effect, blocked by the House.

In the 87th Congress the bill was introduced with 67 cosponsors, passed the Senate, but died in the House.

In the 88th Congress, the measure was cosponsored by more than three-quarters of the Senate—77 Senators. Once again, the Senate approved the bill only to have it blocked by the other body.

The bill passed the Senate in the 89th Congress, but was not approved by the House.

Sixty-six Members of the Senate sponsored the bill in the 90th Congress. It passed the Senate on May 15, 1967, but the House Committee on Rules again failed to act.

For 22 years, the same fundamental problem has been allowed to exist. The Appropriations Committees of both Houses labor under a tremendous disadvantage in their efforts to pass upon requests from the executive body for Federal expenditures.

While Congress has been generous in equipping the executive agencies with personnel to handle their affairs, it has neglected to provide itself with the necessary machinery to carry out one of its most vital functions and responsibilities—the appropriation of funds for the conduct of the people's business.

Instead of equipping itself with an adequate number of experts and technicians to examine every detail of the appropriations requests submitted by the executive branch, the Congress has been content to limp along without the staff assistance, fiscal data and information required by its work.

The staffs of the Senate and House Appropriations Committees are hardworking and extremely competent, but they cannot possibly perform the kind of analysis of budget requests which the Congress needs in the time available. As a result, members of the Appropriations Committees are forced to rely largely upon the testimony of the representatives of the executive branch who formulate the spending programs and present them in a light most favorable to their own views.

This appears to be an opportune time to propose, as an amendment to H.R. 16810, the major provisions of my bill. Title III of H.R. 16810 would create a temporary joint committee which would be required to make a full study and review of, first, the procedures which should be adopted by the Congress for the purpose of improving congressional control of budgetary outlay and receipt totals, including procedures for establishing and maintaining an overall view of each year's budgetary outlays, fully coordinated with an overall view of anticipated revenues for that year, and, second, the operation of the limitation on expenditures and net lending imposed by section 201 of this act for the fiscal year ending June 30, 1973, set at $250 billion.

The joint committee would report the result of its study and review to the Speaker of the House and President pro tempore of the Senate not later than February 15, 1973, and cease to exist at the close of the 93d Congress.

My amendment does not affect title III. It would add a new title IV which would establish a permanent joint committee with a bipartisan staff, and vest it with the powers normally vested in the standing committees in each House. In addition, my amendment would give the joint committee various other functions and duties which are essential if the Congress is to properly exercise its constitutional responsibilities relative to the appropriation of funds required for the conduct of the Federal Government. One of its most important functions would be to recommend to the appropriate committees of the Congress a ceiling for expenditures and net lending under the annual budget for each fiscal year.

In addition, the joint committee would, first, review and analyze, on a continuing basis, all aspects of the annual budget of the United States and the agency estimates and justifications set forth therein; second, examine, on a continuing basis, all analytical, audit, investigative and other reports on Federal operations prepared by the General Accounting Office under its various statutory mandates, as well as those prepared by other agencies; third, review and analyze the initiation or continuation of Federal programs by utilization of borrowing authority, contract or obligational authority, or other means which do not require direct appropriations for the initiation or continuation of such programs; fourth, provide the House and Senate Committees on Appropriations with such information on items contained in the budget, and the justifications submitted in support thereof, as may be necessary to enable such committees to give adequate consideration thereto; fifth, review and analyze the President's messages on the State of the Union and the Economic Report, as well as all information relating to estimated revenues, including revenue estimates of the Treasury Department and the Joint Committee on Internal Revenue taxation; and sixth, report to the Appropriations Committees of both Houses its findings relative to budget estimates and revisions in appropriations required to hold expenditures to the minimum consistent with the requirements of Government operations and national security.

The joint committee would also be required to, first, recommend to the appropriate standing committees of both Houses such changes in existing law as may effect greater efficiency and economy in Government; second, make reports and recommendations to such standing committees on matters within their jurisdiction, relative to deviations by the executive branch from basic legislative authorization, or to appropriations approved by the Congress, which are not consistent with such basic legislative authorizations, or to cutbacks in previously authorized programs which require appropriations; and, third, report to the Committees on Appropriations of both Houses at the beginning of each regular session of the Congress the total estimated costs of all programs and projects authorized by the Congress during the preceding year, together with estimated costs of such programs and projects during the current, subsequent, and succeeding fiscal year, if the program extends for more than 1 year.

I believe that my proposed amendment would equip the Congress and its committees with the staff and machinery needed to ferret out, develop and present the data and detailed information which would enable the Congress to arrive at more fully informed decisions relative to the essential fiscal requirements of the executive agencies of the Government.

Mr. President, 22 years is indeed a long time to wait to see an idea come to fruition. But when an idea is as important to our governmental system as I believe this one is, it is certainly worthy of patience and persistence, and I hope it will now come into fruition.

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

Mr. McCLELLAN. I am glad to yield to the Senator from New York.

Mr. JAVITS. Mr. President, I am a member of the committee which the Senator from Arkansas chairs so graciously. I have one question that I want to ask. The fundamental purpose of this committee is to take a look at the whole of the budget problem before Congress, all of it together in one piece, and then make recommendations to the individually affected committees as to what it thinks they ought to do in respect of the total budget overview.

Mr. McCLELLAN. Insofar as it affects the fiscal affairs of our Government. The Senator is correct.

Mr. BENNETT. Mr. President, as manager of the bill, I am prepared to accept the amendment and urge my colleagues to join me in supporting it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. BELLMON. Mr. President, I have an amendment No. 1749 at the desk and

ask that it be reported. It is a modified amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

At the end of the bill insert the following:

TITLE IV—ANNUAL CEILINGS ON EXPENDITURES AND NEW OBLIGATIONAL AUTHORITY

SEC. 401. (a) After the submission of the Budget of the United States Government and upon recommendation of the President for each fiscal year (beginning with the fiscal year ending June 30, 1974), the Congress shall, by law, prescribe a limit on—

(1) the total amount of expenditures and net lending to be made by the United States Government during such fiscal year, and

(2) the total amount of new obligational authority and loan authority to be made available for such fiscal year.

Provided that no change in a limitation once established for the fiscal year by the provisions of this subsection shall be made except by an affirmative vote of two-thirds of the membership of the House of Representatives and the Senate present and voting.

(b) (1) Notwithstanding the provisions of any other law, the President shall in accordance with paragraph (2), reserve from expenditure and net lending during each fiscal year, from appropriations or other obligational authority otherwise made available, such amounts as may be necessary to keep expenditures and net lending during the fiscal year within the limit on the total amount prescribed for the fiscal year pursuant to subsection (a)(1).

(2) In carrying out the provisions of paragraph (1) for any fiscal year, the President shall reserve amounts proportionately from appropriations or other obligational authority available for such fiscal year for all programs and activities of the Government (except for expenditures and net lending—for interest; for veterans' benefits and services; for payments from social insurance trust funds; medicaid; public assistance maintenance grants; social service grants under Title IV of the Social Security Act, as amended; food stamps; military retirement pay; and judicial salaries).

(c) (1) Notwithstanding the provisions of any other law, the President shall, in accordance with paragraph (2), reserve from the new obligational and loan authority for each fiscal year such amounts as may be necessary to keep the new obligational authority and loan authority for the fiscal year within the limit on the total amount prescribed for the fiscal year pursuant to subsection (a)(2). The amounts so reserved are hereby rescinded as to the close of such fiscal year. Within 90 days after the close of such fiscal year, the President shall make a report to the Congress identifying the amounts reserved pursuant to this paragraph.

(2) In carrying out the provisions of paragraph (1) for any fiscal year the President shall reserve amounts proportionately from new obligational authority and loan authority made available for such fiscal year for all programs and activities of the Government (except for expenditures and net lending for interest; for veterans' benefits and services; for payments from social insurance trust funds; medicaid; public assistance maintenance grants; social services grants under Title IV of the Social Security Act, as amended; food stamps; military retirement pay, and judicial salaries).

(d) In the administration of any program as to which—

(1) the amount of expenditures or obligations for any fiscal year is limited pursuant to subsection (b) or (c), and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution for such fiscal year, the amount available for expenditure or obligation (as determined by the President pursuant to subsection (b) or (c)) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

SEC. 402. (a) Except as provided in subsection (b), it shall not be in order, in either the House of Representatives or the Senate, to consider any bill or joint resolution making appropriations for any fiscal year, beginning with the fiscal year ending June 30, 1974, prior to the date of the enactment of a law prescribing, pursuant to section 401, a limit on the total amount of expenditures and net lending to be made by the United States Government during such fiscal year and a limit on the total amount of new obligational and loan authority to be made available for such fiscal year.

(b) Subsection (a) shall not apply with respect to any appropriation requested by the President if, in submitting the request for such appropriation, the President certifies that an emergency requires the prompt enactment of legislation making such appropriation.

(c) Subsection (a) shall not be construed to preclude the holding of hearings or other consideration by any committee of the House of Representatives or the Senate, or any joint committee of the two Houses, with respect to proposed expenditures and proposed new obligational authority and loan authority set forth in the Budget of the United States Government submitted by the President for any fiscal year.

(d) This section is enacted by the Congress—

(1) as an exercise of the rulemaking powers of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

Mr. BELLMON. Mr. President, copies of this amendment are on the desk of each Senator. However, we have a slightly modified version that the clerk has just reported. This is a follow-on to the amendment that the Senate adopted, the amendment of the Senator from Idaho (Mr. JORDAN). It puts into effect the process in the Jordan amendment, established for the current fiscal year into operation on a current basis.

The amendment is intended to assist the President and the Congress in our joint efforts to hold Federal spending in line with Federal income.

I would like to be able to report to the Senate what we have been able to do with our Federal income in case we have not kept track if it.

Federal tax collections amounted to $5.1 billion in 1942, and $36.4 billion in 1950. In 1960, the Government collected $77.7 billion. In 1970, our receipts had gone up to $193.7 billion. This shows that we have not lacked for income. This year, fiscal year 1973, our Federal receipts will total approximately $223 billion.

But if we look at what we have done and have spent in those same years, we find that in 1940 we spent $9 billion. In 1950, we spent $39.5 billion. In 1960, we spent $75.5 billion. In 1970, we spent $196.5 billion. In 1973, we will spend approximately $265 billion. At least we have appropriated about $265 billion.

So, in spite of the increase in collections every year, including a 3-fold increase in the last 13 years, we have still experienced an increase in the national debt since 1940 in the amount of $433.3 billion. The devastating effect of this burden on persons with fixed income, and the value of savings and insurance, and on the stability of the dollar is well known.

We are beginning now to see that this huge debt is also hampering the ability of the Federal Government to cope with current problems.

The interest on the Federal debt this year amounts to $23.1 billion. Think how much could be accomplished if this sum were available for education, health, housing, or other services.

Mr. President, I strongly support the concept of a limitation on Federal spending provided it is agreed upon in a timely and orderly manner. And this is the purpose of this amendment, and this is the difference between my proposal and others.

It is obvious that the management of our economy has not been effective. We have observed it in the rising cost of living, in higher prices for food, clothing, housing, transportation, and other essentials.

This type of fiscal fiasco has drawn justifiable criticism, both on the domestic front and among our partners in world trade, who complain because we have passed on our inflation to them through massive outflows of inflated dollars to Europe and other parts of the world.

In addition, the inflationary trend in the United States has undermined the export efforts of American industry, and it has led to a massive growth in imports with a corresponding loss of jobs for American workers. These two factors have combined to wipe out the substantial trade surplus of the mid-1960's, causing other nations to lose confidence in the full convertibility of the U.S. dollar.

Our fiscal madness, unless cured, could shortly mean the disruption of all the substantial progress which has now become evident on many fronts of our economy.

Mr. President, it is obvious that the fiscal policies that this country has been following need serious examination and re-evaluation. Clearly some more definitive actions must be taken as an ongoing effort to protect our standard of living and to maintain our leadership position in world affairs.

The simple truth is that no government can for long continue to spend wildly beyond its income if it is to retain the confidence of its own citizens and other peoples.

To my mind, it is time for Congress to act to rectify this dangerous situation which has been caused by continually spending in excess of our income.

I share the concern expressed by many here tonight that Congress should exercise primary control of fiscal affairs and

in so doing act as a watchdog over the Federal budget. This amendment preserves the historic role of Congress in the appropriative process and at the same time provides new tools to help the process function better.

Mr. President, briefly here is how the amendment would work.

At the time the President submits his budget at the beginning of Congress, he would recommend a limit on spending for the fiscal year. The Congress would then proceed to establish a spending ceiling.

If appropriations made during the fiscal year exceed the spending ceiling, my amendment would require the President to proportionately reduce spending on all controllable items.

If Congress appropriates in excess of the spending limitations, the limit could be raised, but only by a two-thirds vote of both Houses. This would go far in establishing fiscal responsibility without surrendering to the President the historical role and the power that Congress has exercised in the appropriations process.

Enactment of a ceiling on expenditures under appropriations before the appropriations process begins would require Congress to continually monitor the level of appropriations to hold the total at or below the ceiling and hopefully within anticipated revenues.

Such constant attention to the Nation's fiscal condition is an important step toward greater fiscal responsibility. Already most States and municipalities follow some such practices, as do successful business enterprises, and millions of American families as they plan the household budget.

We have already appropriated the money, and now we come to the end of the year. Had we had a ceiling all along we could have done a better job holding expenditures below the level set.

The Federal Government cannot forever continue its current profligate financial course without risking economic catastrophe.

Mr. President, under existing practices and even under the proposal which would allow the President to selectively make a reduction in the level of Federal spending, the Congress has the best of all possible worlds. We can say "yes" to every group that comes to us with a request for more money, but tell the President to withhold and not spend a portion of the funds appropriated. Then we point an accusing finger at the administration when citizens demand to know why the full amount appropriated has not been released for spending. Frankly, this system seems not only unfair, but downright hypocritical and callous. It must be brought to an end.

By requiring a proportionate "across the board" reduction of all controllable budget items when the spending limitation is exceeded, we would reverse the trend to delegate more and more authority to the President. It is time that Congress asserted and fully exercised its responsibilities in fiscal affairs.

Mr. President, as a former governor of a State which once faced financial chaos but which now operates on a balanced budget, I know that Government can operate in a fiscally responsible manner. I know, also, that Government officials need certain tools and restraints to help them resist the constant pressures to spend more and more and tax less and less.

This amendment, if adopted, would be a major improvement in the process of appropriation and fiscal management.

Mr. STENNIS. Mr. President, I insist that the Senator have a chance to speak. It is impossible for him to be heard under such conditions.

The PRESIDING OFFICER. Will Senators please take their seats. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a limitation of 15 minutes on the pending amendment, the time to be equally divided and controlled between the manager of the bill and the sponsor of the amendment.

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

Mr. BENNETT. Mr. President, I agree to that.

Mr. BELLMON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. BELLMON. Mr. President, my interest in this whole subject matter springs from the fact that as a former Governor of the State of Oklahoma I lived with a requirement in our State constitution for a balanced budget. Our State was required year after year to spend not more than it raised in taxes. I know a government can be fiscally responsible if it knows what it is doing from day to day. I do not see how Congress can ever achieve fiscal responsibility unless we have a target when we first go into session. The purpose of the amendment is to set up a target, to set up a process whereby we will continually monitor our appropriation process and Members will know when we go beyond the limit we set and so we will have a process for adjustment by a two-thirds vote.

This is the same provision we adopted in the Jordan amendment, but it puts the process into operation on a continual basis. The amendment, which is printed amendment No. 1749, has been amended to include the language for exemption in the Jordan amendment, which the Senate accepted a few moments ago.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BENNETT. Mr. President, the amendment by the Senator from Oklahoma is a very ingenious and interesting proposal. It has not had any study. It represents an extension of the proposal which the Senate feels is an invasion of its rights, with no opportunity in years ahead to change the pattern. If this amendment is agreed to it wipes out the McClellan amendment and an amendment that will be offered later by the Senator from Delaware (Mr. ROTH), because there is no longer anything to study. This amendment writes a pattern into law which the committee has not seen and which no Member of the Senate has seen.

It may be the wisest solution. The Senator from Utah would suggest that the Senator from Oklahoma refer this amendment to the committee, which would be set up if the amendment by either or both Senators passes, and let them study it, rather than imposing it on the President and on the Congress now and completely eliminate any further opportunity for study of the problem.

Mr. President, I am prepared to yield back the remainder of my time if the proponent of the amendment is.

Mr. BELLMON. Mr. President, I am willing to do so but I first wish to make one brief comment. This amendment would not in any way stop the study. This amendment would simply require the President when he submits his budget to submit a ceiling on expenditures and if after a study is completed a better way is arrived at Congress can change the law. But without this amendment we will be back in the same shape next year that we are in tonight. By adopting the amendment at this time we will give the President guidance so that when he submits his budget he will submit a recommendation for a ceiling on expenditures, which we did not have this year.

Mr. BENNETT. Mr. President, it is true that perhaps the study can go on, but there is nothing left to study. The pattern has been set and the study committee, instead of having the whole question before it, is forced to consider how to get rid of this problem. I hope the proposal is rejected.

I yield back the remainder of my time.

Mr. BELLMON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Louisiana (Mr. LONG), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), and the Senator from Georgia (Mr. GAMBRELL), are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. GAMBRELL), and the Senator from New Hampshire (Mr. MCINTYRE) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the

Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from Ohio (Mr. TAFT), the Senator from South Carolina (Mr. THURMOND) and the Senator from Texas (Mr. TOWER) would each vote "nay."

I also announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The result was announced—yeas 9, nays 62, as follows:

[No. 558 Leg.]

YEAS—9

Bellmon	Mansfield	Proxmire
Dominick	Pell	Schweiker
Jordan, Idaho	Percy	Symington

NAYS—62

Aiken	Dole	McClellan
Allen	Eagleton	Miller
Bayh	Ervin	Mondale
Beall	Fannin	Montoya
Bennett	Fong	Moss
Bentsen	Fulbright	Nelson
Boggs	Gravel	Packwood
Brock	Gurney	Pastore
Brooke	Hansen	Ribicoff
Buckley	Hart	Roth
Burdick	Hartke	Scott
Byrd, Harry F., Jr.	Hollings	Smith
	Hruska	Spong
Byrd, Robert C.	Hughes	Stennis
Cannon	Humphrey	Stevens
Case	Inouye	Stevenson
Chiles	Jackson	Talmadge
Church	Javits	Tunney
Cooper	Jordan, N.C.	Weicker
Cotton	Magnuson	Williams
Cranston	Mathias	Young

NOT VOTING—29

Allott	Griffin	Muskie
Anderson	Harris	Pearson
Baker	Hatfield	Randolph
Bible	Kennedy	Saxbe
Cook	Long	Sparkman
Curtis	McGee	Stafford
Eastland	McGovern	Taft
Edwards	McIntyre	Thurmond
Gambrell	Metcalf	Tower
Goldwater	Mundt	

So Mr. BELLMON's amendment was rejected.

Mr. BEALL. Mr. President, at the request of the Senator from Texas, I ask unanimous consent to have printed in the RECORD a statement on the bill.

The PRESIDING OFFICER. Without objection it is so ordered.

STATEMENT BY SENATOR TOWER

I am in full support of the House bill to put a firm limit on federal spending this fiscal year. The federal government simply spends too much money. It spends not only all the tax revenue that it can gouge out of the taxpayers of this country, but it also spends money that it does not have, and the government consequently keeps building deficit upon deficit.

Much is made of the supposed role of defense expenditures in this deficit spending habit. But the defense expenditures have been kept rather steadily around the $80 billion mark for some years now, and their share of the total federal budget has declined from 44% in the last year of the Johnson Administration to 32% in the present year. Those who have seen the declining state of the physical plants of our military installations and who are concerned about inadequate research and other defense funds know that the defense end of the budget is doing its share of the sacrificing to keep federal expenditures down.

The sector that is not making that sacrifice is the social programs sector of the budget. Every Committee and nearly every Member of Congress has pet programs in the domestic area, which he supports for either philosophical reasons or for the reason that they will be of particular benefit to his constituency. When the cost of all these programs are totaled up, they go far beyond the limits which the taxpayers want the federal government to go. Consequently an *overall* spending limit will have to be established if there is going to be meaningful control of federal spending. The control of the separate elements of the federal spending process is too limited under the present authorization and appropriation procedure.

This will mean that some programs will have to be cut back in relation to the money made available to them by Congress, and the areas of the economy or society that derive special benefit from them will no doubt be screaming at Congress for enacting the spending ceiling. But we have to consider the whole country, and particularly the overburdened taxpayer in America. He cannot afford the bill for the federal government to be all things to all people. The fact that Congress has been pushing in that direction for four decades has also left State and local governments, which provide the most essential domestic services of government, stripped of tax resources and consequently of the ability to pay for adequate police and fire protection, waste treatment systems, recreation areas, and the like. This has necessitated the paradox involved in revenue sharing, with the federal government having to bring back to its sources some of the funds it has greedily taken away from those same sources.

The taxpayer wants less money taken away from him by the federal government, and more of his pay check or pension check left for his own use and for the adequate provision of vital state and local government services. The spending ceiling will be a major step in this direction, and I am most emphatically going to support this and future attempts to get federal spending under control, as I have in the past. It is past time for Congress to realize that it cannot buy everything for the American people, and to realize that the American people can provide most things for themselves, if only they are not overwhelmed by the excessive taxation and inflation caused by big federal spending.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the two amendments to be offered by the Senator from Oregon, on one amendment there be a limitation of 40 minutes, the time to be equally divided and controlled and on the other there be a time limitation of 20 minutes, the time to be equally divided and controlled.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, in addition to the request just made, I ask unanimous consent that on the amendment to be offered by the Senator from South Carolina (Mr. HOLLINGS) there be a time limitation of 20 minutes, with 10 minutes to a side, equally divided and controlled.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limit of one-half hour on the amendment to be offered by the Senator from Washington (Mr. MAGNUSON) the time to be equally divided.

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

Mr. MAGNUSON. What did the Senator say? Was it one-half hour?

Mr. MANSFIELD. Yes, equally divided.

Mr. MAGNUSON. There are about 17 cosponsors.

Mr. MANSFIELD. I will withdraw the request. I thought it met with the Senator's approval.

Mr. MAGNUSON. It should not take us over a half hour. I hope I will not take more than 5 minutes. I do not object.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a limitation of 5 minutes on the Roth amendment, the time to be equally divided between the sponsor of the amendment and the manager of the bill.

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

Mr. ROTH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. ROTH. Mr. President, I ask unanimous consent to dispense with further reading of the amendment.

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

The amendment is as follows:

In title III, section 301:

Beginning on line 6, strike out all through line 23, and insert in lieu thereof.

SEC. 301. (a) There is hereby established a joint committee composed of thirty-two members appointed as follows:

(1) seven members from the Committee on Ways and Means of the House of Representatives, appointed by the Speaker of the House;

(2) seven members from the Committee on Appropriations of the House of Representatives, appointed by the Speaker of the House;

(3) two additional Members of the House of Representatives, one from the Majority Party, and one from the Minority Party, appointed by the Speaker of the House;

(4) seven members of the Committee on Finance of the Senate, appointed by the President pro tempore of the Senate;

(5) seven members of the Committee on Appropriations of the Senate, appointed by the President pro tempore of the Senate; and

(6) two additional Members of the Senate, one from the Majority Party, and one from the Minority Party, appointed by the President pro tempore of the Senate.

Mr. ROTH. Mr. President, this is a very simple amendment that involves the joint committee to review operations of the budget ceiling. I am proposing that

the amendment of this body be increased from 30 to 32 members.

The present language provides that there will be one additional Member of the House of Representatives appointed by the Speaker of the House, and what I am proposing is that there be two additional Members from the House of Representatives, one from the majority party and one from the minority party, appointed by the Speaker of the House.

I make the same change as to the Senate: Instead of one additional Member of the Senate, there would be two, one from the majority party and one from the minority party, appointed by the President pro tempore of the Senate.

I think in this kind of study, it makes good sense to have equal representation, because the committee can only make recommendations to Congress, and I feel that there has been considerable tradition and precedent in the past for this approach.

Mr. BENNETT. Mr. President, it presumably might give two more votes on the committee to the minority, but the majority would still be maintained. It would not upset that pattern. I assume my friends of the majority will join me in the decision to accept the amendment, and I hope the Senate will agree to it.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. BENNETT. I yield back the remainder of my time.

Mr. ROTH. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Delaware (Mr. ROTH).

The amendment was agreed to.

Mr. PACKWOOD. 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 read as follows:

On page 2, strike title II.

Mr. MANSFIELD. Is this the one with the time limitation?

Mr. PACKWOOD. Ten minutes. Mr. President, without losing any of my time, I believe that the Senator from Utah is on my side on this amendment, and I do not know who is handling the time for the opposition.

Mr. MANSFIELD. I will take it, and give it to anybody who wants it.

Mr. HANSEN. There is no opposition.

Mr. PACKWOOD. Good; I am delighted. The Senator from Wyoming says there is no opposition.

This amendment strikes the entire expenditure ceiling, title II of the bill. I do not think there is any need for extended debate. The bill in its original form would have been an extraordinary delegation to the President. And, as the Jordan amendment would be as bad as the original bill, I voted against it.

I hope that I am now providing another choice, and in fact I believe this is substantially the lesser evil, because if this amendment passes, the entire title II, which is the expenditure limitation, would be stricken from the bill. It is as simple as that.

Mr. MANSFIELD. May I ask one question? Will this knock out the Jordan amendment?

Mr. PACKWOOD. It is my understanding that it will knock out the Jordan amendment; that is correct.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STEVENSON. Mr. President, when I entered the Senate, I took an oath to uphold the Constitution. I cannot keep that oath and vote to give the President blanket authority to determine the Federal Government's fiscal priorities. That is a duty vested in the Congress by the Constitution. I, for one, will not vote to nullify the Constitution by transferring the authority to determine how much will be spent for defense, or social security or education to Mr. Nixon. We might as well abolish the Congress; it retains little enough power as it is.

It is said that this ceiling is necessary to curtail spending. I agree that Federal spending must be reduced. But the full responsibility for Federal extravagance does not rest with the Congress. General-revenue sharing was Mr. Nixon's proposal. The Congress only went along.

In other instances, the Congress has been more responsible. It has cut money from the Nixon budget as well as added money. The obsessive spending of this administration for military hardware and such luxuries as the manned space shuttle together with its mismanagement of the economy are what have driven the Government into the ground—not the Congress.

Where we have failed in the Congress is to discipline President Nixon. And now, ironically he blames the Congress. He does not need this spending limitation. He already has the power to limit spending. He can veto congressional appropriations. Once he approves appropriations he can withhold expenditures. President Nixon is not seeking a ceiling so much as he is seeking to put the onus for high spending and the higher taxes his policies court upon the Congress.

A statesman accepts responsibility—at least shares it. Mr. Nixon blames others.

I hope the Senate will rise up now and accept its constitutional responsibility to determine the Federal Government priorities.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. PACKWOOD. I yield back the remainder of my time.

Mr. MANSFIELD. I yield back the time in opposition.

The PRESIDING OFFICER (Mr. MONTOYA). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Oregon (Mr. PACKWOOD). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Georgia (Mr. GAMBRELL) would each vote "nay."

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE) would vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Vermont (Mr. STAFFORD) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Ohio would vote "yea" and the Senator from Texas would vote "nay."

If present and voting, the Senator from Nebraska (Mr. CURTIS) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

I also announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The result was announced—yeas 24, nays 48, as follows:

[No. 559 Leg.]

YEAS—24

Aiken	Fannin	Moss
Bayh	Gravel	Packwood
Beall	Gurney	Scott
Bennett	Hartke	Stevens
Brooke	Hughes	Stevenson
Buckley	Inouye	Tunney
Burdick	Mansfield	Weicker
Chiles	Mathias	Williams

NAYS—48

Allen	Ervin	Montoya
Bellmon	Fong	Nelson
Bentsen	Fulbright	Pastore
Boggs	Hansen	Pell
Brock	Hart	Percy
Byrd, Harry F., Jr.	Hollings	Proxmire
	Hruska	Ribicoff
Byrd, Robert C.	Humphrey	Roth
Cannon	Jackson	Schweiker
Case	Javits	Smith
Church	Jordan, N.C.	Spong
Cooper	Jordan, Idaho	Stennis
Cotton	Long	Symington
Cranston	Magnuson	Talmadge
Dole	McClellan	Young
Dominick	Miller	
Eagleton	Mondale	

NOT VOTING—28

Allott	Baker	Cook
Anderson	Bible	Curtis

Eastland	McGee	Saxbe
Edwards	McGovern	Sparkman
Gambrell	McIntyre	Stafford
Goldwater	Metcalf	Taft
Griffin	Mundt	Thurmond
Harris	Muskie	Tower
Hatfield	Pearson	
Kennedy	Randolph	

So Mr. PACKWOOD's amendment was rejected.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 5 minutes on the Humphrey amendment, which is about to be submitted, time to be divided equally in the usual manner.

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

Mr. HUMPHREY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 5, line 23, insert the following:

At the end of title III, add another title, title IV, to read:

TITLE IV—FEDERAL IMPOUNDMENT INFORMATION

SHORT TITLE.—This title may be cited as the "Federal Impoundment and Information Act".

AMENDMENT OF THE BUDGET AND ACCOUNTING PROCEDURES ACT OF 1950.—Title II of the Budget and Accounting Procedures Act of 1950 is amended by adding at the end thereof the following new section:

"REPORTS ON IMPOUNDED FUNDS

"SEC. . (a) If any funds are appropriated and then partially or completely impounded, the President shall promptly transmit to the Congress and to the Comptroller General of the United States a report containing the following information:

"(1) the amount of the funds impounded;

"(2) the date on which the funds were ordered to be impounded;

"(3) the date the funds were impounded;

"(4) any department or establishment of the Government to which such impounded funds would have been available for obligation except for such impoundment;

"(5) the period of time during which the funds are to be impounded;

"(6) the reasons for the impoundment; and

"(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

"(b) If any information contained in a report transmitted under subsection (a) is subsequently revised, the President shall promptly transmit to the Congress and the Comptroller General a supplementary report stating and explaining each such revision.

"(c) Any report or supplementary report transmitted under this section shall be printed in the first issue of the Federal Register published after that report or supplementary report is so transmitted."

Mr. HUMPHREY. Mr. President, this amendment is identical to the one that was adopted on the tax bill when we had it here. It is also the same amendment that was discussed at length at the time we were on the welfare bill, and at that time the distinguished chairman of the committee, Senator LONG, said that if we would bring it up on this bill, he would have no objection, as I recall, and would look with favor upon it.

This is the same amendment that has been advanced here—the substance of it—by Senator ERVIN and myself on other occasions. All it asks is that the President shall promptly transmit to Congress and the Comptroller General of the United States a report containing certain information relating to impounded funds.

Mr. BENNETT. Mr. President, when this amendment was offered on the previous bills to which the Senator from Minnesota has referred, it was not germane. But I think it is properly germane on this bill, and I am very happy, as manager of the bill, to accept it and recommend to my colleagues that they approve the amendment.

I yield back the remainder of my time.

Mr. HUMPHREY. Mr. President, I forgot to say that the distinguished Senator from Florida (Mr. CHILES), the distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from New Jersey (Mr. WILLIAMS) are cosponsors of the amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, I send to the desk an amendment on behalf of myself and Senator JACKSON, Senator TUNNEY, Senator CRANSTON, Senator CASE, Senator BROOKE, Senator MUSKIE, Senator PELL, Senator RIBICOFF, Senator HART, Senator HUMPHREY, and Senator JAVITS.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. PELL). Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

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

TITLE IV—MISCELLANEOUS PROVISIONS

AMENDMENT TO FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 1970

SEC. 401. Section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new sentence: "Effective with respect to compensation for weeks of unemployment beginning before July 1, 1973, and beginning after the date of the enactment of this sentence (or, if later the date established pursuant to State law), the State may by law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if paragraph (1) did not contain subparagraph (A) thereof and as if paragraph (1) of section 203(b) did not contain subparagraph (B) thereof.".

Mr. MAGNUSON. Mr. President, I do not want to take much time. I think I can explain this amendment very briefly.

The amendment would allow the States to repeal the so-called 120 percent off-and-on trigger that applies to unemployment benefits. The 120-percent trigger in the law arbitrarily and harshly discriminates against an unemployed worker residing in a State with a persistently high rate of unemployment. At the time it was put in, no one expected that unemployment would persistently continue in a State for 2 years.

Because the requirement is there, a State must have an unemployment rate which is at least 120 percent of the rate prevailing in that State for a corresponding period of the previous 2 years, and it has the adverse effect of eliminating States in which the unemployment level has stayed at a high rate.

My own State is one instance. Unemployment is more than 10 percent. It has stayed there consistently. Many other States would qualify for these extended benefits; but it must be remembered that the amendment requires that the States act themselves to suspend the 120 percent.

The House Ways and Means Committee has reported a similar bill. The Senate Finance Committee has reported H.R. 640 with an identical amendment, but it is doubtful that we would have a conference on H.R. 640; and many of us who are interested in the bill—many cosponsors—and who want to do something about this matter feel that this is our only opportunity to get the matter before the House and get something done. We only have a few hours to do this.

It would be much better, of course, if this were a separate bill, but sometimes we are forced to do these things. I just want to cite the States that would qualify if their legislatures wanted to act:

Alaska	Nevada
Arkansas	New Jersey
California	New Mexico
Connecticut	New York
Hawaii	North Dakota
Idaho	Ohio
Kentucky	Oregon
Louisiana	Pennsylvania
Maine	Rhode Island
Massachusetts	Utah
Michigan	Vermont
Minnesota	Washington
Montana	West Virginia

Mr. RIBICOFF and Mr. JAVITS addressed the Chair.

Mr. MAGNUSON. Mr. President, before I yield, I want to thank the Senator from Louisiana (Mr LONG), the chairman of the Finance Committee and others on the committee for their help and support in getting this measure out. But we are forced to do something about it for legislative reasons right now, as well as the time element. They provided great leadership for people who have lost their jobs.

One other thing, if the 26 States do this, the Federal share would be only one-half of what they did, which would

run about $175 million to $200 million. If we do not do this, these people will be on welfare. The Senator from New Hampshire (Mr. COTTON) and I will tell you, Mr. President, that it costs about $4,000 a year each to put them on welfare and they will be losing their dignity and everything else.

Mr. President, I now yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I commend the distinguished Senator from Washington. As he points out, we are dealing with people whose benefits have run out. These are not people who are not trying to get a job. Rather, these are people with skills who are trying to get a job. But the unemployment rates in the States are so high it is impossible for them to go to work. There are no jobs. The only alternative is to go on welfare, which is demeaning and will be more costly. This is an unemployment insurance program. I commend the Senator and urge the Senate to adopt the amendment which would give new life to the extended benefits unemployment insurance program.

This vital program, which was enacted in December of 1970 to help those workers who had exhausted their regular 26 weeks of unemployment insurance benefits, would allow workers to receive benefits for an additional 13 weeks. Because of the quickly rising unemployment situation in 1970 the original program was geared to help those States whose unemployment rates were rising each year. Thus the program specified that a State's insured unemployment rate had to be at least 120 percent of the average rate for the last 2 years.

Because of the drastic unemployment situation in America, benefits have been paid in 37 States to three-quarters of a million persons. The amount of benefits paid amounts to almost $250 million.

Today, however, unemployment has leveled off at high levels. Thus many States, Connecticut included, have triggered out of the program because their rates are not increasing by 120 percent. In fact, only four jurisdictions—Hawaii, Pennsylvania, Vermont, and Puerto Rico—have not triggered off the program. And it appears that Vermont and Puerto Rico will soon become ineligible.

The amendments adopted by the Finance Committee at my urging would allow States to waive the 120-percent provision. By this action the 37 States originally receiving benefits would again become eligible under the extended benefits program. One other problem has to be rectified, however, so that States can become eligible for this program. In addition to the 120-percent requirement, a State's "insured unemployment rate" has to be at least 4 percent. The insured unemployment rate differs from the regular unemployment rate in that the regular rate compares total unemployment to population. Connecticut's regular rate is around 8 percent. But the insured unemployment rate is measured by the number of people receiving unemployment benefits compared to population. Since the number of people receiving benefits is lower than the total number of unemployed, the insured unemployment rate is a lower figure than the regular unemployment rate. Connecticut's insured unemployment rate is around 4.5 percent.

Mr. President, in the waning days of the 92d Congress we should be careful not to ignore the legitimate needs of many Americans who need help. They are not asking for welfare or handouts. They are hard-working wage earners who have lost their jobs and need temporary help. We cannot overlook their plight.

By enacting this legislation we will be potentially aiding between 920,000 to 1.12 million unemployed workers at a cost shared evenly by the Federal Government of between $440 to $590 million. In Connecticut alone between 46,000 and 58,000 workers would receive benefits of a magnitude between $28 million and $35 million.

I strongly urge the U.S. Senate to aid the cause of workers throughout the country who need temporary help.

CONNECTICUT EMPLOYMENT SITUATION

Mr. President, Connecticut's unemployment situation over the last few years has not been unique.

While the work force increased 3.5 percent between 1969 and 1971, nonagricultural employment fell off by almost 2.5 percent. Manufacturing employment, which consistently accounts for over one-third of all nonagricultural employment in the State, dropped 15 percent and annual average total unemployment more than doubled, increasing from 51,700 in 1969 to 122,700 in 1971. Substantial declines in durable goods manufacturing were responsible for most of the changes in Connecticut's economy. They accounted for almost 88 percent of the employment loss in manufacturing and far exceeded—more than twice as much—the total decrease in nonagricultural employment.

While machinery and fabricated metals showed decreases, hardest hit was transportation equipment—mostly aircraft and related parts. Military prime contracts awards for aircraft engines, airframes, and related parts dropped from $1 billion in 1969 to $561 million in 1971.

Mr. President, I ask unanimous consent to have printed in the RECORD a table on National and State indicators under extended benefits of Public Law 91–373.

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

NATIONAL AND STATE INDICATORS UNDER EXTENDED BENEFITS OF PUBLIC LAW 91-373 AND TEMPORARY COMPENSATION OF PUBLIC LAW 92-224 AS OF SEPT. 23, 1972

Trigger Notice No. 84, Oct. 6, 1972—Refer to UIPL No. 1103 and 1156 for Public Law 91-373 extended benefits, and sec. 617.11-12 of temporary compensation regulations for Public Law 92-224 TC benefits]

NATIONAL INDICATOR INSURED UNEMPLOYMENT RATE FOR MOST RECENT AVAILABLE 3 MONTHS (SEASONALLY ADJUSTED): JUNE 3.92, JULY 3.91, AND AUGUST 3.52 PERCENT

	Public Law 91-373 extended benefit				Public Law 92-224 temporary compensation benefit			
	Periods		Indicators (percent)		Rates (percent)		Periods	
State	1st day	Elapsed weeks [1]	Public Law 91-373 IUR	Prior 2 years	Exhaustion	Public Law 92-224 UR (cols. 4+6)	1st day	Elapsed weeks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Alabama			2.46	78	0.87	3.33		
Alaska			5.49	94	1.94	7.43	Jan. 30, 1972	34
Arizona			2.08	75	.52	2.60		
Arkansas			2.27	79	.75	3.02		
California			INA	INA	INA	INA		
Colorado			.97	83	INA	INA		
Connecticut			4.33	65	INA	INA		
Delaware			2.46	86	.53	2.99		
District of Columbia			2.17	132	.44	2.61		
Florida			INA	INA	INA	INA		
Georgia			1.51	82	.52	2.03		
Hawaii	Oct. 10, 1971	50	4.35	134	.95	5.30		
Idaho			3.40	92	.89	4.29	Apr. 9, 1972	24
Illinois			2.23	94	INA	INA		
Indiana			1.68	79	.89	2.57		
Iowa			1.39	73	INA	INA		
Kansas			2.01	56	.74	2.75		
Kentucky			2.18	79	.68	2.86		
Louisiana			2.90	82	1.02	3.92		
Maine			4.56	84	1.90	6.46	Jan. 30, 1972	34
Maryland		(12)	2.80	100	.74	3.54		
Massachusetts		(13)	4.81	94	1.34	6.15		
Michigan			4.49	83	INA	INA		
Minnesota		(11)	2.61	116	.90	3.51	Apr. 9, 1972	24
Mississippi			1.28	64	.38	1.66		
Missouri			2.79	93	.76	3.55		
Montana			2.92	109	1.07	3.99		

See footnote at end of table.

NATIONAL AND STATE INDICATORS UNDER EXTENDED BENEFITS OF PUBLIC LAW 91-373 AND TEMPORARY COMPENSATION OF PUBLIC LAW 92-224 AS OF SEPT. 23,1972—Con.

Trigger Notice No. 84, Oct. 6, 1972—Refer to UIPL No. 1103 and 1156 for Public Law 91-373 extended benefits, and sec. 617.11-12 of temporary compensation regulations for Public Law 92-224 TC benefits]

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	Periods		Indicators (percent)		Rates (percent)		Periods	
State	1st day	Elapsed weeks [1]	Public Law 91-373 IUR	Prior 2 years	Exhaustion	Public Law 92-224 UR (cols. 4+6)	1st day	Elapsed weeks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Nebraska			1.28	94	.59	1.87		
Nevada		(5)	4.39	103	1.63	6.02		
New Hampshire			2.05	72	INA	INA		
New Jersey		(6)	5.35	105	INA	INA	Jan. 30, 1972	34
New Mexico			3.28	87	.62	3.90		
New York		(9)	INA	INA	.94	INA		
North Carolina			1.28	64	.36	1.64		
North Dakota	July 2, 1972	12	2.14	152	.66	2.80		
Ohio			1.62	68	.55	2.17		
Oklahoma		(12)	2.74	90	1.05	3.79		
Oregon			3.26	75	.84	4.10		
Pennsylvania	Jan. 31, 1971	86	4.43	127	.66	5.09		
Puerto Rico	Jan. 2, 1972	38	16.01	120	4.15	20.16	Mar. 12, 1972	28
Rhode Island			5.24	85	1.65	6.89	Jan. 30, 1972	34
South Carolina			1.80	68	.59	2.39		
South Dakota			1.42	113	.48	1.90		
Tennessee			INA	INA	.63	INA		
Texas			1.27	85	.47	1.74		
Utah			2.77	88	.70	3.47		
Vermont	Jan. 3, 1971	90	4.95	126	1.06	6.01		
Virginia			.85	83	.25	1.10		
Washington			5.84	55	2.35	8.19	Jan. 30, 1972	34
West Virginia		(9)	INA	INA	.63	INA		
Wisconsin			2.19	85	.65	2.84		
Wyoming			.82	88	INA	INA		

[1] Elapsed weeks of nonpayment from last EB period are greater than 13 for all States unless otherwise noted in parentheses.

Note: State EB indicators and TC rates at or above 4 and 120 percent, or 6.5 percent, respectively, are starred

Mr. JAVITS. Mr. President, this is a very serious problem. The arguments have been well made. Only one fact has not yet been stated, that there are some 658,000 to 797,000 persons involved. The Senator from Washington approached with great reluctance putting this amendment onto this bill, but since we are in the waning hours of Congress and this matter has not been acted on, unless it goes onto some kind of "must" bill, it may not be acted on at all. Therefore, it is essential—as this is a humanitarian proposition and a highly economic proposition—that it be done this way and I hope the Senate will approve the amendment.

Mr. BENNETT. Mr. President, at the right time, I shall move to lay this amendment on the table, so that if the Senator from Washington wants to make another statement I will be happy to withhold.

Mr. MAGNUSON. I should like to ask for the yeas and nays, but as long as the Senator is going to move to table I will ask for the yeas and nays.

Mr. BENNETT. Does the Senator want to wait until I make the motion to table and then ask for the yeas and nays?

Mr. MAGNUSON. We can ask for them ahead of time because every one is still here in the Chamber.

The PRESIDING OFFICER (Mr. PELL). The Senator must ask unanimous consent first.

Mr. JACKSON. Mr. President, I ask unanimous consent that the yeas and nays may be ordered on the motion to table.

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

Mr. JACKSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BENNETT. Mr. President, I am not going to take any particular time on this. I have expressed the opinion to the sponsors of the bill that by putting it on this particular bill, they insure that it will be dropped out in conference because of the rules of the House. This amendment would have to go to the House in disagreement and would have to be voted on separately.

A big drive will be made to adjourn by tomorrow night, and I just think this is going for a ride to nowhere.

There is another bill to which this amendment could be attached. It would be germane and that House proposal could not lie against it, if that bill were brought up and passed tonight. The conference committees of the two tax-writing committees will be in session all day tomorrow handling H.R. 1 and this bill, and there would be a chance to get the other bill considered in conference.

My second reason for moving to table is that as a matter of policy I think every nongermane amendment to the bill, considering the conditions under which it must be handled, should be tabled.

There is a third reason, the cost of the amendment is between $350 million and $450 million, half of which will be borne by the States and the other half by the Federal Government. We have been trying to talk about a spending ceiling and a spending reduction. This amendment would add a Federal cost of roughly $200 million to $250 million to the budget.

So, Mr. President, under the circumstances, I move that the amendment be tabled.

Mr. MAGNUSON. Mr. President, will the Senator yield me 1 minute?

Mr. BENNETT. I yield to the Senator from Washington and withhold my request temporarily.

Mr. MAGNUSON. Mr. President, that is, if all the States did it. I do not know where there is a better place to spend $175 million or $150 million than on people who are walking the streets out of a job.

Mr. JAVITS. The cost will be covered by unemployment compensation taxes paid by the employers.

Mr. BENNETT. The cost will be covered by unemployment compensation paid by employers of the entire United States, so that the employers of the States other than those that will benefit would be paying a disproportionate share, in my opinion, for this benefit.

Now, if we listened to the list of the States the Senator from Washington read, the State of Utah was one of them. So, in a sense, I am voting against my own State. But the amount that would come to Utah is peanuts compared to the amount of money this bill would cost.

Mr. RIBICOFF. Mr. President, it should be pointed out that while it is costly, if we took 68,000 people and paid $4,000 a year each to their families, it would come to $272 million. So we would be responsible for $272 million in the Federal budget which is much more than $175 million that would come out of unemployment compensation which is provided for in the unemployment compensation funds, so that the net cost would be on the positive side instead of the negative side. I agree with my colleague who handles these matters on the Appropriations Committee.

Mr. BENNETT. The Senator from Utah estimated the cost at over $200 million and this, I think, would be negligible; but, Mr. President, it is getting late. We should move on. This amendment is not germane and on that basis I move that it be tabled.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. BENNETT. There was no time agreed on, Mr. President.

Mr. MAGNUSON. I have no time.

SEVERAL SENATORS. There is no time.

The PRESIDING OFFICER. Time was agreed on beforehand.

Mr. BENNETT. I am sorry. The Chair is correct.

The PRESIDING OFFICER. The time was for 30 minutes, to be equally divided.

Mr. BENNETT. The Senator from Utah was wrong. Mr. President, I yield back my time.

Mr. MAGNUSON. I yield back my time.

Mr. BENNETT. Mr. President, I make the motion to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah (Mr. BENNETT) to lay on the table the amendment of the Senator from Washington (Mr. MAGNUSON).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. EDWARDS), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGEE) is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McINTYRE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Georgia (Mr. GAMBRELL) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "yea."

I also announce that, the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Vermont (Mr. STAFFORD). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Vermont would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator Michigan (Mr. GRIFFIN). If present and voting, the Senator from Texas would vote "yea" and the Senator from Michigan would vote "nay."

The result was announced—yeas 22, nays 50, as follows:

[No. 560 Leg.]

YEAS—22

Allen	Dole	Long
Bellmon	Dominick	Packwood
Bennett	Fannin	Percy
Brock	Fong	Roth
Buckley	Gurney	Scott
Byrd, Harry F., Jr.	Hansen	Stennis
Cotton	Hruska	Young
	Jordan, Idaho	

NAYS—50

Aiken	Gravel	Moss
Bayh	Hart	Nelson
Beall	Hartke	Pastore
Bentsen	Hollings	Pell
Boggs	Hughes	Proxmire
Brooke	Humphrey	Ribicoff
Burdick	Inouye	Schweiker
Byrd, Robert C.	Jackson	Smith
Cannon	Javits	Spong
Case	Jordan, N.C.	Stevens
Chiles	Magnuson	Stevenson
Church	Mansfield	Symington
Cooper	Mathias	Talmadge
Cranston	McClellan	Tunney
Eagleton	Miller	Weicker
Ervin	Mondale	Williams
Fulbright	Montoya	

NOT VOTING—28

Allott	Griffin	Pearson
Anderson	Harris	Randolph
Baker	Hatfield	Saxbe
Bible	Kennedy	Sparkman
Cook	McGee	Stafford
Curtis	McGovern	Taft
Eastland	McIntyre	Thurmond
Edwards	Metcalf	Tower
Gambrell	Mundt	
Goldwater	Muskie	

So the motion to table Mr. MAGNUSON's amendment was rejected.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Mr. President, we now proceed to vote on the Magnuson amendment, up or down.

The PRESIDING OFFICER. The Senator is correct. The question is on agreeing to the amendment of the Senator from Washington.

Mr. BENNETT. Mr. President, it is now 20 minutes after 10. There is no sense in going through another rollcall vote for the sake of calling the roll. I will accept the amendment, and I ask my colleagues in the Senate to join me in accepting it on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MAGNUSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, I call up my amendment No. 1755.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of the bill, insert a new title, as follows:

TITLE IV

SEC. 401. This title may be cited as the "Legislative Budget Act of 1972".

SEC. 402(a). The Committee on Ways and Means and the Committee on Appropriations of the House of Representative, and the Committee on Finance and the Committee on Appropriations of the Senate, or duly authorized subcommittee thereof, are authorized and directed to meet jointly at the beginning of each regular session of Congress and after study and consultation, giving due consideration to the budget recommendations of the President, the needs of the United States, and the state of the economy, report to their respective Houses a legislative budget for the ensuing fiscal year. Such report shall contain a recommendation for the maximum amount for all outlays in such fiscal year. If the estimated receipts exceed the recommended outlays, such report shall contain a recommendation for a reduction in the public debt. Such report shall be made by March 30.

(b) The report shall be accompanied by a joint resolution adopting such budget, and fixing the maximum outlays in such year. If the recommended outlays exceed the estimated receipts the joint resolution shall authorize that the public debt shall be increased in an amount equal to the amount by which the recommended outlays for the ensuing fiscal year exceed the estimated receipts.

(c) Until the joint resolution specified in subsection (b) has been agreed to by both Houses by record vote, no appropriation bill appropriating money for the ensuing fiscal year shall be passed by either House.

SEC. 403.(a) If on or before December 31 in the fiscal year and after the joint resolution specified in section 402 (b) has been agreed to by both Houses, the President finds that the aggregate amount of outlays for such fiscal year will exceed the receipts in an amount greater than the excess specified in the resolution, the President shall so proclaim; and on the date of such proclamation such outlays as the President may specify (except outlays for interest payments, for veterans' benefits and services, and social insurance trust funds) shall be reduced by a uniform percentage for each budget account (to be fixed by the President and included in such proclamation) as will reduce the aggregate amount of outlays in an amount equal to the difference between the excess proclaimed by the President and the excess specified in such resolution.

(b) Congress may, however, increase the appropriation amount specified in the joint resolution by a two-thirds vote of both Houses.

SEC. 404. This section shall have effect beginning January 1, 1973, and shall continue in effect through fiscal year 1974.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 15 minutes on this amendment, the time to be equally divided and controlled.

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

Mr. PERCY. Mr. President, I call up this amendment on behalf of the Senator from California (Mr. CRANSTON) and myself.

Mr. President, in this debate on H.R. 16810, we have the opportunity to answer two important questions—first, whether

or not we will take steps to control the fiscal 1973 budget, which I think we must do; second, and more importantly, whether we can devise new mechanisms or revise old ones to provide more lasting solutions to these recurring budget problems.

My own belief is that we cannot only take responsible steps to control the budget on a temporary basis, but also, by using history and former statutes as our guide, develop permanent procedures to prevent such budget crises from exploding upon us again.

I feel that enactment of an expenditure ceiling is at this time a right and proper step. Congress must set a good example on spending. I am even willing to vote for a temporary ceiling with no exemptions at all, although I think the Congress can adopt a responsible method for setting some guidelines for the President to follow in maintaining the budget at or below $250 billion.

Without an expenditure ceiling for fiscal 1973—which, as everyone knows, we are nearly four months into—we can expect the following undesirable consequences:

First, the deficit, of course, will be higher than it would be otherwise. With deficits of $2.8 billion in fiscal 1970, $23 billion in fiscal 1971 and $23 billion in 1972, we obviously must keep the 1973 deficit, now estimated at 30.7 billion, as low as possible.

Second, if we do not control the Federal deficit, wage-price controls will likely be continued and tightened even further.

Third, with the economy in a period of rapid growth now, inflation will come roaring over us like a cyclone if the Federal budget is not held in check. Rising prices, and the consequent erosion of real purchasing power for everyone, from corporation chiefs to truckdrivers, will be one unhappy result.

I don't believe a tax increase can be avoided in the next Congress, even with a ceiling on spending. But, without such a ceiling, the tax bite will be bigger than it would be otherwise. And frankly, fellow colleagues, without such a ceiling, the blame will fall upon all of us here in the Congress if the economy falters, inflation continues, or taxes are increased considerably next year. If we enact an expenditure ceiling, and the economy does not live up to expectations, at least we can say we did everything requested of us by the President.

I will admit that the expenditure ceiling we are being called upon to enact this year—a rigid one, with no exemptions, and giving the President power to decide there and how much to cut in order to reach the figure of $250 billion—is different from expenditure ceilings we have enacted in prior years.

In 1968, the Congress enacted an expenditure ceiling as part of the 10-percent tax surcharge bill. The bill set a ceiling of $180.1 billion on Federal spending in fiscal year 1969 and directed reductions in the number of Federal employees back to June 1966 levels. It also called for rescinding $8 billion in previously appropriate but unused funds. The budget cuts called for in fiscal 1969 amounted to $6 billion. I worked in support of our distinguished former colleague, Senator WILLIAMS of Delaware, in his successful effort to control Federal spending in 1968.

That expenditure ceiling differed from the one before us today in that it raised the ceiling if Congress appropriated more funds and it exempted six categories of payments:

First. Vietnam spending;

Second. Interest on the public debt;

Third. Veterans benefit payments;

Fourth. Social Security trust fund payments;

Fifth. Farm subsidy payments; and

Sixth. Public assistance payments.

That expenditure ceiling was enacted, and even with the exemption, and as a direct result of our efforts, the end of fiscal 1969 saw the Federal Government with a surplus of $3.1 billion, the first surplus since the fiscal 1960 surplus of $240 million.

The euphoria, however, was short-lived. Early in the Nixon administration I urged ceilings on Federal spending and hiring. Similar expenditure ceilings were enacted for fiscal 1970 and 1971, but without the same results. With similar exemptions, the result was budget deficits of $2.8 billion in fiscal 1970 and a whopping $23 billion in fiscal 1971. The whole concept of an expenditure ceiling was abandoned for fiscal 1972 and we wound up this past fiscal year with another deficit of $23 billion. The ceiling over the debt was made of very soft elastic.

Last March, we tried again to impose an expenditure ceiling, but it also would have permitted automatic increases as appropriations and automatic outlays for permanent trust funds and other benefit programs rose. Recognized as just another piece of highly stretchable elastic, it was dropped in conference and the debt limit was simply extended.

Now, however, we have a different type of ceiling bill before us. The House, on Tuesday of this week, approved a ceiling of $250 billion as part of the debt limit extension bill with no exemptions. The elastic of old has been replaced with steel.

I am well aware of the fears which many of my colleagues have in granting to the President power to make cuts at will to keep the budget within a $250 billion ceiling. This is conferring some of the powers of Congress upon the President. I do not fear this is too big a congressional power give-away, however, if we limit it strictly to fiscal 1973. And I will later propose ways to prevent such situations from occurring in the future, simply by building on previous law.

I do have one concern, however, with the expenditure ceiling as it applies to fiscal 1973. I have voted to fund many worthwhile programs for fiscal 1972. I would not like to see them cut back arbitrarily or precipitously. We must be especially sure that programs on which the States rely heavily for matching funds are not gutted. Any cuts should be proportional, in line with a general belt-tightening, but no single program or family of programs should bear the brunt of all the reductions that will be needed to get the Federal budget back to $250 billion. Therefore, I cosponsored the amendment of the Senator from Idaho (Mr. JORDAN) which calls for all Federal programs — except uncontrollables — to share proportionately in the reductions needed to comply with the expenditure ceiling. This across-the-board approach is a fair way to make the budget reductions needed to meet the ceiling. It permits the President to make required cuts but maintains congressional spending priorities. The only exemptions under a proposal offered by Senator JORDAN would be interest on the national debt, veterans pensions and social security trust fund payments. These are automatic outlays, not subject to appropriations decisions. I am pleased that the Senator has adopted this amendment and hope that our conferees will insist upon it being included in the conference bill.

But, Mr. President, regardless of what we do about fiscal 1973, we still must act to prevent these budget crises from recurring in the future. We cannot afford to repeat this kind of crisis year after year.

Right now, I see absolutely no guarantee that we won't be back here next year at this same time debating these same issues because the budget once again is in serious deficit. Indeed, I predict we *will* be here debating these same issues unless the Congress develops a mechanism to consider the overall budget picture and take it into consideration when it votes on individual appropriations bills. We have no coordinated system in Congress for establishing overall program priorities.

The problems of the Congressional budgetary process are twofold:

First, there is almost no relationship between Congressional decisions to raise money, and decisions to spend it. Second, the fragmented Congressional appropriations process compounds the problems created by the absence of an over-all Congressional budget.

It's almost as though several members of the same family were constantly writing checks on the same account with no one keeping track of what the others were spending or even bothering to see what was in the account itself. Obviously, any family that runs its financial affairs this way quickly finds itself awash in red ink.

The congressional committees responsible for appropriating funds make no attempt to weigh the amounts available for spending, against the amounts they appropriate. The President makes his budget estimates and the Joint Economic Committee examines them. The information needed to implement a rational planning process is there, but it is never used in a systematic way, as in a business enterprise, or any other institution. The average household, where outgo must be geared to income, does a better job.

The result is that the government does not know how much it will have available to spend in any given fiscal year, or how much it will have to borrow until the end of that year, or even later. The effect is to make sound management of fiscal and monetary policy almost impossible. It is

precisely because of this absence of any logical system that we must adopt this spending limitation measure.

Most of us are very familiar with the workings of the appropriations process. As a former member of the Appropriations Committee, I believe I am in a position to criticize it with constructive intent. One central fact is clear: there is no effort to adopt or enforce a system of spending priorities.

Consequently, total expenditures are the result of the action of individual subcommittees, whose separate, uncoordinated, fragmented appropriations are merely added up to produce an appropriations total. There is no overview by the full committee. There is no attempt to operate within some reasonable "target" expenditure ceiling.

Another problem we face in Congress is that we simply haven't kept up with the times. We are trying to operate with a system largely unchanged since the Civil War. Congress is like a giant corporation trying to run its financial office with an accountant who wears a green eyeshade and uses a quill pen while perched on a high stool at a slant-top desk.

The Legislative Reorganization Amendments Act of 1970 contain provisions that will helpfully result in a vastly improved budget and appropriations information system. This, when it is implemented, will be helpful, but it will not change the currently fragmented system. The efforts now being made by the full House Appropriations Committee to hold initial overview hearings before breaking into subcommittee consideration of budget requests also deserve recognition. This is a good development, and it should be emulated in the Senate.

I believe that much more can be done. I fear some of us take the grant of congressional power to the Executive in H.R. 16810 too lightly. I do not. I think we face a very grave crisis within our own institutions—and only we can correct it. We can alleviate the immediate problem by abdicating power to the Executive for one fiscal year. But we must correct the larger problem, which threatens the constitutional balance between the Legislative and the Executive branches.

The framers of the immensely significant, landmark 1946 Legislative Reorganization Act saw the problem then. At that time Congressmen Mike Monroney and Everett Dirksen argued vehemently for, and Congress enacted, a provision requiring a "legislative budget."

This provision—section 138 of that bill—would have resulted in creation of an annual budget based on estimated receipts, a determination of the amount of necessary expenditures, and an estimated deficit. It would have imposed a new discipline on the appropriations process. The provision was never implemented because of the implacable opposition of two of the most powerful Congressmen of the day, Clarence Cannon of Missouri and John Taber of New York, chairman and ranking Republican, respectively, of the House Appropriations Committee.

Had this provision of law been implemented in 1946 and subsequent years, we would not, I believe, have come to our present situation. An orderly budget process would, I believe, have very likely evolved.

Here is how it would have worked: At the beginning of every regular session of Congress, subcommittees of the House and Senate Appropriations, Ways and Means and the Finance Committee, would have met to make an estimate of expected revenues, and to decide on a total for all appropriations for the coming fiscal year. The spending budget would be expressed in a Joint Resolution, which would also contain the amount by which the public debt would have to be increased, if necessary.

The effect of this procedure would have been twofold. The committees responsible for spending, and for raising, revenues would have to agree jointly on the essential elements of national fiscal policy for the coming fiscal year, and then undertake their respective responsibilities with a clear objective. The Appropriations Committees would have had ceilings within which to operate. The revenue-raising committees would have been able to plan ahead either for tax measures, or for debt increases.

The effect on the appropriations process would have been striking. The Appropriations Committees would have had to meet at the start of the year and, using the amount determined by the Joint Resolution, would have examined spending priorities and have determined the amounts available for each subcommittee. A basic scale of spending priorities would thus have been adopted at the beginning of the appropriations process. Subcommittees, working within a basic budget, would have had to apply a tight discipline on programs in each of their jurisdictions. Instead of our budgetary process being upside down, as it is today, where, in effect, we decide how we are going to spend money we don't have, then worry about going out and finding it, this would have turned the process right side up. The Appropriations Committees and subcommittees would know before hand how much was going to be available, and from there they would work out the priorities. This is the way most people and companies handle their account—why not Congress?

Congressman Dirksen, then a very active member of the Joint Committee on Congressional Organization, and the major proponent of this legislative budget provision said:

> That is the whole weakness of the whole fiscal procedure of Congress today. We get so interested in the trees that we cannot see the forest. We get so interested in a few $5,000 and $10,000 items that the whole business of an overall budget finally escapes us. The thing to do is to see it on broad lines and in perspective, to get a real policy, to kick out the policies we do not want that cost money, and then finally restore it and let your subcommittees work under that ceiling, and even make that a target under which they can effectuate even greater reductions in appropriations and finally in the national debt.

What a sad indictment it is of our two Houses that the late Senator's words are as applicable in October 1972 as they were in July 1946.

Senator BROCK has introduced S. 3984, an "Act to Control Expenditures and Upgrade Priorities." One major element of this bill is to create a Joint Budget Committee to create a legislative budget. I wholeheartedly support this bill, which is reflective of the legislative budget provision of the 1946 Act.

Unfortunately, embarrassed no doubt by continuous failure to implement section 138 of the 1946 Legislative Reorganization Act, the Joint Committee on the Organization of Congress recommended its repeal in the 1970 Reorganization Act amendments, and Congress adopted it. Because it was never utilized, it was considered to be unusable. In fact, it was not used because congressional leaders lacked the leadership and will to implement it.

Full-fledged reform of the appropriations process is long overdue. The House-passed debt ceiling bill contains a provision creating a new Joint Committee to recommend a new appropriating process. I support this provision. I urge, however, that we go one step further.

I propose that we re-enact the basic "legislative budget" provision of the 1946 Legislative Reorganization Act, with some necessary amendments, to be effective for fiscal 1974. Under this proposal, this is what would happen:

First. At the beginning of the next Congress the Ways and Means, Finance, and House and Senate Appropriations Committees would appoint subcommittees to meet together to formulate a legislative budget for 1974 and report a Joint Resolution, containing a ceiling for fiscal year 1974 expenditures, which would be based on congressional and administration estimates of receipts. The resolution would also authorize the additional amount of public debt that would be necessary for fiscal year 1974. If continued, this procedure would eliminate the recurrent annual debt ceiling bills with which we now must deal.

Second. The Joint Committee would have to make its report by March 30.

Third. Until the Joint Resolution is agreed to, no appropriations bill can be passed by either House.

Fourth. If by December 31, 1973, the President determines that actual expenditures for fiscal year 1974 are at a rate greater than the Congressional ceiling for expenditures, the President shall cut each appropriation—except debt services, veterans benefits, and trust funds—by a uniform percentage in order to bring spending down to the legislative budget amount.

The Joint Committee should be authorized to use the staff of the Joint Committee on Reduction of Federal Expenditures as its own staff, and the services of the staff of the Joint Committee on Internal Revenue Taxation should also be available. Members of the Joint Committee should be invited to sit with the Joint Economic Committee in its annual hearings on the Economic Report of the President and the budget.

Mr. President, in 1946 the distinguished former Senator from Oklahoma, Mike Monroney, then the manager of

the Legislative Reorganization Act in the House, said:

For years we have been operating our revenue-raising committees ad our revenue-spending committees completely apart from any relationship one has with the other. You simply cannot have adequate budgetary control by such an independent procedure. . . .

Today we start out without any idea of how much we spend, or where the money is coming from. We wind up the year wondering how many billions we are in the red or in the black. Surely, it is not asking too much to consider these two important things, income and outgo, together.

All of the above provisions have been previously enacted by Congress. Items 2, 3, and 4 were passed by the Senate in 1946, but were not contained in the bill considered by the House. The suggestion relating to the Joint Committee on Reduction of Federal Expenditures and the Joint Economic Committee were not in previous law.

I feel certain this legislative budget system would work if the leaders of the respective House and Senate Committees would make it work. There can be no doubt of the need for solution of our own organizational problems. The present system has led to oppressive debt and excessive inflation. We have a huge Federal budget, in which no effort is made to relate outgo to income. Until a more permanent solution is recommended and adopted, I urge that we re-enact and implement this former provision of law with the amendments I have suggested.

In summary, Mr. President, this amendment would create a congressional budgetary process for fiscal year 1974. It would go into effect immediately, as an interim measure, pending action on the report of the special joint budget study committee created by title III.

The amendment is a response to the cause of our present budget problems: the uncoordinated, fragmented congressional appropriations process.

The amendment is based on section 138 of the Legislative Reorganization Act of 1946, providing a mechanism for a legislative budget. This was never implemented because of the opposition of the key members of the Appropriations Committees of the time. In my view, it is still a sound basis for current action.

The amendment would add a new title providing that:

First. Before March 30 next year a Joint Committee composed of members from the Senate and House Appropriations Committees, and the Ways and Means and Finance Committees, report a joint resolution containing a total amount for all appropriations for fiscal year 1974. The Resolution would also contain an estimate of receipts and an amount by which the debt must accordingly be increased. It would authorize an increase of the national debt by that specific amount, thus making it unnecessary to consider later a debt limit bill.

Second. No appropriations bill could be passed by either House until the Joint Budgetary Resolution is passed.

Third. At the mid-point of the 1974 fiscal year the President, if he finds that expenditures are running at a rate greater than the amount specified in the Joint Resolution, can uniformly reduce each appropriation in order to reduce total spending to the authorized ceiling. The Congress may at that time increase the amount of the authorized ceiling by two-thirds vote.

I believe this is a reasonable, constructive, workable means of avoiding still another budget crisis next year. I agree with many Senators that carte blanche grants of power to the Executive of this kind are basically undesirable. We must correct our own institutional procedures. Until the special Joint Committee's recommendations can be studied and implemented, I suggest we take these steps now to provide a coordinated budget procedure for the coming fiscal year.

Mr. President, I yield to the Senator from California, who is a cosponsor of the amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I speak in support of the amendment, which was drafted and prepared by the Senator from Illinois, and which I cosponsor.

We need to get the budget into balance, as we work in Congress, taking into account the overall target for expenditures and the revenue we can anticipate and the needs of the people. Those are the essential elements.

We have in the bill before us that came from the House a provision to set up a committee to study this matter. We now have the proposal of the Senator from Arkansas (Mr. McCLELLAN) in the bill which creates a committee, which does not take into account the Committee on Finance or the Ways and Means Committee, and it does not fill the gap.

I think this amendment would bring the matter into focus with respect to the revenues we can expect and the expenditures we must meet for the people.

Mr. PERCY. Mr. President, I thank my colleague. Before yielding to the ranking minority member, who is the manager of the bill at this time for his comments, I would like to say this.

I am well aware of the problems presented if we push this proposal to a vote. It would be somewhat in conflict with an amendment accepted, the McClellan amendment, which I cosponsored. I had no idea when I introduced this amendment that the Senator from Arkansas would introduce the committee amendment. It is a good amendment and by agreeing to this amendment there could be a conflict in the same bill and we might be in danger of losing both of them in conference.

Therefore, I yield to the Senator from Utah, the ranking Republican member of the committee, who is managing the bill, so that he may advise what he has in mind with respect to this matter. I would very much appreciate his comments.

Mr. BENNETT. Mr. President, as pointed out already we have two committees in the bill, one a temporary study committee that must report by next February on a spending ceiling, and the other a permanent committee to meet every year, made up of members of the Appropriations Committees of both Houses, which would accomplish the same purpose.

Earlier we considered the proposal of the Senator from Oklahoma (Mr. BELLMON) for a pattern under which a spending ceiling could be operated on a permanent basis.

I would think the Senate might agree with me that this proposal of the Senator from Illinois and the Senator from California, as well as the proposal of the Senator from Oklahoma be referred to whichever of these committees survives, with the request that they study these possible solutions to the problem to which we hope to find a solution.

Therefore, I hope the Senator will not press the amendment for a vote, but on the promise that when we meet in conference we request the manager of the bill to recognize these suggestions and refer them to whatever committee system survives in the bill. I think that is the best solution. I hope the Senator agrees.

Mr. PERCY. Mr. President, I appreciate that very much, indeed. I would value, however, a judgment, if the distinguished Senator looks with favor on this proposal because, after all, it was a law, a statute. It was simply the intransigence of key, powerful members of the other body at the time which prevented it from being implemented.

Mr. BENNETT. Most of that is in the committee bill that came over to us. I can say that the temporary committee can study it. It is a good idea. The permanent committee can take advantage of the proposal in planning its own program.

I would like to repeat my request. Rather than voting it up or down, let us take the proposal to conference and get it referred to in the report, so that it will be referred to the study committee.

Mr. PERCY. With that assurance that it will be included in the report and definitely referred to the study committee for consideration, I trust that that committee, looking back into what we have done before in the record we have, and recognizing the urgent need for such a program to be implemented—I would rest it on the merits of the case and on that basis and with the consent of my cosponsor I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. PERCY. I yield back my time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I call up my printed amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 2, after line 23, insert the following:

"(d) The amounts proportionately reserved under subsection (b) of this section shall not include appropriations or other obligational authority available for fiscal year 1973 to which another statutory spending limitation of 10% or more applies."

Mr. HOLLINGS. Mr. President, the purpose of this amendment is to eliminate the overload factor when we take into consideration what we are about to

do—and I supported the Jordan amendment of a 10-percent cut—with what already has occurred in the conference on the Labor-HEW bill this afternoon in agreeing in the conference report to fix a limitation of $29.3 billion. To bring it down to that, we authorized the President to reduce any and all expenditures some 13 percent.

Now if we adopt this particular measure, we do not want the President to be able to apply the 13-percent cut plus the 10-percent cut, to make it a 23-percent cut in health, education, and welfare.

I have discussed this amendment with the manager of the bill. I hope he will accept it.

Mr. BENNETT. Mr. President, the Senator from Utah cannot believe that the President would make that kind of cut—a double cut. I do not think it is the intention of the bill. Whenever a provision comes to us with an obvious across-the-board cut, that should be taken into consideration.

However, I shall be glad to accept the amendment, and I yield back my time.

Mr. HOLLINGS. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

Mr. PACKWOOD. Mr. President, I call up my Amendment No. 1687.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to dispense with further reading of the amendment.

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

Amendment No. 1687 is as follows:

At the end of the Act, add a new title as follows:

TITLE IV—TO PROVIDE FOR EQUITABLE TAX TREATMENT OF UNMARRIED INDIVIDUALS

SEC. 401. Section 1 of the Internal Revenue Code of 1954 (relating to rates of tax on individuals) is amended—

(a) by striking out subsections (b) and (c);

(b) by redesignating subsection (d) as (b); and

(c) by striking out so much of subsection (a) as precedes the table therein and inserting in lieu thereof the following:

"(a) GENERAL RULE.—There is hereby imposed on the taxable income of every individual, other than an individual to whom subsection (b) applies, a tax determined in accordance with the following table:".

SEC. 402. Section 2 of such Code (relating to definitions and special rules) is amended—

(a) by striking out subsections (a) and (b); and

(b) by redesignating subsections (c), (d), and (e) as subsections (a), (b), and (c), respectively.

SEC. 403. Sections 511(b)(1) and 641 of such Code are each amended by striking out "section 1(d)" and inserting in lieu thereof "section 1(b)".

Sec. 404. Section 6015(a)(1) of such Code is amended to read as follows:

"(1) the gross income for the taxable year can reasonably be expected to exceed $10,000 ($5,000, in the case of an individual subject to tax imposed by section 1(b) for the taxable year); or".

SEC. 405. The amendments made by this title shall apply to taxable years beginning after December 31, 1972.

SEC. 406. The Secretary of the Treasury or his delegate shall prescribe and publish tables reflecting the amendments made by this title which shall apply, in lieu of the tables set forth in section 3402(a) of the Internal Revenue Code of 1954 (relating to percentage methods of withholding), with respect to wages paid on or after January 1, 1973.

Mr. PACKWOOD. Mr. President, I send to the desk an amendment of my own to the amendment.

The PRESIDING OFFICER. Did the Senator wish to modify his original amendment.

Mr. PACKWOOD. Yes, I wish to modify it.

I ask that the modification be read.

The PRESIDING OFFICER. The clerk will read the modification.

The assistant legislative clerk read the modification, as follows:

On page 2, line 24, strike "1972" and insert in lieu thereof "1973".

On page 3, line 6, strike "1973" and insert in lieu thereof "1974".

Mr. PACKWOOD. Mr. President, at this time, I have called up my amendment No. 1687 dealing with Federal tax treatment of unmarried individuals. It is a matter of serious concern to me that today, in this country of nearly 210 million persons, the Federal Government is openly discriminating against 30 million of our citizens.

These "overtaxed Americans" come from all walks of life and are found across the entire spectrum of the socio-economic scale. All, however, share two things in common: They are unmarried whether by choice or by fate, and they are the victims of gross inequities contained in the Internal Revenue Code.

Last November when the Revenue Act of 1971 was being considered on the Senate floor, I proposed an amendment identical to the one I am bringing before the Senate today. This amendment will authorize unmarried taxpayers to figure their tax using the table in section I of the Internal Revenue Code that is currently reserved for use by married couples filing jointly.

Under our current system of assessing tax liability on the basis of the taxpayer's marital status, we are unfairly asking these 30 million unmarried citizens to assume a disproportionate share of the cost of running our Government. It has been estimated that, the total cost of this discriminatory "surtax" on single people is about $1.6 billion. I ask unanimous consent to have printed at the conclusion of my remarks a table showing the extent to which this "surtax" is levied against unmarried taxpayers.

Let me cite two examples of the inequitable situation that results from the presence of the various tables in the Internal Revenue Code.

A single taxpayer having a taxable income of $8,000 pays $1,590 in Federal income taxes. By contrast, a married taxpayer having the same taxable income of $8,000 will pay only $1,380—a difference of $210.

In another instance, a single taxpayer having a taxable income of $14,000 will pay $3,210 in Federal income taxes compared to the $2,760 paid by his married friend living next door. That comes down to a single-person "surtax" of $450.

Those figures, Mr. President, graphically portray the extent to which the Federal tax law discriminates against single taxpayers. But there are those among our colleagues who would have us believe that such unfair treatment is justified on the basis of the additional burden of married life.

Let us, for the moment, assume that such a consideration is justified—mind you, I am not suggesting that it is—in fact, it is not—but let us just assume for the sake of the debate that it is. How then can we explain this discrimination to the 3.6 million taxpayers who file their taxes as heads of household? These taxpayers must meet all of the responsibilities of a married couple with a family. In fact, I would suggest that a head of household bears a greater burden in the raising of his or her family. This is so for a number of reasons—the most obvious being that with only one adult present, the potential income production of the family unit is half that of a married couple with a family, and that additional expenses are incurred in caring for the family while the sole wage-earner plys his or her trade.

Mr. President, it occurs to me that if our tax laws are to discriminate in favor of any class of taxpayers, we might logically conclude that that favored group would be those taxpayers who bear the burden of raising a family alone. But logic is not one of the characteristic features of our Federal tax laws; for these "parents without partners," as they are sometimes referred to, are not given preferential treatment, they are not even given equal treatment as compared with married couples. They, too, are discriminated against most unfairly by our tax laws. Granted, they pay only half the penalty single persons do—with a maximum of 10 percent more in taxes than a married couple with an identical amount of taxable income. Still this is a most unfair burden to ask these 3.6 million taxpayers to bear.

Let us look for a moment at the dollars and cents translation of this inequitable treatment of a head of household by our tax law. A head of household with taxable income of $8,000 pays $1,480 in taxes; his married neighbors—whether or not they have assumed the responsibility of raising a family—pay $1,380, for a net "surtax" of $100 levied against the unmarried family head. When the taxable income doubles to $16,0000, a head of household pays $3,540; his married neighbors pay $3,260, a net "surtax" of $280. This unfair treatment of these unmarried taxpayers must be stopped now.

It is only fair that the Federal tax laws recognize the varying living costs as between a family and a single individual. But the income tax laws should reflect such differences in condition and responsibilities by allowing reasonable deductions and exemptions. If we have not done this, as some suggest we have not, then it deserves a closer look in the future. In any event, such a failure on our part to adequately consider these matters through the vehicle of deductions from

adjusted gross income is not to be viewed as an excuse for continuing 1 day longer our current discrimination as between taxpayers of differing marital status with identical amounts of taxable income.

Mr. President, this is the crux of the issue at hand. Once taxable income is determined, the same rate should apply to all who have the same income, regardless of their marital status. To achieve this desirable end, we must reorient our thinking and adjust the focus of our tax laws.

I would hazard a guess that the Congress is probably unaware that our decision to subsidize married couples through the tax laws to the extent we do—or, conversely, to penalize unmarried individuals—places America in exclusive and somewhat unpalatable company in the family of nations. Only six other countries tax their unmarried couples more heavily than their married couples. Of the six, five are totalitarian dictatorships: Russia, three of her satellites and Spain. Among democracies, only the Netherlands places a tax penalty on being unmarried.

Let me refer briefly to a principal argument presented by some people who are in favor of retention of the unfair applications of the tax laws. They argue that to eliminate this remaining major vestige of discriminatory treatment of unmarried individuals would undermine some mysteriously essential bulwark of marriage and that its elimination would encourage cohabitation, concubinage and other moral atrocities.

Frankly, I cannot bring myself to believe that the institution of marriage leans upon such a frail reed as the treatment accorded married people as opposed to unmarried people by the Federal income tax law. In any event, to the extent this argument is advanced by opponents of this amendment, I would counter by declaring that I subscribe completely with the sentiments of Vivian Kellems, that grand woman from Connecticut, who once said:

> Taxation is for one purpose only, to raise revenues for the legitimate functions of the Government . . . the people of this country are perfectly capable of taking care of their morals whether they are married or single.

She went on to say that:

> It is not the province of the Congress to legislate the peoples' morals by means of taxation.

During the last two decades, Congress has done much to approach the point where unmarried people are viewed as being equal to married couples in the eyes of the tax collector. But we have not yet gone the full distance. Notably, in 1969, Congress became openly concerned about the higher tax rate applied to the taxable incomes of unmarried persons and reduced it.

Opponents of my amendment when it was offered to the Revenue Act of 1971, argued that the tax schedules currently contained in the Internal Revenue Code provide that, in general, and given identical taxable incomes, the tax paid by an unmarried individual would never exceed the tax levied against a married couple filing a joint return by more than 20 percent. This compares with the 40 percent differential before the 1969 reform. They apparently look upon this as evidence that we in the Congress, in our benevolent munificence, have decided to grant 80 percent tax equality to our unmarried citizens.

I prefer to view it from another, slightly different perspective—we are still 20 percent wrong in our treatment of unmarried taxpayers. To put it another way, to pompously state that we are granting 80 percent equality to single taxpayers is not unlike the Congress publicly declaring in law that it shall henceforth be the policy of these United States that a black man can be equal to a white man 80 percent of the time—or, that a woman can rightly claim equality with a man 80 percent of the time. Ludicrous is not it? But that is precisely the metaphorical meaning of the argument presented by opponents of this legislation when they self righteously point to the 1969 Tax Reform Act as evidence of our good intentions.

When we are doing everything we can in the field of day care, when we have already done everything we can in the area of an equal rights amendment, and when we are doing everything we can to make it possible for men and women, married or single, to be treated equally, there is no longer any reason—if, indeed, there was ever any—to be found in our continuing this discriminatory treatment of one-fourth of our taxpayers.

Why should these 30 million people be compelled to contribute an estimated additional $1.6 billion to the Federal treasury this year simply because, whether by choice or by fate, they are unmarried? It is preposterous that this unfair element of the Internal Revenue Code has been allowed to go unchallenged in any serious degree for these many years. Congress is responsible for this gross inequity in our tax laws—only Congress can right this wrong.

I urge my colleagues in the Senate to take the initiative in putting the U.S. Congress on record as supporting the movement within which I and others have worked to right this wrong and give our 30 million, forgotten unmarried taxpayers the fair and equal treatment under the law that they should have been accorded years ago.

At this point in the RECORD, I ask unanimous consent to have printed a brief article prepared by the Congressional Research Service of the Library of Congress on the history of tax discrimination against unmarried individuals.

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

DIFFERENCES IN THE TAX TREATMENT OF SINGLE PERSONS AND MARRIED COUPLES: A BRIEF FACT SHEET

Prior to 1948 the same schedule of tax rates applied to the income of all taxpayers. The present difference in the tax treatment of single persons and married couples derives from the Revenue Act of 1948. This Act permitted married couples to divide their total incomes for tax purposes. The reason for this so-called split-income provision was to equalize the tax treatment of married couples in community property and noncommunity property States. Prior to 1948, court interpretations of Federal tax law permitted couples in community property States to file separate income tax returns upon which each reported one-half of the combined income of the couple. A married couple in a noncommunity property State could report on separate returns only the actual income received by each spouse. Where all or most of the combined income was received by one spouse, the filing of separate returns often resulted in a greater combined tax liability in the noncommunity property State than the couple would have incurred in a community property State. The Revenue Act of 1948 permitted married persons who file a joint return to compute their joint liability by applying the statutory rates applicable to single individuals to one-half their combined taxable income and multiplying the result by two. Because the tax rates are graduated, the provision for income splitting generally results in a lower overall tax liability than that on separate returns whenever the taxable income of either spouse exceeds the amount of taxable income in the first rate bracket.

Since single persons have not had a comparable income splitting privilege, they generally have paid higher taxes than married couples at the same income levels.

In order to extend some of the benefits of income splitting to taxpayers not having spouses but who are nevertheless required to maintain a household for the benefit of other individuals the head-of-household provision was enacted in the Revenue Act of 1951. A head of household was defined as a single person maintaining as his home a household which constituted the principal place of abode for an unmarried child or descendant of a child (whether or not they qualify as dependents), or any other person who is a dependent for tax purposes. Individuals who qualified under this provision were allowed approximately one-half of the income splitting benefits given to married couples. They used a different tax rate schedule which, at any given level of income, produced a tax liability about halfway between the tax paid by a married couple filing a joint return and a single individual.

A provision permitting surviving spouses with dependent children to use the joint return tax rates with full income splitting for two taxable years following the death of the husband or wife was adopted under the comprehensive revision of the Internal Revenue Code in 1954. The 1954 Code also extended the head-of-household provision to single persons who support one or more parents in a separate home.

The Tax Reform Act of 1969 provided, for taxable years beginning after December 31, 1970: (1) A new rate schedule for single persons which provides a tax that is no more than 20 percent in excess of that paid on a joint return with the same amount of taxable income (under prior law the difference was as great as 42 percent for some income levels); and (2) a new head-of-household tax rate schedule halfway between the schedule applicable to joint returns and the new schedule applicable to single persons. The Tax Reform Act of 1969, for taxable years beginning after 1969, extended the head-of-household tax rate to certain married individuals living apart from their spouses. The Act made no change in the tax treatment of surviving spouses.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to have printed in

the RECORD several articles from newspapers and magazines commenting on this issue of tax equity for unmarried individuals. Also, I ask to have printed several tables portraying the number of taxpayers that file under the current system relative to their adjusted gross income. These tables, upon close analysis, point out the basic fallacy of the argument that married couples should be given a lower tax rate on taxable income than unmarrieds.

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

TABLE II-A.—CHARACTERISTICS OF TAXPAYERS BY FILING STATUS AND ADJUSTED GROSS INCOME, 1970

[Millions of persons]

Adjusted gross income class	Married filing jointly [1]	Married filing separately	Single	Head of household	Row total
Under $5,000 [2]	14.1	1.5	18.0	1.7	35.3
$5,000 to $10,000	28.2	.7	6.0	1.4	36.4
$10,000 to $15,000	24.8	.1	1.2	.3	26.5
Over $15,000	17.9	.1	.4	.1	18.5
Total	85.1	2.4	25.7	3.6	116.7
Total adjusted gross income, (billions)	$493.9	$11.5	$104.8	$21.8	$632.0

[1] Number of tax returns doubled to find number of persons—includes persons filing as surviving spouse.

[2] Includes those with no adjusted gross income.

TABLE II-B.—CHARACTERISTICS OF TAXPAYERS BY FILING STATUS AND ADJUSTED GROSS INCOME, 1970

[Percentage of column total]

Adjusted gross income class	Married filing jointly [1]	Married filing separately	Single	Head of household	Row total
Under $5,000 [2]	16.6	62.5	70.0	47.2	30.3
$5,000 to $10,000	33.1	29.2	23.3	38.9	31.2
$10,000 to $15,000	29.1	4.2	4.7	8.3	22.7
Over $15,000	21.0	4.2	1.6	2.8	15.9
Total	100.0	100.0	100.0	100.0	100.0

[1] Number of tax returns doubled to find number of persons—includes persons filing as surviving spouse

[2] Includes those with no adjusted gross income.

Note: Details may not add to total due to rounding.

TABLE II-C.—CHARACTERISTICS OF TAXPAYERS BY FILING STATUS AND ADJUSTED GROSS INCOME, 1970

[Percentage of row total

Adjusted gross income class	Married filing jointly [1]	Married filing separately	Single	Head of household	Row total
Under $5,000 [2]	40.0	4.3	51.0	4.8	100.0
$5,000 to $10,000	77.4	1.9	16.5	3.8	100.0
$10,000 to $15,000	93.6	.4	4.5	1.1	100.0
Over $15,000	96.8	.5	2.2	.5	100.0
Total	72.9	2.1	22.0	3.1	100.0
Total adjusted gross income	78.1	1.8	16.6	3.4	100.0

[1] Number of tax returns doubled to find number of persons—includes persons filing as surviving spouse.

[2] Includes those with no adjusted gross income.

Note: Details may not add to total due to rounding.

TAX AND THE SINGLE MAN

(By Philip M. Stern)

There is no question: The tax laws of the United States are the result of a fiendish conspiracy among the AMA, the NAACP and the ADA, using the powerful medium of CBS and with potent, behind-the-scenes backing from HUAC. To anyone with a decent respect for bachelorhood, these initials stand for, respectively, the American Marriage Association, the National Association Association for the Advancement of Connubial Profit, the Abolish Divorce Association, a newly formed group named Chastise Bachelors and Spinsters and, finally, a powerful but covert organization called Housewives United Against Cohabitation. For the fact of America discriminate flagrantly and massively against unmarried citizens. For example, if you are a $12,000-a-year bachelor with a taxable income of $10,000, you are paying $502 more in taxes each year than the bridegroom in the apartment down the hall. The fact that your newly married neighbor has just acquired a dependent, allowing him to claim another $600 exemption, accounts for $132 of that amount in his 22-percent tax bracket. But almost three quarters of his tax saving—$370—is the result of a myth, embodied in Section 2 of the Internal Revenue Code, which permits any married couple in the United States to pretend, in computing their taxes, that half their income is earned by the wife. She may be as indolent as Scarlet O'Hara, but in the eyes of the friendly tax collector, she is responsible for half the family income.

This is an expensive myth for the bachelor. Section 2 grants the more affluent married couples of the United States a tax subsidy estimated at close to ten billion dollars a year. In other words, Congress' decision to tax wealthier married couples more lightly than single taxpayers deprives the United States Treasury of that much money each year, and the sum must be made up in higher taxes paid by single taxpayers and others who may not enjoy the blessings of Section 2. It is, in effect, a double penalty.

Congress is probably unaware that its decision to subsidize marriage to the tune of ten billion dollars places America in exclusive and (from Congress' point of view) unpalatable company in the family of nations. Only six other countries tax their unmarried citizens more heavily than their married couples. Of the six, five are totalitarian dictatorships: Russia, three of her satellites and Spain. Only the Netherlands, among democracies, places a tax penalty on being single.

How does the myth of Section 2 operate to save the $12,000-a-year newlywed $370 a year in taxes. While he was blissfully unwed the tax on his $10,000 taxable income amounted to $2190—$910 on the first $5000 and $1280 on the second $5000 (since, under the American system of graduated income-tax rates, the tax bite rises as income increases).

But once connubially joined, he and his wife may file a joint tax return. This has the effect of dividing his $10,000 taxable income into two $5000 parcels, marked HIS and HERS. The tax on each of these parcels is the same: $910; adding them together, the total tax on the $10,000 taxable income is now $1820, instead of his former tax of $2190. Saving: $370. This, together with the $132 saving from the additional personal exemption, means added annual "take-home pay" of $502, or $9.65 a week. This is the equivalent of a $14-a-week raise; for in order to receive an additional $9.65 *after* taxes, the bachelor's before-tax raise would have to amount to a little over $14 ($14.19, to be exact). This would amount to an annual pay increase of $738. If a married man needs to add allure to his thoughts about his wife (or if his eye begins to wander and his mind turns to thoughts of leaving her), he can figure up her capital value. In the case of the $12,000 chap, his wife may be considered an asset worth $16,075; in the sense that this much cash would be required, in a four-percent savings account, to net him an added $643 in before-taxes income, which, in turn, is what he would need in order to realize the after-tax saving of $502 that his wife represents.

Because the tax rate climbs more steeply in the upper ranges, the tax blessings of marriage (and, conversely, the financial penalties of bachelorhood or divorce) increase dramatically as one ascends the ladder of success. At $30,000 of taxable income,

marriage represents about $67 in added weekly take-home pay (and one's wife assumes a capital value of $148,450). At $100,000 of taxable income, Uncle Sam confers a bonus for marriage of $205 a week—over $10,000 a year—in added after-tax spending money, and the capital value of one's wife becomes $711,525. At $200,000 of taxable income, one is living with a million-dollar asset—$1,243,150—for in the 70-percent tax bracket into which one would have ascended, that is the amount of cash needed to yield the additional $49,726 of before-tax income that, in turn, would be required to net the extra $287 a week of added pocket money deriving from marriage.

These tax blessings that descend upon a happy couple the instant they are pronounced man and wife have frequently been called Uncle Sam's dowry. But the financial aspects of marriage, American style, differ in one crucial respect from the European version. The Continental dowry is a one-time affair, whereas kindly, munificent Uncle Sam renews his gift annually, in ever more generous amounts as the prosperity of the couple increases.

Some pious souls have charged that Section 2 and its income-splitting myth are an essential bulwark of marriage and that its repeal would encourage cohabitation, concubinage and other moral atrocities. But the facts indicate that the institution of matrimony does not lean on such a frail reed. This is because Section 2 not only discriminates against single taxpayers, it also discriminates cruelly among various married couples—heaping generous but little-needed benefits upon the affluent, while largely or wholly excluding the majority of young newlyweds who most need tax relief to support the added expenses of married life. They are excluded because the splitting of a couple's income results in tax savings only when it helps bring heavily taxed high-bracket dollars down into lower tax brackets. But if all of a couple's income is either nontaxable (because of personal exemptions and deductions) or in the lowest tax bracket anyway, splitting it in half saves little or nothing. This is true for every family of four with an annual income of less than $3400, which includes roughly one fifth of all joint-return filers. For a family of four with an income of $5400—about one third of all joint-return filers—Section 2 adds just about 80 cents a week on the family grocery budget. Despite the absence of tax incentives, great numbers of these people still marry, giving the lie to the argument that marriage needs tax support to keep it from dying out altogether.

The tax benefits from income splitting also represent a ludicrous distortion of the *real* costs of married life, which begin to be felt far more acutely with the advent of offspring. For a bachelor with a taxable income of $25,000, the taking of a bride brings a tax saving of $2726, whereas the arrival of each child wins a tax abatement only about one tenth as large ($208). At the $100,000 level, the comparative savings are even more absurd: $10,310 at the time of the wedding and only $372 for each child.

Even the doubling of the personal exemption that accompanies matrimony discriminates unfairly against the unmarried taxpayer, since it seems to assume that connubial life is twice as expensive as single existence. The costs of both, however, have been minutely studied, revealing that, on the average, couples live on a budget about one third larger than that of a bachelor—not twice as large, as the tax laws assume.

One factor in this less-than-reasonable cost differential is that a married man is usually spared the bachelor's expense of paying a maid to do the housework. Thus, if the bride renders maid service that used to cost the bachelor $30 a week, she is, in effect, earning the maid's former salary. But the kindly Internal Revenue Service does not count these "earnings" as part of the couple's income.

Bachelors and bachelor girls who tend toward acute paranoia may imagine that this conspiracy against them is the conscious policy decision of Congressmen and Senators, 94 percent of whom are married. But those made anxious by such a thought may be soothed in the knowledge that the discriminatory Section 2 and its income-splitting feature, like so many other examples of tax legislation, was dictated by political convenience rather than by deliberate policy.

Ironically enough, the deed was done in the name of *ending* tax discrimination. Prior to 1948, married couples in eight states were blissfully and exclusively enjoying the tax advantages of income splitting, because under the community-property laws in their states, half of each couple's property legally belonged to the wife. The legislatures of other states, pained at seeing their residents discriminated against in their Federal income taxes, began enacting their own community-property laws. Congressional action was necessary to prevent an epidemic.

Conveniently enough, the 1948 community-property uproar happened to coincide with a political stalemate in Congress. The Republicans, in the majority for the first time in 16 years, had promised substantial tax reductions for middle and upper-bracket taxpayers; but their first two attempts, in 1947, had so blatantly favored the rich that President Truman had successfully vetoed them. The community-property problem provided the magic answer, for its solution—spreading the blessings of income splitting to married couples in all states—not only conferred far handsomer tax blessings on the affluent than the earlier, less subtle G.O.P. measures; it also carried the eminently respectable label of a "tax reform."

And so Congress ended one discrimination, in the way two groups of states taxed married couples; but in so doing, it created a new and far more serious discrimination: between the married and the unmarried in *all* states. While this new law worked to the great disadvantage of bachelors, there could be little doubt as to who profited most from it: 97 percent of the benefits went to the top five percent of the married taxpayers; while at the bottom of the economic pyramid, 80 percent of all married couples were completely denied the benefits of income splitting. So lopsided were its effects that Couple A, with 20 times the income of Couple B, could enjoy 319 times as much tax benefit.

Congress was so eager to seize upon this "tax-reform" solution to its political deadlock that income splitting was adopted with virtually no debate. But it soon became clear that Congress, in the process, had unwittingly discriminated against a large group of taxpayers: the single people who were obliged to support expensively dependent relatives and whose living costs were clearly equal to those of bridegrooms. And so, in 1951, Congress sought to right the wrong, by conferring half the benefits of income splitting on so-called heads of households—unmarried taxpayers who support their parents or whose dependent relatives live with them.

Some observe irreverently that a sponging relative is a vastly greater expense than an eager new bride and that Congress was niggardly in bestowing only half the blessings of marital income splitting upon heads of households. But there is an even more fundamental objection: Like the marital provision, the head-of-household tax concession confers the greatest benefits on the wealthiest taxpayers, while withholding benefits from the most sorely pressed, low-bracket taxpayers. Moreover, no income-splitting tax concession whatever is granted to the bachelor obliged to support his aged aunt (or any relative other than a parent) in, say, a nursing home, rather than in his own apartment.

Income splitting is the grossest of the tax discriminations against single persons, but there are other tax advantages that accrue to the married. A minor one is that the tax-deductible expenses of two persons are combined on one tax return. If, for example, both members of the marital combo invest in the stock market, the wife's capital losses may serve to offset the husband's capital gains—or vice versa. And if a bachelor's medical deductions fall just shy of the three-percent-of-income floor for deductibility, when he takes a bride, *all* of her medical deductions are deductible. Married couples also have the privilege of conferring on any favored friend or relative tax-free gifts up to $6000 per year, contrasted with a paltry $3000 tax-free-gift privilege for bachelors and single girls—a tax concession that is bound to bring cries of joy from fully four ten-thousandths of one percent of all who read these words.

Moreover, any unmarried man who feels his demise is close at hand should lose no time in securing a wife. He can leave half his worldly goods to her free of any estate tax; whereas, if he remains a bachelor, there is no one—not even his sainted mother—to whom he can make such a tax-free bequest. Even though the funds he lovingly leaves to his wife become subject to an estate tax upon *her* demise, the effect in death, as in life, is to split his hypothetical estate of $10,000,000 into two $5,000,000 parcels—half taxable at the husband's death and half at his wife's. The tax saving, in this instance, is $1,000,000. Moreover, if the wife had not been able to receive that $5,000,000 tax-free at the time of her husband's death, an added tax of $3,500,000 would have gone to the U.S. Treasury; but under the kindly estate-tax laws, that $3,500,000 is permitted to remain in the wife's mattress (or in her investment portfolio) as long as she lives. Assuming she survives her husband for ten years and earns only a paltry four percent on her money, this delay alone comes to be worth at least about $1,400,000.

Also nestled in the tax laws is a cluster of blessings that attach to the happy state of home ownership. While home ownership does not automatically accompany marriage and while it is certainly not barred to bachelors, the fact is that for most bachelors, it's not worth the effort. The homeowner sacrifices his freedom of mobility. This is a great deal for a bachelor to give up, but the married man—at least in the eyes of the bachelor—has already lost it and has little left to lose. Married persons receive 93 percent of Federal Housing Authority home mortgages.

To understand the tax advantages of home ownership, consider, for a moment, the example of two gentlemen, A and B, renting apartments at $200 a month, or $2400 a year. Suppose that at the same instant, each of them comes into a modest inheritance of $25,000. A, a bachelor who is happy in his in-town pad and does not need or want the bother of owning a home in the suburbs, invests his $25,000 conservatively in the stock market and realizes a four-percent return, or $1,000. This, of course, is added to his taxable income and, in his tax bracket, he must pay an additional $320 in taxes.

B, a new bridegroom whose union will soon bear issue, invests his $25,000 in the purchase of a handsome $50,000 house and moves out of his apartment. His return on his $25,000 lies in no longer having to pay $2400 a year in rent. True, as a homeowner, after the various tax write-offs he's entitled to, he still has to pay about $1700 a year on the mortgage; but compared with the $2400 rent he had been paying, he is still $700 ahead. Although A earned $1000, he had to claim this amount as income and paid $320 tax, for a

net income of $680. But B's $700 appeared nowhere on his tax return.

This anomaly may become clearer by imagining that B's company sends him abroad for a year and he rents out his house while he is away. The rental income he receives while he is gone is clearly an income return on his investment—and, indeed, he must pay taxes on it. But the minute he moves back into the house—the same structure, worth precisely the same amount and capable of commanding the same rent—the dollar yield from this valuable piece of property vanishes, as far as the tax collectors are concerned.

But the generosity—or, more accurately, the schizophrenia—of the tax collectors extends even further. Consider, again, the example of B renting out his house for a year; clearly, his mortgage-interest and real-estate-tax expenses are outlays necessary to maintain the house and realize his rental income and, as such, are quite naturally tax-deductible, as all business expenses are. When he moves back into his house and the Government stops treating his home as an income-yielding investment, it would be logical for the IRS to cease treating mortgage-interest and property-tax outlays as deductible expenses. But, as is so often the case, the ways of the Government are not logical; these deductions are part and parcel of the tax perquisites of a homeowner. He's allowed the deductions as if his home were an investment. Heads, he wins; tails, the tax collectors and the Government—and other taxpayers—lose.

These deductions are sizable, both on an individual and on a national basis. For taxpayer B, for example, with $10,000 of taxable income, his mortgage interest means a tax deduction of $1500 and a tax saving of about $330 a year; and his real-estate taxes represent a further $700 deduction and a $154 tax saving. This is why his actual cost of maintaining the house is so low. Taxpayer A, who still rents an apartment, is also paying for taxes and mortgage interest on his apartment building—these are part of the $2400 rental payments he makes each year. But he gets no tax deduction for his outlay. That happy privilege goes to the owner of the building.

On a national basis, the discrimination between renters and homeowners is massive. In 1960, homeowners enjoyed a tax-free net return on their investments totaling an estimated 6.8 billion dollars. The cost to the Treasury (meaning the cost to the nonhomeowners who had to pay higher taxes as a result): 1.2 billion dollars. In addition, in 1960, homeowners were able to take property-tax deductions on 6.6 billion dollars of mortgage interest and 5.9 billion dollars of property taxes. Cost to the Treasury (i.e., to nonhome-owning taxpayers): 2 billion dollars. So, all told, the tax advantages of home ownership carry a 3.2-billion-dollar price tag, all of which must be made up by other taxpayers.

There have been some attempts, of late, in Congress and elsewhere, to ease the discriminatory treatment of unmarried taxpayers. Essentially, there are two ways to lessen or eliminate a tax discrimination. One is to end the preference enjoyed by the favored group. But this involves the risk of political retaliation by those who have grown accustomed to the benefits of discrimination. So Congress has traditionally shunned this method, preferring, instead, the more painless method of broadening the favored treatment to include those to whom it is presently denied.

The current legislative efforts on behalf of the unmarried are no exception. They are reflected in measures introduced last year by Democratic Senator Eugene McCarthy and 12 of his Senate colleagues and by Republican Congressman Theodore Kupferman in the House of Representatives. But even these proposals fall far short of what most bachelors would consider an equitable solution, since they would simply extend the tax privileges of heads of households to all single persons over the age of 35, including the divorced, the legally separated and the widowed. The eligibility requirement is debatable, but far from arduous: All that an over-35 unmarried person must do is "maintain his own household as his home."

According to Senator McCarthy, this legislation would benefit about 18,000,000 people—of whom 13,000,000 are women. Since married taxpayers would continue to enjoy their advantages, the McCarthy-Kupferman legislation would be entirely painless—except, perhaps, for those entrusted with trying to balance the Federal budget. To them would fall the unhappy task of finding a way to make up for the estimated $300,000,000 that the McCarthy-Kupferman measures would cost the U.S. Treasury. Assuming no other tax legislation, the burden would fall most heavily on single persons under 35—though they, in turn, would get their reward, when they crossed the magic age barrier.

In their compassionate concern for the plight of the over-35 unmarrieds. The sponsors of this legislation omit any mention in their press releases to constituents of this $300,000,000 price tag. This group is deserving of tax relief, reasons Congressman Kupferman, because it is usually the burden of supporting a dependent relative, during the prime marrying years, that keeps a person from snagging a mate—or getting snagged—prior to reaching 35. By the time this financial obligation is reduced or terminated, the single person has often, in the Congressman's tactful words, "reached the age at which his or her marriage prospects are not encouraging." Even so, says Representative Kupferman, such a person usually maintains living accommodations similar to either a head of household or a childless married couple, who enjoy, respectively, either half or all of the tax rewards of income splitting. Moreover, Kupferman says, the demands on over-35 unmarrieds "to provide for their future financial security are, in many cases, more pressing than in the case of other individuals who receive more favorable tax treatment." Ergo, he says, spread the tax blessing.

Senator McCarthy paints an even more public-spirited picture of the unmaried taxpayers over 35. "Often at this age," he says, "they are expected to—and do—make special contributions for the support of relatives and for social and civil welfare." Moreover, they are generally required, "because of their occupation, their place in society, or simply for the sake of decency and convenience in living," to maintain a household of their own; and the expenses thus imposed upon them by society should be acknowledged in our tax laws.

To help garner support for Congressman Kupferman's bill, an organization has been formed that should at least win the hearts of those who admire imaginative or far-fetched acronyms. It is called SIT-UP—which stands for Single Individuals' Tax Unification Program.

In bold-face capital letters, its literature implores unmarried taxpayers: "JUST DON'T SIT THERE—SIT-UP RIGHT NOW!" Sitting up consists of signing and circulating petitions to the House Ways and Means Committee (where all tax measures must originate) requesting that group to give Kupferman's bill "immediate consideration and approval and submission to the House of Representatives for approval." Thus far, SIT-UP's co-founder, Roy Morser, says, 20,000 persons have "sat up" and signed petitions to the House Ways and Means Committee. To date, the Committee has yet to respond.

In the shadow of an impending Presidential election, the U.S. Treasury Department has also been thunderingly silent about this bill. The chances are slim, however, that the Treasury will agree with Congressman Kupferman's characterization of the measure as a "tax-*reform* bill," since it would further weaken a tax system that is already so riddled with special exemptions, exclusions and deductions that over half of all personal income escapes taxation entirely—and much of the remaining half is taxed at preferential rates.

To a tax expert such as Joseph A Pechman of the prestigious Brookings Institution in Washington, the discrimination against single taxpayers is a serious matter; but so is the progressive "erosion" of the tax system. Pechman's solution to the single-versus-married-taxpayer problem is just the opposite to that of Congress: He proposes that instead of extending the unwarranted benefits of income splitting to more people, the discrimination should be ended by eliminating the principal tax favor—income splitting—now enjoyed by married people. (Pechman qualifies as an objective commentator, being a married man himself; in fact, he once told a Congressional committee that his views on marital income splitting not only did not represent the views of his employer but did not necessarily reflect those of his wife.)

Pechman's proposal would, if enacted, add a whopping ten billion dollars to Federal revenues—more than President Johnson was seeking with his 1967 ten-percent-surtax proposal. (Incidentally, if the tax surcharge eventually goes through, it will simply increase the discrimination against single taxpayers.)

The Pechman suggestion often provokes the outcry that it would merely revive the pre-1948 interstate discrimination and set off another epidemic of state community-property laws. But Pechman, an ingenious fellow, has devised a formula that circumvents this problem and equalizes taxation not only of the single and the married but also of the married in the two different groups of states. Under Pechman's plan, couples filing joint returns would pay the same rates as single persons; and those filing separate returns (as the community-property residents did prior to 1948, in order to get the benefits of income splitting) would be subject to a separate rate schedule whose net effect would be to permit the income splitting required of married couples in community-property states—but then to turn around and take away the tax advantages.

Such a move would eliminate the principal discrimination against single taxpayers, but would retain the lesser inequity of doubling the personal exemption at marriage. Pechman and others believe that the $600 personal exemption for the single person is outrageously and anachronistically low. It has remained unchanged for 20 years, during which the cost of living has increased 35 percent. Thus, in terms of what it will buy, the $600 exemption, enacted in 1948, has shrunk to only $444. But increasing the personal exemption across the board makes heavy inroads into Federal revenues (an $800 exemption would cost 5.5 billion dollars), a step unfavorably regarded at a time of heavy war and defense spending. Its chances of enactment are slim.

This account of the several tax discriminations against the unmarried may prompt those who prefer bachelorhood to conclude that there is no way for them to beat the tax game other than to sacrifice their most deeply held principles and plunge into matrimony.

It is true that to enjoy the tax comforts of income splitting, one must resort to the rash extreme of marriage. Taking a mistress will not do the trick; in fact, in almost all jurisdictions in which extramarital cohabitation is illegal, it will not even qualify the generous male for

an extra $600 exemption. Still, even the most dedicated bachelor can take comfort in the knowledge that the ways of perfectly legal tax avoidance are not only devious, they are, thanks to Congress' generosity, many. If there exists a bachelor with enough means to be suffering from high taxes who has not already availed himself of the services of a tax attorney or a tax accountant, let him run, not walk, to the nearest expert. Let him be guided through the tax joys of oil investments (which permitted one oil tycoon to enjoy over $2,000,000 of income each year for 14 years *and never pay a penny in taxes*), or of putting his money into tax-free state and local bonds (which put auto heiress Mrs. Horace Dodge in a position to enjoy over $1,500,000 of income annually, without even having to file a tax return), or of having part of his salary paid in stock options (which put IBM's Thomas Watson in a position to realize a $1,882,000 profit, taxable at no more than 25 percent, for a tax saving of close to $1,000,000). Or, perhaps, if this bachelor is wealthy enough and influential enough and knows the right tax lawyer–lobbyist, he might even have a special provision of the tax law written for him (as movie magnate Louis B. Mayer did, for a tax saving of roughly $2,000,000).

While from time to time a few of the joyous paths of tax avoidance have been closed off or narrowed, over the years Congress has shown a far greater preference for broadening the avenues of escape or for open-up new ones.

In the case of income splitting, the chances are that when Congress does get around to dealing with this gross discrimination against single taxpayers, it will not be Pechman's preference-removing stratagem that will get the nod but something along the lines of the benefit-spreading tack taken by Senator McCarthy and Congressman Kupferman, though ideally, spreading the benefits to *all* single people, not just to those over 35. It really comes down to a matter of simple political arithmetic: The voters among the married couples, basking in the warmth of income splitting, outnumber by four to one the single folks who stand naked and shivering under the icy blasts of the normal tax rates. In terms of practical politics, there is only one way the unmarried can be relieved of the discriminations they endure: Bring them in out of the cold.

TAXES AND THE SINGLE PERSON

(By Donald A. Colburn)

It's that time of year again; the dreaded April filing date approaches. If you're fed up with taxes—and if the option is still available to you—you might consider getting married. And if the prospect of matrimony drives you back to liking, or at least tolerating taxes, then ponder the following:

Singles pay up to 20 per cent higher taxes than marrieds living on the same income.

If your taxable income for 1971 was $10,000 and you're single, your federal income tax amounts to $1,596. With the same income a married couple filing jointly (regardless of how many children they have) owes the IRS $339 less.

With a taxable income of $25,000, the difference is $1,097.

And if you're lucky enough to be earning $100,000 a year, and still have the gall to worry about such things, you can save an additional $6,874 by taking a spouse.

These differences result from a quirk in the law which enables a married couple to split their total income and pay taxes as if each spouse had earned exactly half of it. Such income-splitting saves married taxpayers, or penalizes single taxpayers, $1.6 billion annually.

But if you despair of both taxes and marriage, your best hope is to join a mounting crusade by single taxpayers to get Congress to change the law. Spearheading the cause of the nation's 30 million single taxpayers is a non-partisan group called CO$T, founded last summer by Robert Gray, a bachelor who was Secretary of the Cabinet in the Eisenhower administration. Former Senators Eugene McCarthy of Minnesota and George Murphy of California act as cochairmen of CO$T, whose ultimate goal is an equal tax base for all individuals regardless of their marital status.

The congressional sanctioning of income splitting by married couples for tax purposes began nearly 25 years ago almost by accident. Before World War II eight states had community property laws which treated a couple's income and property as though they were equally divided between husband and wife. When the Supreme Court ruled that couples in these states could divide their income and file separate U.S. tax returns, other states began to pass similar laws to give their residents this tax break. Finally, in 1948, Congress decided to "solve" the problem. But instead of abolishing income splitting, Congress made it a national practice; and singles, especially the wealthy singles, have borne the burden ever since.

SINGLE SUPPORTERS

Proponents of income splitting argue that a couple cannot live as inexpensively as one person and therefore should be taxed less heavily. CO$T and other advocates of an equal tax base for all individuals, however, point out that the major beneficiaries of income splitting are not the poor, but the rich. And the heaviest expense of marriage is usually child-raising, but income splitting benefits equally couples with a dozen children and those with none. Furthermore, many "single" taxpayers—the so-called "heads of households"—have to support children, grandchildren, dependent parents or relatives without the full benefits of income splitting. For example, a divorcee or widow with dependent children is not allowed the full benefits of income splitting, while a married couple with children is.

Until 1969 single taxpayers paid up to 41 per cent greater taxes than married people with the same taxable income. The Tax Reform Act of 1969 reduced, but did not abolish, the inequity. Under present law, singles pay up to 20 per cent higher taxes on the same income as income-splitting marrieds.

NEW BILLS PENDING

Two bills now before the Congress would wipe out the discrepancy entirely: H.R. 850, introduced by Rep. Ed. Koch, D.–N.Y., and co-sponsored by over a hundred House members; and the corresponding Senate bill, S. 869, introduced by Sen. Abraham Ribicoff, D.–Conn. Each bill proposes "to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns."

While both the Koch and Ribicoff bills were mired in committee, last November Sen. Robert Packwood, D.–Ore., introduced an amendment to the same effect during floor debate on President Nixon's tax bill. Packwood told his Senate colleagues: "Our present law says to a perfectly rational 20- or 25-year-old man or woman, 'Get married and we will give you an economic tax break. Don't stay single. As a single person you are a detriment to society. So we're going to give you a surtax and penalize you.'" But Sen Russell Long, D.–La., said Packwood's amendment was unjustifiable "unless one wants to contend that we ought to denounce the institution of marriage and encourage people not to marry and not to have their children born in holy wedlock." Packwood responded that he hoped there was a "stronger bond to induce people to marry than the fact that tax policies might encourage them to do so."

The Packwood amendment lost, 55 nays to 41 yeas. All the senators who are now running for the presidency voted for the measure, except Sen. Muskie, who was absent.

Mrs. Patty Cavin, executive director of CO$T, says she is hopeful that Congress will buck tradition and pass an equal tax base bill in this election year. With a growing membership of over 8,000 in its first half year, CO$T is trying to force the issue. For those interested, information can be obtained from CO$T, Inc., Box 1789, Washington, D.C. 20013.

There have been many tax crusaders in America, from those Massachusetts rowdies who dumped British tea in Boston Harbor in 1773, to Vivien Kellems, a 76-year-old Connecticut woman who is still urging irate taxpayers to send their complaints, along with an old teabag and some used coffee grounds, to Congress. Now, with more tact than Sam Adams and more clout than Miss Kellems, CO$T hopes to "liberate" 30 million single taxpayers.

(The following are excerpts from an interview with Mrs. Patty Cavin, executive director of CO$T, Inc. Mrs. Cavin whose husband died suddenly two years ago, has two children.)

Q. Will this kind of taxation be an issue in 1972?

A. Certainly it can be an issue. One of the things CO$T is doing at the moment is, initiating a survey of all the candidates to find out exactly who stands where on the individual income tax department.

Q. Would you consider endorsing a particular candidate?

A. No, we can't do that, because in our bylaws we're non-partisan and we're non-profit. And it's a little difficult with Sen. McCarthy running for the presidency, but we don't endorse Sen. McCarthy. We endorse his views on an equal tax for all individuals, but we do not endorse his campaign. Nor would we endorse Ashbrook or Nixon or Muskie or McGovern or anyone, but we want to know where these candidates stand on the individual tax. Now Hubert Humphrey has come out for an individual tax, and we know where he stands. We've talked to Ashbrook. There's been a lot of talk both pro and con on lowering the individual income tax from the Nixon administration standpoint, but they feel that the 1969 Tax Reform Act was basically a step in that direction, and the general feeling seems to be that there won't be any further individual cuts in 1972.

As you know, it's kind of an established, I think fallacy, that you can't get a tax bill through in an election year. CO$T is out to try and prove that wrong. We feel that perhaps we can get a little tax help because it is an election year.

Now we have spent a little time with Mr. Mills, and as I said I cannot announce it—I will believe it when I see it—but there is some reason to feel that there will be hearings on the Koch bill within the next month and a half. So, you know, we're getting there. It's a slow, plodding process, but it's terribly exciting when you get a change. But we know that Wilbur Mills is not against us. If he were against us, we'd have to go out and start again.

Q. Is this argument—that granting income splitting benefits to single people would be an incentive to "live in sin"—one that you seriously have to deal with?

A. We don't take it seriously.

Q. But do the congressmen take it seriously? In other words, is it something you have to work against?

A. Well, it's kind of like taxi fares. You know, for years the taxi fares have not been raised in the District of Columbia, the reason being, everyone says, that the Congress does not want to have to pay a meter fare between the Capitol and, let's say, the Metropolitan Club or the Cosmos Club or their own home and what have you. And basi-

cally, that's pretty much the same situation when you use this old marital bit—that, you know, tee-hee, if we have this equal tax base for all individuals, nobody will get married. That's ridiculous. But I think it's the Congressman or the Senator whose salary is taxed, whose wife doesn't work, and who gets the full advantage of income splitting. It's the same thing as the taxi fares. So you certainly take every cognizance of the argument, and you fight it if you have to. But I don't see how any thinking individual who is at all in tune with inequities and injustice could possibly take that kind of an argument seriously. But they do.

Q. Do your operating funds come mostly from these ten-dollar memberships?

A. They do entirely. Our angel and the founder of CO$T is Bob Gray and he has put a lot of money into CO$T. We hope that eventually we'll be able to reimburse him a little. But in the meantime there are only two paid members of the CO$T staff. You can't start a national organization on a shoe string. And our money is used mostly for . . . I would say 96 percent of the money that comes in from across the country is used for printing, postage, and brochures.

We're doing as much with volunteers as possible. We have a corps of about 25 volunteers who work regularly with us here in Washington, and a potential of, I would say, a couple of thousand volunteers. We have volunteer chairmen in key cities, and they have in turn their own organizations.

Q. So you don't have any full time lobbyist as such?

A. Well, you can count both Bob Gray and Sen. Murphy as lobbyists if you wish. And they both do CO$T duty. But they are not getting paid for it.

Q. Do you have any difficulty trying to make taxation per se an issue? That is, do you find that its too bound up with other issues, such as how the Federal revenues are going to be spent, or the economy?

A. No. We find that taxation is a highly personal issue, and that people who are normally extremely calm get wild-eyed over taxes. We find, in states like California for instance, or Washington, but particularly in California where there is a high state income tax plus a high national income tax, that people are practically foaming at the mouth. They are worried, of course, about the fact that they are subsidizing schools in their own states. They're subsidizing parks, they're subsidizing all sorts of things that they as individuals aren't really . . . you know, why should they pay for their neighbor's family's schooling? But that basically is the way its handled, and that's more or less a local issue.

But we don't find that it's bound up in a lot of red tape and national issues and how it's going to be spent. We find it's a very personal item, and we find that the individual taxpayer is tired of being ignored.

Many of them have written letters to their senators and their congressmen for years, and nothing has happened, and that's what makes us feel that there is a place for us in Washington. We need to rally this group and make them from the silent majority into a major power group which can command action.

Q. Do you find that you get more response among the poor, the middle income people, the wealthy or is it across the board?

A. It's kind of across the board. It's a little hard to find out what their incomes are, because . . . our membership blank is pretty impersonal.

On the whole, the people that take time to send us money and sit down and write a letter about their particular beef are, I would say, upper middle class. We got a lot of, you know, "sock it to 'em! Right on!" and that sort of stuff scribbled on plain old paper, sometimes wrapping paper, so you know that you're hitting on all levels. By and large, the people who really correspond with us and have written in to us and have asked for information and have sent lists and what have you, have written highly intelligent letters.

Q. As I understand it, you support equitable taxation for all single taxpayers . . .

A. For all individuals. We don't care whether they're single or married. We want an equal tax base for all individuals, and the best way I can equate that is, for instance: You are marketing for the week and you go to Giant. You check out with your $76 dollars worth of groceries in three bags. Does the cashier stop and ask you if you are a bachelor, a spinster, a widow, married, or what? You pay the same tax on your food as the guy behind you or the gal in front of you. And that's the way we feel it ought to be on income taxes, that it should be an equal tax base for all individuals, that the only fair tax is a tax based on income. We're not trying to take away deductions.

Q. That's what I wanted to ask you.

A. No. We're not trying to take away deductions at all. Let the deductions come as they are warranted. We don't want to take away the children deductions or the mother who lives with a family and is totally dependent on the family. Not at all. We just want to be sure that each taxpayer pays an equal tax on income. And why should it be graded because he's married, or he's single or he's widowed.

Q. But it should be graded in terms of his income?

A. Of his income. Exactly. We're not trying to discriminate against anybody. We think there should be an equal tax for all individuals.

[From The Arizona Daily Star, Sept. 25, 1972]

INEQUITY SHOULD END

Single persons—those who have never married, the widowed and the divorced—have a legitimate complaint about the federal income tax system. They, as a group comprising about 30 million taxpayers, pay higher rates than married persons earnings comparable incomes.

Leaders of this group who have become more and more disturbed about the inequity have formed an organization to fight in and lobby on Capitol Hill for a change in the laws. The Committee for Single Taxpayers (CO$T) is a non-partisan, non-profit organization whose purpose is to exert pressure in Washington and speak for the single taxpayer.

CO$T has worked with the House Ways and Means committee on a new plan for single taxpayers. On the Senate side, a new single taxpayer's amendment will be cosponsored by Sen. Bob Packwood of Oregon and Sen. Walter F. Mondale of Montana.

With the persistence of such an organization there is hope that the single taxpayer, in the not too distant future, will shoulder a lesser, more equitable share of the national income tax burden.

[From Singles/Mingles, October 1972]

CO$T FIGHTS FOR THE SINGLE TAXPAYER

We are living in an age and time where discrimination in any form is being fought. Yet, there are more than 30 million Americans who are being discriminated against, and who are treated like second-class citizens. They are the single people of this great nation, who pay federal taxes as single individuals.

Our federal tax laws recognize special tax problems of the poor, the elderly, the oil-well owner and the real estate investor—but they discriminate against the bachelor, the unmarried woman, the widow or widower and the divorcees.

Our tax laws grant special privileges to the married, whether or not married couples have responsibilities comparable to some persons who pay taxes as individuals.

Over a working lifetime such rate inequities can cost an individual tens of thousands of dollars worth of earnings.

These inequities have been built into the federal tax system for years. Sporadic efforts to make corrections have been made, but there has been no concerted, persistent movement to see that fair treatment for the single individual is written into law! That is until recently.

CO$T, an organization of concerned citizens has begun to fight back. CO$T, which means, Committee for Single Taxpayers, was founded in Washington, D.C., by Robert Gray, and has on its advisory board two former United States Senators who have long fought for the inequities of the single taxpayer. Former Senator Eugene J. McCarthy of Minnesota and George Murphy of California.

Since their inception, they have labored hard for a new plan for single taxpayers within the Ways and Means Committee of the House of Representatives, and further legislative insurance in the form of a New Single Taxpayer Amendment.

CO$T, a nonprofit, nonpartisan organization has concentrated, with some success, on the powerful Ways and Means Committee, of which Senator Wilbur Mills is the Chairman.

Senator Mills is personally sympathetic to the plight of the single taxpayer and the double-income marrieds, but faces opposition from within his committee. Administration supporters there feel single tax equity is much too costly now and should wait until next year's proposed major tax reform. As one member put it, "The Committee seems just not ready yet to eliminate the family as a unit!"

CO$T has been quietly calling on key members of the Ways & Means Committee to determine their hangups, explain their position and enlist their support for no-compromise single tax equity.

A new 50% plan, a compromise of the original Koch Bill (which leaves out the double-income marrieds) has developed from these meetings. One version currently under study would grant single taxpayers and heads of households 50% of the benefits of married couples filing joint returns the first year it takes effect. The initial cost to the government would be 800 million dollars, with complete equity granted the second year for a total price tag of 1.6 billion dollars.

Mr. Mills is optimistic that this plan will be reported out of Committee. If and when it hits the floor, CO$T can report growing support for the single taxpayer within the House of Representatives as evidenced by the Koch Bill co-sponsors who now number 181.

On the Senate side, action is also brewing. CO$T has been conferring with Oregon's Senator Bob Packwood and with Connecticut's Senator Abraham Ribicoff. At CO$T instigation Senator Packwood agreed to ready a new Single Taxpayer Amendment to tack on to any viable legislation that might come through the Senate these final days of the 92nd second session, in case of no further action from the House side.

Both the Democratic and Republican Platform Committees heard CO$T's message but took no visible action.

CO$T has been waging a long and lonely battle for the single taxpayer, to succeed, they need grass roots support on the letter writing front single taxpayers to their elected representatives and to members of the Ways & Means Committee. They are also in need of financial support, and Singles/Mingles urges its members to join CO$T's fight.

We also urge all single people to write to their representative NOW, and stress your voice as a minority that wants equal tax action from the Ways and Means Committee THIS YEAR. Put it in your own words, and try to get your letters there before the 92nd Session is over. Remember, elected officials

take greater notice of minority issues and major inequities in an election year! And when going to the polls in November, you can exercise your power by voting against anyone who has not taken a positive stand on behalf of the single taxpayer.

[From the Chattanooga Times, Mar. 12, 1972]

ASKS BREAK FOR SINGLES

As state chairman for CO$T, Inc., the Washington-based Committee of Single Taxpayers, may I through the medium of your editorial page discuss some of the aspects of the 1969 Tax Reform Law as it pertains to single taxpayers. Apparently, there is now a misunderstanding that single people are being given a better tax break and that under this law it would be more economical to "live more prosperously in sin,"—so to speak. Actually, this is not a new inequity placed against married couples but people in this category are simply feeling a small part of the tax burden we singles have carried for years. While we now pay 20 per cent more than joint-filing marrieds (even though one's household expenses may be about the same), until the 1969 Tax Law we paid up to 40 per cent more. A married couple can elect to file either as an individual or jointly whichever works to their best advantage, whereas a single taxpayer must file simply as such though in most instances they are "heads of a household" also.

Many single householders' expenses are way up close to that of a married couple but there are two incomes in the latter to meet expenses. Auto insurance is the same whether there are one or two drivers; that auto cost as much for one person as for two; garbage fee is the same; homeowners insurance is the same; fire protection is the same; upkeep and maintenance is the same for one as for two on one's dwelling; utilities are not very much more for two than for one (the dwelling or apartment has to be heated whether one or two live therein; also cooled in the summer); an apartment that will accommodate two rather than one is very little more in rental and, even so, your single person needs an extra bedroom just as much as a couple; possibly there are houses built with the individual in mind but where; it is difficult to prepare food for one at just half what it cost for two, etc., etc.

CO$T in no way wishes married couples to have less of a tax break; we simply believe in a fair tax treatment for the single "head of household" for that is what we are unless of such a young age as to be living still with parents. Present laws compute separate rates for married and single individuals—all earning the same income—and levy penalties up to 20 per cent higher for single individuals. Married couples are really objecting to the fact that the new 1969 tax law does not continue to give them a big advantage over the single head of households—but should it? There are two incomes to support that one household, in many instances.

If any of your single, widow or widower, married or divorced readers are interested in a fair tax treatment, please contact the nonprofit, nonpartisan organization CO$T, P.O. Box 1789, Washington, D.C. 20013. This organization is cochairmaned by former Senators George Murphy and Eugene McCarthy and is working for a fair tax structure for everyone—single and married alike. We need and solicit your support.

D. MOYERS.

[From the Ocean County (N.J.) Reporter, Apr. 12, 1972]

TAX REFORM

TO THE EDITOR: April 15th draws near and again the single taxpayer has his income taxed at a rate up to 20 per cent higher than others with the same taxable income. This is unconstitutional because the 16th amendment gave Congress the Power to "tax income" not people.

Why should the nation's 30 million bachelors, spinsters, widows and widowers, and divorced people have to foot an undue share of the federal tab?

Prior to the 1969 Tax Reform Act all single taxpayers were required to pay up to 40 per cent more than their counterparts even though their single expenses (household, car insurance, etc.) were approximately the same. Since this tax reform singles can NOW only be taxed up to 20 per cent more than their married friends.

To end this unfair treatment you can join the crusade for tax equity launched by CO$T, Inc. (Committee of Single Taxpayers), the non-profit, non-partisan organization which recognizes that a national campaign to equalize our tax laws is necessary if unfair taxation is to end.

CO$T has an advisory board co-chaired by two former United States senators, Eugene J. McCarthy of Minnesota and George Murphy of California. It is enlisting support from every walk of American life. CO$T supports legislation introduced by Rep. Edward I. Koch and Sen. Abraham Ribicoff to tax single persons at the same rate as married couples, and it plans to do more—to seek out and change other inequities.

If you believe in fair tax treatment send a note or postcard to CO$T, Inc., P.O. Box 1789, Washington, D.C., 20015, and they'll send you further information.

GERTRUDE LA PLACA,
Lakewood.

[From Singles Critique, Sept. 1, 1972]

CO$T CARES FOR THE SINGLES

Long a focal point of the local social scene, the Washington, D.C., townhouse of Patty Burwell Cavin, '47, has become the hub of even greater activity in recent months. The first floor has been turned into the national headquarters of the Committee of Single Taxpayer (CO$T), and she is the budding organization's executive director.

Widowed less than two years ago, she lent a more than sympathetic ear when Robert Keith Gray, a bachelor who served as secretary of the Cabinet in the Eisenhower Administration, began delineating the ways in which the income tax discriminates against those who file singly—be they bachelors, spinsters, widows, widowers, the divorced, or the married who file singly. They then contacted former Senators Eugene McCarthy and George Murphy, who lent their support as co-chairmen of the advisory committee and the non-profit organization was launched last August.

Patty's background in public relations and journalism (she is former PR director of RCA in Washington, women's director of the NBC radio outlet in the capital, and fashion and beauty editor of the Times-Herald) was put to work, and the eight syndicated columns telling the CO$T story have resulted in a response from more than 15,000 individual taxpayers. The word is also being spread on Capitol Hill, where CO$T is actively supporting H.R. 850 and S. 869, both of which would "extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns." Though some of the bills' enthusiasts have tried the gimmick of sending used tea bags to members of Congress (instead of dumping tea in the Boston Harbor), Mrs. Cavin says that CO$T frowns upon this. "We feel our full-time representation of the individual taxpayer will be more effective."

Though the discriminatory income tax, which may vary as much as 20 percent, the immediate target, CO$T may well zero in on a host of other inequities—social security, credit, etc.—suffered by the individual taxpayer.

About 30 million taxpayers in the U.S. are single—the-never-been married, the widowed, the divorced. Increasingly angry about Federal tax laws that force single persons to pay higher rates than married persons earning the same incomes, leaders of this group have formed a new organization to lobby to end discrimination against the unmarried.

CO$T is a non-paritisan, non-profit organization (for Committee of Single Taxpayers), is based in Washington, D.C., (P.O. Box 1789).

Their purpose is to maintain a consistent and persistent pressure in Washington. The single taxpayer's voice has simply not been heard and so we will be that voice, before the committees of Congress and in other public forums. The tax laws have been adjusted to reflect the special problems of other persons who have made their voices heard on Capitol Hill. A group of 30 million Americans is a substantial part of our population and is entitled to tax equity. The right to petition is a basic right which all citizens have and we will make this our mission until we have achieved our goals.

[From the New York Post, Aug. 26, 1971]

THE SINGLE TAXPAYER

(By Sylvia Porter)

About 30 million taxpayers in the U.S. are single—the never-been-married, the widowed, the divorced. Increasingly angry about Federal tax laws that force single persons to pay higher rates than married persons earning the same incomes, leaders of this group have formed a new organization to lobby to end discrimination against the unmarried.

This non-partisan, non-profit organization is called CO$T (for Committee of Single Taxpayers), is based in Washington, D.C., (P.O. Box 1789) and has as co-chairmen of its advisory board two former Senators of widely differing political viewpoints: Eugene J. McCarthy of Minnesota and George Murphy of California. Here is how McCarthy and Murphy explain the problems of single taxpayers and what CO$T intends to do about them.

Q. How much more does a single taxpayer have to pay than a married person with the same income?

A. The penalty can be as high as 20 per cent. For instance, using the standard deduction, a married couple earning $10,000 in 1971 will pay $270 less than a single individual. At $20,000 the difference is $850. At $36,000, the difference is $1,950 in taxes.

Q. What reform legislation is pending now?

A. There are identical bills in both the House and Senate. The Senate bill, introduced by Sen. Ribicoff (D-Conn.), and the House bill, introduced by Rep. Koch (D-N.Y.), would treat single persons on the same basis as married couples for tax purposes. There are 133 co-sponsors of the House bill and hearings are slated before the House Ways and Means Committee this fall.

Q. How do you rank the Tax Reform Act of 1969 on this question?

A. It didn't go far enough. It reduced the difference in tax rates between single and married persons: the differential used to be as high as 42 per cent. The reforms acknowledged that the old rates were confiscatory but they did not really tackle the essential unfairness of a system of separate tax rates.

Q. Where is the major inequity in today's system?

A. It is in the area of income-splitting —which has been part of our tax laws since 1948 and which got into our laws by accident as a result of court rulings that dealt with taxing the earnings of families in com-

munity property states. To achieve some kind of uniformity, Congress wrote into law that all married couples filing joint returns could enjoy the benefits of income-splitting.

This solved a problem for married couples, but it didn't touch the tax burden carried by single citizens. While it is often argued that income-splitting helps married couples finance the costs of bringing up children, the truth is the law gives a couple this benefit whether or not they have children. A widower or divorcee with children to care for has no such tax benefit, even though his or her responsibilities may be equal to that of a married couple with children.

Q. What has been the response so far to CO$T?

A. We're getting letters from all over the country. A single woman in Ohio wrote that she found out how unjust the law was when a clerical error in her office listed her withholding tax under "married" and as a result her taxes were under-withheld to the point where she was hit by a big extra tax bite. A woman who is a physician in North Carolina wrote that she has contributed thousands to help educate young people but has never been able to claim a deduction.

A bachelor professor in Maryland who lives in a house noted that he has virtually the same living expenses as a married couple next door. Another Marylander, with three children, wrote that his tax burden was grossly unjust because the "head of household" schedule does not properly recognize the responsibilities he obviously has.

Q. What does CO$T plan to do to achieve tax reforms?

A. To maintain a consistent and persistent pressure in Washington. The single taxpayer's voice has simply not been heard and so we will be that voice, before the committees of Congress and in other public forums. The tax laws have been adjusted to reflect the special problems of other persons who have made their voices heard on Capitol Hill. A group of 30 million Americans is a substantial part of our population and is entitled to tax equity. The right to petition is a basic right which all citizens have and we will make this our mission until we have achieved our goals.

[From The Christian Science Monitor, July 18, 1972]

ARE YOU PAYING TOO MUCH TAX?

(By Josephine Ripley)

Are you paying income taxes at a higher rate than your next-door neighbor?

You are if you are single—a widow, widower, divorcee, spinster, or bachelor. Or if you are a married couple and both of you work. And if your next-door-neighbor happens to be a married couple, with the wife a nonworking partner.

Your rate of taxation is 40 percent higher than your neighbor's in this case if you are a double-income married couple.

The rate of taxation is 20 percent higher for the singles group.

What can you do about it? Write to your congressman and your senators without delay. You may already have done so, but an extra reminder will not be amiss.

For Congress will be adjourning the session in the fall. Two bills, one in the House of Representatives, and one in the Senate, have been introduced for the purpose of correcting the tax inequity for both groups.

If passage of these bills is put off, they may be lost in the shuffle in the next Congress when a general overhaul of the tax laws is contemplated.

DRIVE IS ON

That is the concern of organizations that represent the singles and the double-income married couples.

The House Ways and Means Committee held hearings last spring on the tax treatment of single persons and married couples where both spouses are working.

Last November a last-minute taxpayer rider for singles was tacked on to the President's tax bill and narrowly defeated, 55 to 41.

Sen. Robert Packwood (R) of Oregon, one of the sponsors of the rider, was gratified by this show of hands and promptly proclaimed, "We'll get it through in '72."

The drive is on and there isn't much time.

How did this all come about? It began in 1948 when Congress passed a law that permitted married couples (with a non-wage-earning wife) to split their income and file jointly. This had the effect of reducing taxation for this favored group.

And it meant that single persons, as a result, were left with a tax rate of some 40 percent higher than married couples who could take advantage of income-splitting.

The 1948 bill was passed by a Republican Congress over President Truman's veto.

Singles battled for tax equality for years until in 1969 Congress passed a bill that revised the tax laws so that a single person would have to pay only 20 percent more than married couples.

TAX EQUALITY SOUGHT

But a funny thing happened to this tax bill on its way through Congress. It partly righted one inequity only to cause another.

It revised the tax laws in such a way that double-income couples could not benefit from income-splitting and therefore were left paying income taxes at a rate 40 percent higher than other married couples.

Now married couples who work have joined the tax revolt. They want tax equality with other married people. They do not want to be penalized because both husband and wife work to support the home.

And singles are not satisfied with what the administration has termed "a reasonable compromise." They don't want a compromise. They want equal treatment on the income-tax form.

The only fair tax is a tax on income, insists Mrs. Patty Cavin, executive director of the Committee on Single Taxpayers, a widow and mother of two children.

Vivien Kellems of Connecticut, who has been protesting the flaws in the laws for years, says that the Constitution does not tax people, "it taxes income."

Miss Kellems is well known as a woman of action. She has a suit pending against the U.S. Internal Revenue Service to recover "what they have taken from me illegally," as she puts it.

LEGISLATIVE EFFORTS

The Committee of Single Taxpayers, commonly known as "CO$T," was organized last year. It is a Washington-based organization (P.O. Box 1789) and headed by well-known Washington "pros."

Two former senators are co-chairmen, Sens. Eugene McCarthy and George Murphy. The chairman is a former Secretary to the Cabinet in the Eisenhower administration, Robert Keith Gray.

It has members all over the U.S. who have contributed a $10 minimum membership to the all-out drive for all-out equity on the income tax tables.

Double-income married couples have joined hands in the National Association of Married Working Couples, with executive director Britten D. Richards, tax attorney, to speak for them. The association is located in Bloomington, Ind.

Congress has before it a bill by Rep. Edward I. Koch (D) of New York (HR 1493). Originally drawn to correct the tax discrimination against single people, it now includes the proposed changes in the law that would also lift the unfair tax burden from double-income married couples.

In the Senate, Senator Packwood is teaming up with Senator Walter Mondale (D) of Minnesota to file similar legislation in a bill or possibly a rider to provide similar relief for both groups.

[From the Christian Science Monitor, Aug. 23, 1971]

SINGLE TAXPAYERS, ARISE!

(By Josephine Ripley)

Washington is full of causes, big and little. But this one, new and largely unheralded as yet, is up and away even before the official lift-off date.

Contributions from all over the country are coming in from single taxpayers eager to join in a battle against unfair taxation.

What these contributors are doing is joining the Committee of Single Taxpayers, Inc. The Committee just has to be called CO$T, and is, except that the correct spelling is CO$T.

Its goal is a membership of 100,000 and the drive will be opened officially in mid-September at a Washington press conference.

CO$T is a nonprofit, nonpartisan organization dedicated to helping establish a uniform tax structure so that single taxpayers will not have to pay a substantially larger tax than a married couple with the same income.

Its formation is just about as secret as the Pentagon papers, and since many people are already joining the outfit, we might as well tell you that the membership fee is $10. You may send it, along with your name, to CO$T, Inc., P.O. Box 1789, Washington, D.C.

LOBBY FOR REVISIONS

The brochures aren't even out yet, but the new committee will support and lobby for a revision of the tax laws to give singles an even break on the income tax schedule.

Founding members of the committee are former Senators Eugene McCarthy (D) of Minnesota and George Murphy (R) of California, Robert Keith Gray, former secretary to the Cabinet in the Eisenhower Administration, and now a public relations executive, and Mrs. Patty Cavin, well-known for her work in radio and television.

For Senator McCarthy the issue is not a new one. He fought for this cause as a member of the Senate Finance Committee and helped promote the reforms embodied in the Tax Reorganization Act of 1969 which improved the situation for single taxpayers to some extent.

He is bound to win votes with this issue if he hits the Presidential campaign trail again, considering the fact that there are some 30,000,000 singles in the country, including widows and widowers, as well as people who are legally separated along with the unmarrieds.

BILLS INTRODUCED

CO$T will not have to start from scratch in its crusade, as bills have been introduced in both the House and Senate to establish parity for the single taxpayer. The committee is backing the legislation.

The House bill, HR 850, has been introduced by Rep. Edward Koch (D) of New York, and the Senate bill by Sen. Abraham Ribicoff (D) of Connecticut.

Technically, these bills would give the single taxpayer the benefits of "income splitting" now allowed to married persons. This would mean that everyone would use the same tax schedule.

"Under the present rate structure," Rep. Koch points out "a divorcee or widow with three dependents, using the head of household schedule, pays taxes at a higher rate than a married couple with no children.

For instance, a single person with an income of $10,000 pays an income tax of about $2,190, while a married couple with the same income would pay about $1,820.

Going up the scale, the disparity is even greater. A single person with an income of

$20,000 would pay in taxes about $6,070, while a married couple would pay about $4,380.

The inequity came about in this fashion, as Rep. Koch explains it: "In the mid-forties several states enacted community property laws which treated a couple's income—even if earned only by one person—as being divided equally between husband and wife.

"This enabled a couple in those states with community property laws to divide their incomes and file separate returns at a lower rate. To restore tax equity between the states, the Congress in 1948 extended the 'income splitting' benefits to all married persons and established a special tax schedule for taxpayers filing a joint return."

The Tax Reform Act of '69 has increased the tax exemptions for singles, but even with that taxes paid by single persons are about 20 percent higher than those paid by a married couple.

The single taxpayer who has long been smarting under this inequity is speaking up. Letters enclosing membership checks tell the story.

A retired army colonel wrote: "As a widowed father of three and a head of household, my tax burden is grossly unjust. In fact, because I chose to establish a second career after my retirement from the Army, most of my pension must now be paid out in income tax. I would probably be better off to loaf and let someone else finance our national deficit. Good Luck."

From a certified public accountant: "It has always been my personal opinion that the tax rates applicable to single individuals are discriminatory and patently unconstitutional on their face. . . . I hope your organization will be successful in achieving tax rates equitable to a single person."

A bachelor also expressed the view that "The tax law burden on single people is unconstitutional."

A "working widow" wrote that she has found the high taxes placed on a single person "not only a financial drain but an actual threat to my present and future well being."

A career teacher who owns her own home said that her only tax break was her property tax. "I am 'taken' taxwise every year. When I read that millions of dollars are wasted by mismanagement and poor judgment, I become increasingly angry."

All express gratitude that CO$T has come forward to "stand up for our rights," as many put it and stop this tax discrimination.

[From the Birmingham (Mich.) Eccentric, July 29, 1971]

P.S.

Ever wonder what happens to U.S. Senators when they get beaten by new political flesh? Former Senator George Murphy of California probably could have gone back into the song and dance business (actually isn't that what politics is all about?), but he hasn't.

And Eugene McCarthy, darling of the peace set, probably could have gone back into the poetry writing business, but he hasn't either.

Both these men, instead, have joined forces (p.s. believe it or not) to help a cause celebre called CO$T. CO$T is the Committee Of Single Taxpayers, and the idea is to lessen the burden of higher taxes levied (unconstitutionally, maintains McCarthy) against single taxpayers.

The definition of "single" as in taxpayer, includes all those who are divorced, widowed or single as in unmarried. CO$T will attempt to build a broadly based crusade built on the lobbying strength of the nearly 30 million "single" taxpayers in the country.

As figureheads, Murphy and McCarthy should, one or the other, appeal to almost any person who has the single taxpayer's blues.

Patty Cavin of Washington, who is the real doer of the CO$T organization, told p.s. that McCarthy has long been the champion of the single taxpayer.

"He even managed to have a bill passed which lowered the taxes for single taxpayers over 35, but since then the age has been lowered, too," she explained.

According to IRS figures single taxpayers now pay from 20 to 40 percent higher taxes than their married counterparts. What it amounts to is that singles of any sort are taxed because they don't have a legal spouse.

For example, if a couple is divorced and the child is living with the mother, she can pay a sizable portion of that child's support without being able to claim a deduction.

If the father pays a majority—not necessarily all—of the child's support, he can claim the child as an exemption. The mother's only tax break is the unmarried head of a household classification which she can claim.

And the notion that people who are not ensconced in permanent relationships, i.e. married with new family groupings, don't have as many expenses is ridiculous.

Indirectly a single taxpayer may benefit from other people's children getting a good education, but if that same taxpayer can't afford to send his orphaned niece to a good school because of it, where is the equity in that?

Both honorary co-chairmen will be engaged in speaking tours soon throughout the country Mrs. Cavin said. Currently CO$T is supporting U.S. House bill HR 850—the Koch bill.

It provides for extending the full tax benefits of income splitting to all unmarried individuals which is now enjoyed by married individuals. The bill was introduced into the Senate by Abraham Ribicoff.

CO$T suggests that persons interested in seeing this bill passed write to House Ways and Means chairman Wilbur Mills, who, Mrs. Cavin said, has delayed hearings on the bill for a month.

"We think the time is right for this kind of tax reform," said Mrs. Cavin. "But it must instigate equal taxation for all taxpayers."

CO$T will not stop at tax reform. According to the expectations of the co-chairmen it will also endeavor to get into social security reform and establishing child care centers for single parents.

The fact that CO$T (that's Box 1789, Washington, D.C.) has been inundated by letters positive and supportive even before official public announcement says something about the attitudes in this country about unequal taxation.

The first mailing of CO$T will be in September. Mrs. Cavin said the $10 it costs to be a CO$T member will probably pay for itself in taxes saved—and soon.

[From The Oregonian, Mar. 22, 1972]

THE PEOPLE'S OWN CORNER

SINGLES STILL HURT

To the Editor: The headline of your March 4 editorial, "Law favors singles" is biased and neither expresses the content of your comments, nor the law.

You quite accurately state that even the IRS statisticians and computers were surprised to find that due to 1969 changes in the tax laws, the tax for two working singles filing separately is considerably less in some brackets, than for a married couple filing jointly.

Quite simply, the facts are these. Prior to 1969 and the Tax Reform Act of that year which takes effect on our 1971 returns, the single taxpayers were penalized up to 40 percent more than their married counterparts who could file jointly. The 1969 Act reduced that penalty 20 percent, but the individual taxpayer (be he bachelor, spinster, widow, widower, divorced or married but filing singly) still pays on a sliding scale up to 20 percent more than the couples who can split incomes. If that's favor, I'll eat my hat.

Because of this fact, two former senators, George Murphy and Eugene McCarthy, and Robert Keith Gray, secretary of the Cabinet during the Eisenhower Administration, formed a new national action group called CO$T, to speak and act for the nation's 34 million individual taxpayers. This Washington-based Committee of Single Taxpayers (P.O. Box 1789, Washington, D.C.) has since its incorporation last June as a nonprofit, nonpartisan group effectively rallied a sizeable portion of this silent minority into a major power group to push for an equal tax base for all individuals.

CO$T feels the only fair tax is a tax on income, regardless of the fickle finger of fate that renders one single, divorced, married or a widow.

CO$T (and Oregon's Sen. Packwood) backs two bills curently pending before Congress. Rep. Ed Koch's H.R. 850 (now in the Ways and Means Committee) and Sen. Abraham Ribicoff's S. 869 (which is with the Senate Finance Committee) would "extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns." The Committee of Single Taxpayers is pushing for hearings on both, and is hopeful of action before the poor overtaxed, putupon, discriminated-against single taxpayer has to file in 1972.

PATTY CAVIN.

[From the Oregon Journal, Mar. 16, 1972]

THE SINGLE SILENT MINORITY

Among a great many other things, all of them complicated, the 1969 Tax Reform Act reduces somewhat the inequitable burden long imposed upon single taxpayers.

But not by a great deal, and not enough.

Before Congress passed the reform act, single persons were taxed as much as 42 per cent more than married couples who were allowed to split their incomes by filing joint returns. Under the new law—and 1971 is the first tax year under which it is fully effective—the inequity is reduced to 20 per cent.

The reduction is significant but hardly magnanimous.

Rep. Edward I. Koch, D-N.Y., takes note that even with the new break, a single person making $8,000 a year pays $210 more in federal income taxes than a married person making the same amount; a single person making $12,000 a year pays $370 more.

If joint returns are justified as a help in reducing the cost of raising children, what about the widows and widowers, or divorced parents, who have children to raise but get no such tax break? Koch, a bachelor, said that under the present tax structure, a divorcee or widow with three children, even using head-of-household status, pays taxes at a higher rate than a married couple with no children.

Now two things are happening in an effort to change this state of affairs. Koch and Sen. Abraham Ribicoff, D-Conn., have introduced bills which would eliminate any discrimination against single taxpayers; and an energetic band of reformers has organized the Committee of Single Taxpeyers (the acronym is CO$T) to gain public support for the bill.

Most of the interested public would come from the single taxpayers in the land, but there are 30 million of them, and the organization campaign is going full blast. CO$T's honorary co-chairmen are former Sens. Eugene McCarthy of Minnesota (separated) and George Murphy of California (married), but the real work is being done by Robert K. Gray, former secretary of the cabinet under President Eisenhower (bachelor), and Mrs. Patty Cavin, former Oregon resident and

news commentator for NBC in Washington (widow with two sons).

Sen. Bob Packwood, R-Ore., joined Ribicoff in trying to add his singles amendment to the President's tax bill during Senate floor debate last fall. They lost, but only 41–55, and Packwood averred that, "Now we know who the bad guys are . . . We'll make it yet."

And CO$T's gimmickry campaign its Washington phone number is 387–CO$T) is out to enlist support from a million of the 30 million singles. It is this "put-upon, overtaxed silent minority," as Mrs. Cavin expressed it, that looks for action in 1972, which happens to be election year.

[From the Ocean County (N.J.) Daily Times, Apr. 4, 1972]

HIGH PRICE OF BEING SINGLE

EDITOR, DAILY TIMES: As April 15 draws near, again the single taxpayer has his income taxed at a rate up to 20 percent higher than others with same taxable income. This is unconstitutional because the 16th amendment gave Congress the power to "tax income" not people.

Why should the nation's 30 million bachelors, spinsters, widows and widowers, and divorced people have to foot an undue share of the federal tab?

Prior to the 1969 Tax Reform Act all single taxpayers were required to pay up to 40 percent more than their counterparts even tho their single expenses (household, car insurance, etc.) were approximately the same. Since this tax reform singles can now only be taxed up to 20 percent more than their married friends.

To end this unfair treatment you can join the crusade for tax equity launched by CO$T, Inc. (Committee of Single Taxpayers), the non-profit, non-partisan organization which recognizes that a national campaign to equalize our tax laws is necessary if unfair taxation is to end.

CO$T has an advisory board co-chaired by two former United States Senators, Eugene J. McCarthy of Minnesota and George Murphy of California. It is enlisting support from every walk of American life. CO$T supports legislation introduced by Rep. Edward I. Koch and Sen. Abraham Ribicoff to tax single persons at the same rate as married couples, and it plans to do more to seek out and change other inequities.

If you believe in fair tax treatment send a note or postcard today to CO$T, Inc., P.O. Box 1789, Washington, D.C., 20015, and they'll send you further information.

GERTRUDE LA PLACA.

[From The Tacoma News Tribune, Mar. 15, 1972]

SINGLES AND TAXES

To the Editor: Income tax day is just around the corner and if you pay federal taxes as a single individual, as I do you're once again painfully aware that as an individual taxpayer you pay rates up to 20 percent higher than others with the same taxable income.

If you'd like to have a voice in the use of your income, and want to join the effort to bring about tax equity, drop a note to CO$T, Inc. (Committee of Single Taxpayers), P.O. Box 1789, Washington, D.C. 20013, for information on how you can help. CO$T is a nonprofit, nonpartisan organization formed last year to work for national legislation on behalf of the 30 million taxpayers in the singles category (single, widowed, divorced).

Two bills are due for hearings later this year, Rep. Loch's House Bill 850 and Sen. Ribicoff's Senate Bill 869, both of which would "extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns."

This just could be the year to bring about legislation for fair tax treatment, but it will take the help of all those who are affected by the present discriminatory tax structure. Why not add your voice and support to this long-needed effort!

E. A. MAJESKIE.

[From the San Francisco Chronicle, Jan. 12, 1972]

OPPORTUNITY

EDITOR.—If you pay taxes as a single individual, here's your chance to do something about ending unfair federal tax laws which discriminate against you. You probably know that as an individual taxpayer you pay rates up to 20 per cent higher than others with the same taxable income.

You can join the crusade for tax equity being launched by CO$T, Inc. (Committee of Single Taxpayers), the non-profit, non-partisan organization which recognizes that a national campaign to equalize our tax laws is necessary if unfair taxation is to be ended . . . Drop a note or postcard to CO$T, Inc., P.O. Box 1789, Washington, D.C., 20013 for further information.

H. PAT BALEN.

[From the Seattle Post-Intelligencer, Feb. 17, 1972]

VOICE OF THE PEOPLE—REASSESSING SOME VALUATIONS: SINGLE TAXPAYERS

As a single person I've long been concerned that my income is taxable at a rate up to 20 per cent higher than others with the same taxable income. Now, however, the formation of a non-profit, non-partisan organization in Washington, D.C., known as CO$T, Inc. (Committee of Single Taxpayers) is providing a focal point for a national campaign to equalize our federal tax laws on behalf of the 30 million taxpayers in that category (singles, widowed, divorced).

CO$T recognizes that a sustained effort is necessary if we are to make our voices heard in Washington, and is backing two excellent Bills which are due for hearings later this year. Both Rep. Edward J. Koch's House Bill 850 and Sen. Abraham Ribicoff's Senate Bill 869 would "extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns."

But it takes the help of all those who are affected by the present discriminatory tax structure. If you believe in fair tax treatment and want to join in this effort, send a note today to CO$T, Inc., P.O. Box 178, Washington, D.C. 20013 for further information. Every individual who enrolls in CO$T is taking a positive step toward ending this unfair drain on his hardearned income.

E. A. MAJESKIE.

[From the Chattanooga News-Free Press, Mar. 11, 1972]

MARRIED, SINGLE TAX PAYING AIRED

To The News-Free Press:

As state chairman for CO$T, Inc., the Washington-based Committee of Single Taxpayers, may I through the medium of your editorial page discuss some of the aspects of the 1969 Tax Reform Law as it pertains to single taxpayers. Apparently, there is now a misunderstanding that single people are being given a better tax break and that under this law it would be more economical to "live more prosperously in sin"—so to speak. Actually, this is not a new inequity placed against married couples but people in this category are simply feeling a small part of the tax burden we singles have carried for years. While we now pay 20 per cent more than joint-filing marrieds (even though one's household expenses may be about the same), until the 1969 Tax Law we paid up to 40 per cent more. A married couple can elect to file either as an individual or jointly, whichever works to their best advantage, whereas a single taxpayer must file simply as such though in most instances they are "heads of a household" also.

Many single householders' expenses are way up close to that of a married couple but there are two incomes in the latter to meet expenses. Auto insurance is the same whether one or two drivers; that auto costs as much for one person as for two; garbage fee is the same; homeowners insurance is the same; fire protection is the same; upkeep and maintenance is the same for one as for two on one's dwelling; utilities are not very much more for two than for one (the dwelling or apartment has to be heated whether one or two live therein; also cooled in the summer); an apartment that will accommodate two rather than one is very little more in rental and, even so, your single person needs an extra bedroom just as much as a couple; possibly there are houses built with the individual in mind but where; it is difficult to prepare food for one at just half what it costs for two, etc., etc.

CO$T in no way wishes married couples to have less of a tax break; we simply believe in a fair tax treatment for the single "head of household" for that is what we are unless of such a young age as to be living still with parents. Present laws compute separate rates for married and single individuals—all earning the same income—and levy penalties up to 20 per cent higher for single individuals. Married couples are really objecting to the fact that the new 1969 tax law does not continue to give them a big advantage over the single head of households—but should it? There are two incomes to support that one household, in many instances.

If any of you single, widow or widowers, married or divorced, readers are interested in a fair tax treatment, please contact the non-profit, non-partisan organization CO$T, P. O. Box 1789, Washington, D.C. 20013. This organization is cochairmaned by former Senators George Murphy and Eugene McCarthy and is working for a fair tax structure. Senators George Murphy, and Eugene McCarthy need and solicit your support.

D. MOYERS.

[From the Berkeley (Calif.) Daily Gazette, Jan. 6, 1972]

Voice of the People—Pro and Con—The Open Forum: Single Taxpayers, Unite

If you pay taxes as a single individual, here's your chance to do something about ending unfair federal tax laws which discriminate against you. You probably know that as an individual taxpayer you pay rates up to 20 percent higher than others with the same taxable income. Now you can do something to end this unfair treatment.

You can join the crusade for tax equity being launched by CO$T, Inc. (Committee of Single Taxpayers), the non-profit, non-partisan organization which recognizes that a national campaign to equalize our tax laws is necessary if unfair taxation is to be ended.

CO$T has an advisory board co-chaired by two former United States senators, Eugene J. McCarthy of Minnesota and George Murphy of California. It is enlisting support from every walk of America life. CO$T supports legislation introduced by Rep. Edward I. Koch and Sen. Abraham Ribicoff to tax single persons at the same rate as married couples. And it plans to do more—to seek out and change other tax inequities, to battle for legislation which recognizes changing responsibilities and expenses among unmarried persons.

If you believe in fair tax treatment and you want to join in this crusade, send a note or postcard today to CO$T Inc., P.O. Box 1789, Washington, D.C. 20013 and they'll send you further information. Every individual who enrolls in the CO$T crusade is taking

a positive step toward ending this unfair confiscation of his hard-earned money.

Mr. H. PAT BALEN.

[From The Oregonian, Sept. 22, 1971]

EX-PORTLANDER HEADS TAX INJUSTICE GROUP

A green-eyed widow, ex-newspaperwoman and former Portlander, Mrs. Patty Cavin, has become executive director of a national action committee called CO$T.

CO$T, whose concern is the discrimination suffered by the single American taxpayer, has embarked on a membership drive and mounted a congressional lobby.

Visiting Tuesday in her hometown, the former Patricia Ann Burwell of 2404 NE 38th Ave., related that Sen. Eugene McCarthy (married, with four children, but separated) and ex-Sen. George Murphy (married with a son) are co-chairmen of COST, principally because they are "beautifully united" on this program, although politically poles apart.

Mrs. Cavin has two sons, 11 and 13, but lost her husband, a real estate president, a year and a half ago.

"We are the nation's first professional, year-round organized corporation designed to speak for 30 million individual taxpayers—the single individuals," she said, "the bachelors, spinsters, widows, widowers, divorced, those married but who file income taxes singly."

Mrs. Cavin waved a tax penalty chart showing that the single person with $1,500 income paid $225, and the married person $215 on that same income, $10 less.

Up the scale, the difference became $110 by the time the income gets to $6,000; becomes $370 at $12,000; $2,250 by $40,000, and $12,110 by $200,000.

NEW YORKER'S BILL PUSHED

"The inequities have been built into the federal tax system for years," said Mrs. Cavin, "but there has been no concerted, persistent movement to see that fair tax treatment for the single individual is written into law."

She said CO$T is trying to boost one House bill put in by Rep. Edward I. Koch, a Democratic New York bachelor, with 133 cosponsors. One of Murphy's last Senate acts was to introduce a pioneer tax reform bill, she said Sen. Abraham Ribicoff, with 13 cosponsors, has one in the hopper on the Senate side.

Mrs. Cavin went to Fernwood school in Portland, Grant High School and Stanford University. She has been a newspaper fashion and beauty editor, a radio commentator and is a past president of the Women's National Press Club.

CO$T has a $10 membership fee, which goes for newsletters, bulletins, lobbying costs, and Mrs. Cavin and her co-chairmen are aiming for a 100,000 membership. Material will be sent to persons interested in tax reforms if they request membership, P.O. Box 1789, Washington, D.C. 20013. Offices are currently in the Cavin home, a townhouse on Washington's Embassy Row.

The founding of CO$T came about through conversations with Bob Gray, once a secretary to the Cabinet, now in advertising. He was a bachelor.

Mrs. Cavin, whose husband died suddenly the day one of her sons, seriously burned, came off the critical list in a hospital, has been free-lancing a bit since, putting out bulletins for the Atomic Sciences and North American Newspaper Alliance. Because she's a widow, the tax differentiation doesn't affect her yet, because she can file jointly for three years after her husband's death.

[From the Tacoma News Tribune, June 11, 1972]

CO$T WORKING TO EQUALIZE TAXES FOR SINGLE PERSONS

(By Emily Walker)

WASHINGTON, D.C.—A letter from Mrs. Elizabeth Majeskie, who lives at 921½ N. G St., asked me to betake myself downtown someday and apprise myself of the efforts of a year-old organization which calls itself CO$T, in behalf of the overburdened, discriminated against, and voiceless, single federal income taxpayer.

Being one of these myself, I should have acted on Mrs. Majeskie's suggestion long before I finally got around to it last week. So, in the interest of all you singles, men and fame, this is what I discovered.

According to Mrs. Paty Cavin, executive director of CO$T (Committee of Single Taxpayers), you're being had. Many of you don't realize it, and those of you who do may be at a loss as to what to do about it. No more.

You are now represented by this organization which was sponsored by former Sen. Eugene McCarthy (separated from his wife and four children), former Sen. George Murphy (married, one son) and Robert Gray (bachelor), who was secretary of the Cabinet during the Eisenhower administration. It was Gray, who first got in touch with Mrs. Cavin, who is a story in herself.

NEEDS MONEY

CO$T, composed entirely of volunteers except for an overworked secretary, Mae Rapport, has its headquarters at 1628 21st St. NW, zip 20013, on the ground floor of Mrs. Cavin's home, next to the Phillips Gallery. The mailing address is P.O. Box 1789 (because it was the first year of the republic). I tell you this because CO$T must have money in order to operate. Ten dollar annual donations have been coming in, as have letters from disgruntled single taxpayers, since the beginning, but, naturally, the interests and the complaints have not been matched by financial help.

To correct these tax inequities, a bill, HR 850, was introduced in the 91st Congress which took no action. However, the 92nd has at least made a start. The Ways and Means Committee held hearings about a month ago, but so far no further action has been taken. The present goal of CO$T is to get the committee to report the bill so that the House can act on it before adjournment. CO$T is working toward this end, as well as toward guaranteeing passage once the bill reaches the floor. You can help by writing to your congressman as well as to Rep. Wilbur Mills, Ways and Means Committee chairman. That's what you can do.

Now, this is how you singles are being taken. You pay up to 20 per cent higher taxes than marrieds living on the same income. If your taxable income for 1971 was $10,000 and you're single, your income tax amounts to $1,596. With the same income, a married couple filing jointly (regardless of how many children they have) owes IRS $399 less. With a taxable income of $25,000 the difference is $1,097. And should you be one of the carefree ones raking in $100,000 per annum you can save $6,874 by taking a spouse, in case that amount of dough means anything to those who orbit in that bracket.

The bill now pending, which was introduced by Rep. Edward Koch D-N.Y., was cosponsored by over a hundred House members. A companion bill, pending in the Senate, has been introduced by Sen. Abraham Ribicoff, D-Conn. Both seek to wipe out these inequities, which also affect married couples filing individual returns.

Mrs. Cavin, a dynamo if ever there was one, is a prominent figure on the Washington social scene. She is a widow with two sons. Her original home was in Salem, Ore. She attended the University of Washington and was graduated from Stanford. Practically immediately thereafter she landed a job as fashion editor of the now defunct Washington (D.C.) Times-Herald. When it was taken over by the Washington Post about two years later, she was hired as fashion editor, beauty editor and special features writer.

At the end of seven years she left the Post to become a daily news commentator on NBC radio, with her own 45-minute show. She left NBC after another seven years to join the corporate staff of RCA where she stayed for another seven years until Robert Gray enticed her into running CO$T. Because the organization is so in need of money, she decided to give up the offices for which it had to pay rent, and donate space in her home. She also gave up her salary, until such time as incoming donations justify her receiving it.

In addition to being dynamic, enthusiastic and extremely bright, Patty Cavin looks like a page out of Vogue.

Mrs. Majeskie, who put me on to all this, is Washington State CO$T chairman, along with Mrs. Pauline Johnson of Seattle.

PANELISTS URGE EQUITY—SEX IN TAXES AXES INCOMES OF SINGLES

"Sex and the Tax Return" was the attention-grabbing title of a panel discussion last night which turned into a gripe session about tax inequities of single people or married couples where both work.

The discussion, sponsored by the American Newspaper Women's Club and the local chapter of American Women in Radio, came the day after witnesses urged the House Ways and Means Committee to make basic changes in federal tax law.

The outspoken Connecticut industrialist, Vivien Kellems, who mails tea bags to the government instead of tax returns and who opposes the requirement that she withhold taxes from the paychecks of her employes, spoke first:

"We should understand," said Miss Kellems, that there is no law which says single people have to pay more than married. Neither is there any law which says married couples, both of whom work, should be penalized."

Miss Kellems said Congress thru a 1948 law which attempted to catch up with the community property laws in a number of states and allowed "married couples all over the country the right to split their income and save." She said she was "all for" saving money on taxes but wanted "everybody to pay the same rate on gross adjusted income."

Present tax laws are unconstitutional, she said, because the 16th Amendment allows Congress to tax "not people but income."

STERN VIEW

Philip Stern, co-founder and former publisher and editor of the Northern Virginia Sun, claimed that the tax laws hurt the little man and let the big wage earner go free. The savings for persons filing a joint return who make from $3,000 to $5,000 per year is an average of 72 cents, he said, while the average tax savings for couples earning over $1 million per year is $11,000.

Mr. Stern said such tax breaks for the rich could be equated to "welfare handouts, and the total cost of these handouts is $21½ billion a year."

The solution, Mr. Stern said, is to collect the money "not being collected from the people who don't really need it" and establish a graduated scale from 7 to 40 per cent.

Panelist Robert Gray, former secretary of the cabinet under President Eisenhower and president of the Committee of Single Taxpayers (CO$T), said that single persons have suffered higher tax rates thru the years "because of a bad habit. We've put up with this discrimination for so long, we've grown to accept it."

[From the Evening Star, Apr. 12, 1972]

U.S. TAXATION AND MORALS

(By Jackie Stone)

"It is not the province of Congress to regulate the morals of the people of this country by taxation," militant anti-tax crusader Vivien Kellems stated at a symposium on "Sex and the Tax Return."

Miss Kellems, former Sen. George Murphy, senior vice president of Hill and Knowlton

Robert K. Gray and author Philip Stern were members of a panel discussion on tax equity and tax reforms in the National Press Club ballroom last night before a combined audience from The American Newspaper Women's Club and the D.C. Chapter of American Women in Radio and Television.

SHOW STEALER

Miss Kellems, who at first glance would be typecast as a sweet elderly lady, effectively stole the show with her caustic and witty criticism of the IRS, which she termed the "Gestapo of the United States."

Gray, former cabinet secretary to the late President Eisenhower, termed the double standards of taxation where single persons pay as much as 20 percent more income tax than married couples with the same income "a bad national habit."

Founder of the Committee of Single Taxpayers (CO$T), Gray observed that since a heavy portion of tax revenue is channelled into educational funding, single taxpayers are, in effect, bearing an added burden of educating children they do not have.

Stern whose book, "The Great Treasury Raid," is a close-up look at tax loopholes, advocated raising the tax rate for married couples to a level equal to what singles pay. Amid groans from the audience, he explained why he felt the government could not stand the revenue loss of lowering the single tax rate.

"Not ten blocks from this building you can see what looks like a city that's been bombed out, the ghettos of this city," Stern said. "People are starving . . . the arts and literatures are starving. We cannot erode by $1.6 billion (estimated revenue loss per year if singles taxes are lowered) a nation that is publicly poverty stricken."

[From the Washington Post, Apr. 12, 1972]

AIRING TAX GRIEVANCES

(By Jeannette Smyth)

Vivien Kellems, the septuagenarian tax maverick, declared that the "Internal Revenue Service is the Gestapo of the United States," that income tax is unconstitutional, and called for a taxpayer's revolt last night.

"I haven't refused to pay my taxes," said she. "I have simply suspended payment until the IRS pays me what they owe me."

Miss Kellems, who maintains that single people are overtaxed because they cannot file joint returns as married people do, spoke at a "Sex and the Tax Return" symposium at the National Press Building. Four panelists—Miss Kellems, Robert Keith Brown, Philip Stern, and former senator George Murphy—took part in the discussion, which was cosponsored by the American Newspaper Women's Club and the American Women in Radio-Television. The panelists spoke less to the point of "Sex and the Tax Return" and more to the grinding of personal axes—grievances which were well received by the 200-member audience.

Brown, a bachelor and Washington businessman who helped found the Committee of Single Taxpayers (CO$T), maintained that high education costs raise tax rates. He said that single people, who produce no children to educate, bear the cost without having contributed to the expense.

Philip Stern, a writer who is updating his book about tax loopholes, "The Great Treasury Raid," said that only rich married people benefit from filing joint tax returns. According to his figures, couples with incomes of $3,000 to $5,000 a year who file jointly save 72 cents annually, while couples who earn $1 million and over get a tax break of over $11,000 yearly. Stern said the government loses $21½ billion yearly through such loopholes, which income, Stern said, could be used to bolster the social and cultural bankruptcy of the nation.

Former senator Murphy, who, although married was also a founder of CO$T, said his tax return has been audited yearly for many years. He said that in his years in the Senate, he heard a lot of talk about "spending federal money. There is no federal money, it's the taxpayer's dollars. Taxpayers must insist," said Murphy, "that the expenditures of their dollars are scrutinized as carefully in Congress as they are at home."

The symposium followed a day of special tax reform hearings held by the House Ways and Means Committee, at which Miss Kellems and Murphy testified.

[From The Evening Bulletin, Pa., Feb. 7, 1972]

THERE'S A NEW TEA PARTY BREWING OVER TAXES

(By Susan Jenks)

A tax structure once crumbled because of tea.

And thousands of the nation's 30 million single taxpayers are hoping it will happen again. But this time instead of dumping tea into Boston Harbor, used teabags are mysteriously finding their way into the mails of the 92d Congress.

Because singles are tired of what they consider the tax gap between themselves and married taxpayers.

"It's a crashing inequity," says Patty Cavin, executive director of the Committee of Single Taxpayers (CO$T), a national, non-profit organization incorporated last June. "The only fair tax is the tax on income regardless of the fickle finger of fate."

That "fickle finger of fate" may bring widowhood to some, legal separation to others or merely a lifetime of being single. All are tantamount to a singles tax status in the eyes of the Internal Revenue Service. (Widows or widowers may have one or two years tax grace as "surviving spouses," providing there are dependent children.)

Until the 1969 Tax Reform Act, which went into effect Jan. 1, 1971, singles paid up to 40.9 percent more in taxes than married persons. Now, however, that amount has been pared in half under a new "singles" tax table, leaving singles with a maximum 20 percent "penalty" between their taxes and those of married friends.

The tax rub, as singles see it however, is the joint return or "income splitting" allowed married taxpayers. Couples can treat their income as though each spouse had earned half the money, thus exposing it to tax at lower bracket income tax rates.

But singles with an identical income—after exemptions and deductions are made—must use the higher tax rate schedule.

For example, a single person with an income of $10,000 on the 1971 tax schedule would pay an income tax of about $2,190, while a married couple with the same income would pay only $1,820. Going up the scale, the disparity becomes even greater, with a tax gap of more than $1,500 between marrieds and singles earning $20,000 a year.

CO$T's aim, according to Mrs. Cavin, is to focus national attention on the single taxpayer's plight and ultimately to establish an "equal tax base for all." The Washington-based committee hopes to enlist at least 100,000 members by the end of this year.

Meanwhile, CO$T is putting its lobbying efforts behind legislation currently pending in both the House and the Senate.

The House bill, HR 850, has been introduced by bachelor Congressman Edward Koch (D–NY) and the Senate bill by Sen. Abraham Ribicoff, a married Democrat from Connecticut.

Technically the same, these bills would give the single taxpayer the benefits of "income splitting" now enjoyed by marrieds and permit everyone—including unmarried heads of household and married persons filing separately—to use the same tax schedule instead of four different ones.

An ardent champion of this equilization measure for years in Vivian Kellems, perhaps the nation's most vocal and best known single taxpayer. At 76 years of age, the peppery tax-hating Connecticut Yankee is still waging the good fight against that "bete noire" of her existence—the IRS.

Her latest tax gambit is a tax suit before the U.S. Tax Court Judge Graydon G. Withey.

"The IRS claims I owe them $800 for that year," Miss Kellems says, "but I say they owe me $3,000 for taxing me for not having a husband."

Far more important to Miss Kellems that the small sum of money involved in this case, is the constitutional issue at stake.

The 16th Amendment, she contends, gave Congress the power to "tax income," not people. "Not black people. Not white people. Not singles or widows or those who are married."

As recently as late last month, Miss Kellems finally decided to turn her loner's tax stance into a group effort by joining forces with CO$T. Initially, she spurned their efforts as being "at cross purposes" with her own goals.

Unquestionably, Miss Kellems' tax rebel reputation will be an asset to CO$T. But the union will also give the singles tax crusade a more united front and a time-honored symbol.

For it was Miss Kellems who first stuffed her letters to Congress with used teabags and urged her "22,000 correspondents" to do the same.

Of the teabag tactic, she says, "it's been tremendously successful." So successful in fact that at least two Congressmen, according to Miss Kellems, have asked that the deluge stop because they favor tax parity for singles.

Less successful in Miss Kellem's mind have been the recent tax reforms which she feels are really "a cheat and a fraud." While halfing the tax disparity between singles and married taxpayers is progress, she says, it still isn't an equal tax.

And by avoiding total tax equalization, she contends, Congress has inadvertently "backed itself into a hornet's nest" which will help the singles cause.

That "hornet's nest" is the unexpected upset (in some cases) of the old saw that it pays to be married or two can live as cheaply as one.

Married couples who are in the low and middle income bracket—especially working couples with nearly identical incomes—actually have to pay a higher tax than they'd pay if they were unwed and living together.

Two singles earning $10,000 each, or $20,000, total, would be subject to taxes of $2,090 each or a total of $4,180, on the singles tax table. A married couple with the same income, filing separately or even jointly since their incomes are identical, would pay $2,190 each or a total of $200 or more on the table for marrieds.

This curious tax backlash has resulted in a moralistic furor on Capitol Hill with many congressmen now wondering whether they have built in a tax incentive to sin.

But Miss Kellems thinks the furor is "great."

"I love it," she says. "Maybe now more married people will join the fight for fair taxes."

[From the Atlanta Journal, Apr. 1972]

HIGH-PAY BACHELOR ASK TAX EQUALITY

WASHINGTON.—A receptive House Ways and Means Committee heard pleas to end income tax discrimination against single persons and families where both husand and wife work.

A score of witnesses including former movie star Gloria Swanson, antitax crusader Vivien Kellems and former Sens. Eu-

gene J. McCarthy and George Murphy, all representing groups of single taxpayers, said the present system isn't fair. Chairman Wilbur D. Mills, D-Ark., indicated that he will ask the committee to act to erase or narrow the differential.

The situation arose because Congress in 1948 permitted husband and wife to split their income to file joint returns. This meant they paid taxes on two incomes at lower rates. But single workers had no one to split income with and continued paying at higher rates.

Single persons—those 18 or older who are unmarried, widowed or divorced—paid up to 40 percent more than a married couple until 1969, when the differential was lowered to a maximum of 20 percent. Single workers want the differential wiped out entirely.

The 1969 law accidentally created a new problem. Families where both husband and wife work now, in many cases, are required to pay more taxes than two unmarried working persons living together. Critics say this may encourage couples to live together unmarried.

Rep. Edward Koch, D-N.Y., a bachelor earning at least $42,500 a year and sponsor of a bill to tax all categories at the same rate, said a single worker earning $12,000 a year pays $370 more in taxes than a married couple filing jointly with the same income.

A working husband and wife earning $12,000 pay $156 more in taxes than two singles earning $6,000 each, he said.

Miss Kellems, Connecticut businesswoman, is asking the courts to declare such tax discrimination unconstitutional.

Miss Swanson, who said she was 73 and has paid a lot of taxes over the years, said her principal concern was with the plight of widows. She said she believed the average worker does not object to paying fair taxes, but "rejects, as I do, paying more taxes than some oilmen, some millionaires, some large corporations and crooks."

Murphy and McCarthy appeared for a committee of single taxpayers. Murphy said 67 million single persons or husband-wife working teams pay higher taxes than families with single workers.

[From the Harrisburg (Pa.) Patriot, Feb. 29, 1972]

SINGLES UNIT

Editor: In reply to the Feb. 19 letter from "An Irate Single," CO$T (Committee or Single Taxpayers) is now being formed; it has been in existence for some time. Under the non-partisan leadership of the ex-Senators Murphy and McCarthy, this organization is the effective voice of the single taxpayer on Capitol Hill. Vivien Kellems, long the champion of tax equality for all individuals, has joined forces with CO$T.

We came within eight votes of victory on the Senate floor on the Packwood amendment. In this session, CO$T will appear before the House Ways and Means Committee in its hearings on tax reform. I am currently canvassing the Pennsylvania members of the House; based on the votes already received, the majority is with us.

WILLIAM J. BOROS,
Pennsylvania Chairman for CO$T.

[From the Washington Post, Jan. 31, 1972]

TAX INEQUITY NOT NEW

To THE FINANCIAL EDITOR: Judging from Robert J. Samuelson's story (Jan. 22), "Is the Tax Collector Subsidizing Sin", . . . you haven't heard about CO$T! Nor has the baby-faced Kathryn McGrath!

This inequity is not new. Prior to the 1969 Tax Reform Act, all single taxpayers were required to pay up to 40 per cent more than their married counterparts, even though their single expenses (household, car insurance, etc.) were approximately the same.

Since this '69 reform, singles can NOW only be taxed up to 20 per cent more than their married friends . . . and this is still a crashing hardship to those who don't have the double income of the McGraths nor the joys of wedded bliss!! So Mrs. McGrath got winged . . . 'tis a pity. But what about the nation's 30 million bachelors, spinsters, widows, the divorced and those other married who've been filing singly all along???

This is precisely why Robert Keith Gray, former Sen. Eugene McCarthy, George Murphy and I started CO$T this past July. We are the nation's newest action group, dedicated to an equal tax base for all individuals. We are also the first professional group to work on a full time basis from Washington on behalf of the individual taxpayer.

PATTY CAVIN,
Executive Director, CO$T.

[From The Evening Star, Jan. 28, 1972]

LETTER TO THE EDITOR

SIR: Mrs. McGrath has turned the spotlight on the tax inequity which has plagued single taxpayers for years!

Through a quirk in the rates in her particular bracket, she has discovered that she and her husband pay a trifle more when filing jointly on their double incomes than do two individual taxpayers with the same incomes who might be living together.

Does this mean, she asks, that the government favors their filing separately and perhaps living in sin? Silly question! Unlike citizens who must file as individuals, Mrs. McGrath and her husband can elect to file jointly or as individuals, whichever gives them a tax advantage.

What the lady from Georgetown Law School is objecting to is that in her particular bracket the new tax law does not continue to give her an unfair advantage. Why should it?

Should the married taxpayer who suddenly finds himself a widower have an increased tax burden added to his agonies? Should the unmarried woman whose expenses (household, car insurance, etc.) may be the same as her married sister be saddled with extra taxes because she does not have a husband to share the nest or the expenses?

Under the 1969 tax reform, taxpayers who file as individuals can still be taxed up to 20 percent more than their married friends. This can amount to tens of thousands of dollars over a lifetime of earnings—a crashing hardship to those who do not have the double income nor the joys of wedded bliss.

Although discriminatory from its origin, the tax advantage given to marrieds may have had some justification when there were national advantages in increased population. Now, population is our problem. Today's major drain on state and local incomes is the high cost of our schools. While there is an obvious advantage to us all in having an educated populace, should the individual taxpaper pay a heavier share of the cost of education than the family man who produces the students?

By the same token, should the single taxpayer have to foot the federal tab for higher welfare and social security benefits which go to married couples and their progeny?

The obvious inequity is outrageous, yet it has been perpetuated largely because moves to correct it have been met with implications like Mrs. McGrath's that only the marrieds are moral and that the nation's 30 million widows, widowers, the divorced, the unmarrieds and the marrieds who file singly are a threat to the institution of matrimony.

ROBERT KEITH GRAY,
Committee of Single Taxpayers.

[From the Rapid City Journal, Nov. 1, 1971]

FOR SINGLE TAXPAYERS

If you pay taxes as a single individual, here's your chance to do something about ending unfair federal tax laws which discriminate against you. You probably know that as an individual taxpayer you pay rates up to 20 percent higher than others with the same taxable income. Now you can do something to end this unfair treatment. You can join the crusade for tax equity being launched by CO$T, Inc. (Committee of Single Taxpayers), the non-profit, non-partisan organization which recognizes that a national campaign to equalize our tax laws is necessary if unfair taxation is to be ended.

CO$T has an advisory board co-chaired by two former United States senators, Eugene J. McCarthy of Minnesota and George Murphy of California. It is enlisting support from every walk of American life. CO$T supports legislation introduced by Rep. Edward I. Koch and Sen. Abraham Ribicoff to tax single persons at the same rate as married couples. And it plans to do more—to seek out and change other tax inequities, to battle for legislation which recognizes changing responsibilities and expenses among unmarried persons.

Our federal tax laws recognize special tax problems of the poor, the elderly, the oil well owner and the real estate investor, yet they discriminate against the bachelor, the single woman, the widow or widower and divorcees—30 million Americans in all. The present laws compute separate rates for married and single persons earning the same income, levying penalties up to 20 per cent higher for single individuals. And they grant these special privileges to the married, whether or not those couples have responsibilities comparable to some individual taxpayers. Over a working lifetime such inequities can cost an individual tens of thousands of dollars in earnings!

If you believe in fair tax treatment and you want to join in this crusade, send a note or postcard today to CO$T, Inc., P.O. Box 1789, Washington, D.C. 20013 and they'll send you further information. Every individual who enrolls in the CO$T crusade is taking a positive step toward ending this unfair confiscation of his hard-earned money.

TOM BRENNAN.

[From the Rapid City Journal, Feb. 17, 1972]

TAX DISCRIMINATION

As state chairman for CO$T, Inc., the Washington-based Committee of Single Taxpayers, I would like to refer to and take issue with some misconceptions about the 1969 tax reform law created by an article in TIME magazine Jan. 31, page 8, fatuously entitled "What Price Virtue?"

It tells of an affluent Washington couple named McGrath (both attorneys) who, when they found they would save about $1,000 in income taxes if they filed as singles rather than marrieds, wrote Chairman Wilbur Mills of the House Ways and Means Committee complaining that Congress had given them a strong economic incentive to get a divorce and "live more prosperously in sin." Mills' staff replied that this "inequity" was the result of giving a fairer break to single people. We of CO$T say baloney!, for these reasons:

This is not a new inequity—the McGraths are only feeling a small part of the tax burden we singles have suffered from for years. While the individual now pays 20 percent more than his joint-filing married friends (even though his household expenses may be about the same), he paid up to 40 percent more prior to the '69 Tax Reform Act. That added 20 percent can amount to thousands in a lifetime and is still a real

hardship to us who, incidentally, don't enjoy double incomes.

Unlike citizens who must file as individuals the McGraths can elect to file jointly or as individuals, whichever gives them a tax advantage. They are really objecting because the new law doesn't continue to give them an unfair advantage. Why should it? No, the government doesn't really favor couples living in sin, and the nation's 30 million bachelors, spinsters, widows and widowers, and divorced people don't really pose a threat to the institution of matrimony. But neither should the single taxpayer have to foot an undue share of the federal tab for higher educational, welfare and Social Security benefits that go to married couples and their offspring.

If the McGraths—and others—want an effective means of fighting the remaining tax inequities, we strongly recommend they join CO$T, the nation's newest action group that's working for an equal tax base for all individuals. Co-chaired by former Senators George Murphy and Eugene McCarthy, CO$T feels that the only fair tax (and the one provided for in the Constitution's 16th Amendment) is a tax on income, regardless of the circumstances of fate that render a person married, single, widowed or divorced. Those who agree, especially you single people, should send $10 to non-profit, non-partisan CO$T at P.O. Box 1789, Washington, D.C. 20013, and join a national movement that is fighting to eliminate tax discrimination not only for the McGraths, but for 30 million other individual taxpayers. Or write CO$T for a progress report. It's making encouraging strides toward further tax reform, but it needs your support now.

THOMAS M. BRENNAN.

[From the Pittsburgh Press, Mar. 22, 1972]

TAX BREAK FOR MARRIEDS HIT; WHY NOT BONUS FOR SINGLES?

In regard to your March 13 news story, "Singles' War On Tax Led By City Man":

William J. Boros' fight against income-tax inequities for single taxpayers is commendable. Why should single people pay as much as 29 percent higher income tax to the federal government?

On the one hand the government is concerned with the population explosion, and on the other it is making it economically feasible to get married and increase the population.

If anything, the unmarried people and clergy should be given a bonus for keeping the population down.

I think they will be satisfied to be treated like other taxpayers instead of being penalized.

FRED D'ORAZIO.

[From the San Jose (Calif.) Mercury, May 1, 1972]

CO$T

EDITOR: Treasury Secretary Connally was recently quoted in the San Jose Mercury on the dubious chances of a major tax reform bill this year. His words could well trigger the major tax revolt that's been smoldering this past 12 months among the nation's 30 million individual taxpayers.

Once again this year the nation's bachelors, spinsters, widows, widowers, the divorced and the married who file singly were forced to pay up to 20 per cent more personal tax than their income-splitting married counterparts. This 30-million segment of US citizenry has had it with tax discriminations and wants action now!

If democracy is to work at all, an election year would seem to be the MOST TIMELY PERIOD of all to start the reform machinery rolling for an EQUAL TAX BASE for ALL individuals. And this is precisely the goal of a new and growing national action group called the Committee of Single Taxpayers (CO$T). . . .

The only Fair tax is a tax on income, according to CO$T, and let the deductions fall where they may!

PATTY CAVIN,
Executive Director,
CO$T, Washington, D.C.

[From the Indianapolis Star, May 8, 1972]

THOSE FILING INCOME TAX SINGLY GET RAW DEAL, SAYS CO$T OFFICER

TO THE EDITOR OF THE STAR: Treasury Secretary Connally was recently quoted in The Indianapolis Star on the dubious chances of a major tax reform bill this year. His words could well trigger the major tax revolt that has been smoldering this past 12 months among the nation's 30 million individual taxpayers.

Once again this year the nations bachelors, spinsters, widows, widowers, the divorced and the married who file singly were forced to pay up to 20 percent more personal tax than their income-splitting married counterparts. This 30 million segment of U.S. citizenry has had it with tax discrimination and wants action now!

If democracy is to work at all, an election year would be a most timely period to start the reform machinery rolling for an equal tax base for all individuals. And this is precisely the goal of a new and growing national action group called the Committee of Single Taxpayers (CO$T).

CO$T is the brainchild of Washington bachelor Robert Keith Gray, former secretary of President Eisenhower's cabinet, and former Senators George Murphy and Eugene McCarthy. All serve on a volunteer, no-salary basis. As the nonpartisan, nonprofit professional voice of the single taxpayer, CO$T is out to mobilize the previously unorganized individual into a major power block to push from Washington for equal tax legislation.

The only fair tax is a tax on income, according to CO$T, and let the deductions fall where they may! Those who share CO$T's sentiments are advised to register their support with the Committee through Post Office Box 1789, Washington, D.C. 20013.

While the Committee admits it's in the red, it has so far recruited members in all 50 states and Puerto Rico, triggered single tax support in both Senate and House, expedited long awaited hearings on single tax inequities before Wilbur Mills' Ways and Means Committee, and testified this month before Mills' men. CO$T will be on hand when the hearings resume this month.

Numbers count when it comes to Congress, Secretary Connally notwithstanding!

PATTY CAVIN,
Executive Director, CO$T.

[From the St. Louis Globe-Democrat, May 4, 1972]

CO$T CONSCIOUS

TO THE EDITOR: Treasury Secretary John Connally was recently quoted on the dubious chances of a major tax reform bill this year. His words could well trigger the tax revolt that has been smoldering this past 12 months among the nation's 30 million individual taxpayers.

Once again this year the nation's bachelors, spinsters, widows, widowers, the divorced and the married who file singly were forced to pay up to 20 per cent more personal tax than their income-splitting married counterparts. This 30 million segment of United States citizenry has had it with tax discrimination and wants action now!

If democracy is to work at all, an election year would be a most timely period to start the reform machinery rolling for an equal tax base for all individuals. And this is precisely the goal of a new and growing national action group called the Committee of Single Taxpayers (CO$T).

As a nonpartisan, nonprofit professional voice of the single taxpayer, CO$T is out to mobilize the previously unorganized individual into a major power bloc to push from Washington for equal tax legislation.

The only fair tax is a tax on income, according to CO$T, and let the deductions fall where they may!

PATTY CAVIN,
Executive Director, CO$T.

[From the Asbury Park (N.J.) Evening Press, Apr. 4, 1972]

SINGLE TAXPAYERS FORMING CRUSADE

EDITOR, PRESS: As April 15 draws near, again the single taxpayer has his income taxed at a rate up to 20 per cent higher than others with the same taxable income. This is unconstitutional because the 16th Amendment gave Congress the power to "tax income" not people.

Why should the nation's 30 million bachelors, spinsters, widows and widowers, and divorced people have to foot an undue share of the federal tab?

Prior to the 1969 Tax Reform Act all single taxpayers were required to pay up to 40 per cent more than their counterparts even though their single expenses (household, car insurance, etc.) were approximately the same. Since this tax reform singles can now only be taxed up to 20 per cent more than their married friends.

To end this unfair treatment you can join the crusade for tax equity launched by CO$T, Inc. (Committee of Single Taxpayers), the non-profit, non-partisan organization which recognizes that a national campaign to equalize our tax laws is necessary if unfair taxation is to end. CO$T has an advisory board co-chaired by two former United States senators, Eugene J. McCarthy of Minnesota and George Murphy of California. It is enlisting support from every walk of American life. CO$T supports legislation introduced by Rep. Edward I. Koch and Sen. Abraham Ribicoff to tax single persons at the same rate as married couples, and it plans to do more—to seek out and change other inequities.

If you believe in fair tax treatment, send a note or postcard today to CO$T, Inc., P.O. Box 1789, Washington, D.C. 20015, and they'll send you further information.

GERTRUDE LA PLACA.

[From the Time Magazine, Feb. 21, 1972]

SUPPORTING MARRIED COUPLES

SIR: As a bachelor, I have little sympathy for the married McGraths' complaint about their taxes [Jan. 31]. I've been supporting married couples for years by paying a disproportionate share of income taxes. I've been educating their kids, too, with property taxes. And I'll be footing the bill for their vacation. Married couples flying together have a cheaper rate than singles. It's time marrieds started paying their own way.

VENLO WOLFSHON,
Bethesda, Md.

[From the Washington Evening Star, May 9, 1972]

REFORM TAXATION

SIR: No administration slide show (or its side show?) will convince 34 million single taxpayers that the present outrageously discriminatory income tax laws do not need reform.

In spite of the so-called Tax Reform Act of 1969, single taxpayers still subsidize many others by paying up to 20 percent higher taxes on precisely the same taxable income. Any system that so drastically penalizes bachelors, spinsters, widows and widowers, those divorced and married couples filing separately demands correction.

For years, single taxpayers have silently

suffered this burden. Now, through CO$T (Committee of Single Taxpayers) they have a voice. This issue is not one of principle or hoked-up economic theories. It is one of hard-earned money, a fact the administration finds it convenient to overlook but which CO$T is working to bring forcefully to its attention.

The cynicism of its spokesmen is insulting. First, we have Secretary of the Treasury Connally, a former Texas governor, warning against tax reform. An ex-governor of Texas is hardly one to espouse any kind of reform. Then, a government lawyer plans to talk to other lawyers against change to protect the tax shelters so many of them find helpful. Tax reform is a major issue of the day, as voters are showing in every primary. The administration should heed the message.

VENLO WOLFSOHN.

Mr. PACKWOOD. Mr. President, this is an amendment to treat single people, heads of households, widows, widowers, with the same tax tables as married couples filing joint returns are now treated.

It authorizes about 30 million people to file in the same way that married people may file returns. By that I refer to heads of families—widows, widowers, and other unmarried heads of households.

I will give some comparative statistics in order that Senators may understand the burdens on these unmarried taxpayers. Take $8,000 of taxable income. After all the deductions are made, a couple pays $1,380. If the taxpayer is single he pays $1,590, or a penalty of $210. If the taxpayer is the head of a household, he pays $1,480, or a penalty of $100.

The same type of discrimination exists all the way up and down the tax table.

I would like to call to the attention of the Senate the fact that it was an inadvertence and accidental, at least as far as Congress was concerned, that we ever got into this discrimination to begin with. Prior to 1948, single people, heads of households, were treated just as married couples were, because prior to 1948 if the husband made $10,000 and the wife made $2,000, they filed two returns, one on the $10,000 income, and one on the $2,000 income. In 1948, especially, there was a rash of States adopting community property laws, which attributed the income earned for a couple half to each, and because that determined the legal status of the couples, we began to have the situation where in those States with community property laws couples could file returns on income of $6,000 each, rather than, as in the federal requirement, a return on $10,000 and one on $2,000.

A good many States began to look into the Internal Revenue Code for ways of taking advantage of the split income provisions. They began to change the law. Oregon changed it in 1948. Then Congress permitted taxpayers to file joint returns. Two months later, Oregon repealed that law. Lawyers may be interested in what may have happened to the vested interest in that 5- or 6-month period when we had a community property law and then left it.

All I am asking is that we go back to what it was in 1948.

To be frank, there is a $1.6 billion revenue loss in this amendment, because that is the surtax that single people, widows, widowers, and heads of families, now pay, and that is why I have moved the effective date of this amendment back a year. It does not go into effect until January 1st for the calendar year 1973.

There will be no loss until 1974. There will be no revenue loss for the first 6 months of this year. We will have a chance in the interim to correct the inequities and look down the road. This is an inequity that should never have existed. Congress did not intend it. We will have a year to provide ways and means to make up the difference in the revenue.

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

Mr. PACKWOOD. I yield.

Mr. ERVIN. Before Congress enacted this law, there was a discrimination in Federal income taxation between community property States and common law States like my own State. The income was split between husband and wife in community property States, but was not split between husband and wife in common law States. So this amendment, if I understand it, would restore the discrimination which Congress attempted to abolish and did abolish between community property States and common law States, and put them both on the same basis.

Mr. PACKWOOD. No. I can answer the question. It does not change the status of married couples now. The tax tables that have to be changed will be for singles who are heads of households. Those married and filing returns and those who are heads of households will be taxed at the same rate, but it does not give advantage which those who lived in community property States were given prior to 1948 when we did not allow joint taxation.

Mr. ERVIN. This amendment puts the taxation of single and married people on exactly the same basis?

Mr. PACKWOOD. Yes.

Mr. ERVIN. Why does the Senator do it?

Mr. PACKWOOD. It puts single people who are heads of households on the same basis as married couples.

Mr. ERVIN. Maybe I am dense or maybe it is because it is 11 o'clock p.m., but something tells me this is not a measure that should be adopted as an amendment to this bill.

Mr. PACKWOOD. It is germane. It deals directly with revenue. That is why I think the House will have no qualms about this amendment being germane to revenue, because this is a revenue bill.

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

Mr. PACKWOOD. I yield.

Mr. PASTORE. There is nothing new about this amendment. A Senator is either for or against it. It was proposed by Mr. McCarthy when he was a member of this body. He made the pitch that we had many heads of households, schoolteachers, for example, who are not married. As I understand it, this amendment puts single heads of households in the same tax schedules as married couples. One has to be, first of all, the head of a household.

Mr. PACKWOOD. Yes.

Mr. PASTORE. It cannot apply in the case of a daughter, for example, who lives at home and is working.

Mr. PACKWOOD. That is correct.

Mr. PASTORE. It would not apply to her. It would apply to a woman who has to maintain her own house, who may have a mother living there, who has to pay rent, and all that kind of thing. That is why this concession is being made.

Mr. President, I support the amendment.

Mr. BENNETT. Mr. President, here we go again. This is a problem that has been before the tax-writing committees for years, and they have yet been unable to find the formula which will do exact equity between married couples and individuals.

This amendment would give single persons the income splitting benefits now available only to married persons.

This amendment would result in a revenue loss of $1.6 billion per year. It would upset the treatment of married persons which has been established under our tax laws for nearly 25 years, a treatment which is thoroughly sound and rational. Finally, it ignores the fact that Congress carefully considered this matter only 3 years ago in 1969 and reduced the tax on single persons to achieve a proper allocation of the tax burden.

The tax law has for a number of years given married couples the right to file a joint income tax return, thus combining the income of both spouses on one return. Because our tax rates are progressive—the tax rate goes up as total income subject to tax increases—this combining of income on one return would increase the total tax the married couple would pay over the total amount they paid before marriage when each spouse reported his taxable income separately. For that reason, the income on a joint return is "split"—the tax imposed is double the amount of tax which would be paid on half the income taxed at the normal progressive rates. Another way of stating the same thing is that a less progressive rate of tax is applicable to married couples filing a joint return than that applicable to single persons.

In 1969, the Congress became concerned about the lower rate of tax applicable to married couples and reduced the rate of tax on single persons so that, in general, the tax paid by a single person would never exceed the amount of tax by a married couple filing a joint return by more than 20 percent.

There is a rational basis for imposing a smaller tax on married couples than single persons. If both spouses work or each have their own income, it clearly does not make sense to add their independent incomes together and thus push them into a significantly higher tax bracket. We cannot impose such a penalty on marriage.

In approximately 40 percent of married couples today, both spouses work. In addition, in many cases both spouses will have independent incomes even where only one spouse works. For all of

these couples it is obviously equitable to allow income splitting.

Even in the case of a married couple where only one spouse has income, there is a sound basis for allowing income splitting. Such a couple makes a conscious choice—one partner chooses not to work outside of the home but contributes to the marital partnership by caring for the house and children. She could have chosen to work and earn additional income with which to pay someone to perform the household chores. In either case, she contributes in a very real sense to the couple's total income. Consequestly, it is rational to split the total income between the spouses for tax purposes.

A single person, on the other hand, obviously does not present the same equitable claim for income splitting. There is simply no rational basis for allowing income splitting with respect to the income of one taxpayer. Our progressive rates of tax are designed to tax such an individual at higher rates as his income increases. This is the essence of our system—it taxes according to the ability to pay.

In 1969 when we considered this problem and reduced the tax burden on single persons, the report of the Finance Committee recorded the reasons as follows:

> The committee concluded that the difference in tax liability between single persons and married couples filing joint returns is too large. Under present law, the tax rates imposed on single persons are too heavy relative to those imposed on married couples at the same income level; a single person's tax is as much as 40.9 percent higher than the tax paid on a joint return with the same amount of taxable income. While some difference between the rate of tax paid by single persons and joint returns is appropriate to reflect the additional living expenses of married taxpayers, the existing differential of as much as 41 percent which results from income-splitting cannot be justified on this basis.
>
> The committee concluded that the proper solution to the tax differential between married and single taxpayers is a new single person rate schedule that insures the tax of single persons will never be more than 120 percent of that married taxpayers with the same amount of taxable income.

Thus, Congress has assessed the relative burden of single persons and married couples and made a decision. Congress further reduced the tax rate on single persons who are heads of households, halfway between the new single person's rate schedules and the joint return schedule, based on evaluation of the relative burden of single persons with dependents. We should not change these decisions as to relative burdens without public hearings and committee action.

The present tax treatment of single persons does not, as many persons mistakenly allege, involve a penalty to single persons. A single person does not pay a higher tax on an amount of income than a married person with the same income if the other spouse also has income. The single person's tax is higher only if the combined income of the married couple is the same amount, and the tax is higher in this case only because the combined income of the married couple is treated as if half was earned by each spouse—a wholly rational concept.

Thus, if the husband and wife both have incomes equal to the single person's income, there is no advantage and in fact is a disadvantage; their combined tax will be more than twice as high as the single person's tax because they individually cannot qualify for the new lower single person's rate schedule. The joint return principle merely provides for taxing each spouse on one-half the income of the two of them combined, an entirely reasonable concept.

For these reasons the Senate should reject the Packwood amendment.

This is the amendment that the Senator from Louisiana, the chairman of the committee, used to call the "living in sin" amendment, because if a couple is married and file a joint return, they will pay more taxes, much more taxes, than if they separate and file returns under this proposal.

In 1969 we faced this problem and tried to minimize the difference by providing that there could be no more than a 20 percent difference between a married couple and a single individual, but the difference is still in favor of the married couple.

As I say, if this proposal goes into effect, a couple can separate and pay much lower taxes than they pay if they remain married.

It is never wise to try to write technical tax legislation on the floor of the Senate at 20 minutes to 11 at night.

The other point on which I completely disagree with my friend from Oregon is on the question of germaneness. The bill before us is not a revenue raising measure. It is a measure having to do with a ceiling on the public debt and a spending ceiling. If we took this amendment to conference, the House of Representatives would say it is not germane, it would have to be treated in disagreement, and it would face still another problem in the conference.

The House of Representatives is very jealous of its constitutional privilege to initiate tax legislation, and if we take a nongermane tax amendment subject to a point of order, the committee will just simply rise up and say, "This violates our constitutional privilege; we did not send you a tax bill. This is a tax provision, and we will not agree with it."

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

Mr. BENNETT. I yield.

Mr. PASTORE. For the reasons just stated—as I say, I would support it if it came to a vote—I would hope the Senator from Oregon would not pursue it at this time, because I think he would weaken his chance for a later time. It is a good amendment; I think at a proper time he ought to advance it. But there is no question but that this is subject to a point of order. If I were he, I would withdraw the amendment. I am not asking that he do it, but that is my suggestion, and that he then pursue it at a more propitious time, on a bill where it would be more germane.

Mr. PACKWOOD. With all deference to the Senator from Rhode Island, I will not withdraw it. I think it is timely. I have circulated this for 3 or 4 weeks—we now have 25 cosponsors—indicating we were going to attach it to this bill.

In response to the statement of the Senator from Utah that the Finance Committee and the Ways and Means Committee have wrestled with this problem and cannot come up with a solution, all I can say is, with this amendment we would go back to the solution we had in this country from 1913 to 1948, when we had married couples and singles treated the same way, and that obtained until the community property States started to get our tax codes messed up.

Mr. RIBICOFF. Mr. President, I am pleased to join with the distinguished Senator from Oregon (Mr. PACKWOOD) in calling up Amendment 1687 to reform the Internal Revenue Code as it affects single individuals.

As many of us know the income splitting procedure arose out of a historical accident. Before World War II, eight States had community property laws which treated income as divided equally between husband and wife. The U.S. Supreme Court ruled that married couples in the States could divide their income and file separate U.S. tax returns. With this in mind, several other states soon passed laws giving their citizens a similar break. In an effort to restore tax equality and to prevent wholesale disruption of local tax and property laws, Congress in 1948 made income-splitting a national procedure.

This solved the problem for all the married couples, but only served to increase the relative tax burdens on single citizens. As Joseph Pechman has pointed out:

> The practical effect of income splitting is to produce large differences in the tax burdens of single persons and married couples, differences which depend on the rate of graduation and not the level of rates. Such differences are difficult to rationalize on any theoretical grounds.

The income tax should reflect differences in condition and responsibilities by allowing reasonable deductions. However, once the taxable income is determined the same rate should apply to all who have the same income, regardless of whether they are married or single.

Many people attempt to explain the present system by saying that single persons do not bear the costs and responsibilities of raising children. But income splitting under the present law does not differentiate among taxpayers in this respect, since the benefit is the same whether or not they have children.

The Tax Reform Act of 1969 moved toward eliminating this inequity, but did not go far enough. The bill introduced today finishes the job. It provides the benefits of income splitting for unmarried taxpayers placing them on an equal footing with married couples filing joint returns.

Much of the credit for the progress already made in this area goes, I am pleased to say, to a constituent of mine, Miss Vivien Kellems, of East Haddam, Conn. Vivien has been the founder and guiding force behind the movement to free single persons from the inequities of higher taxes. She has refused to re-

treat from her position and has even gone so far as to join battle personally with the Internal Revenue Service.

Because of her efforts on behalf of millions of men and women across the land, Miss Kellems was chosen as Citizen of the Year—1970—by the New Haven Register. It was a well deserved honor.

Vivien Kellems has pointed the way and now it is up to those of us in the Congress to follow through. I hope that my colleagues will join us in this effort.

The legislation we are proposing would take effect on January 1, 1973. It would benefit all unmarried taxpayers who file a return on April 15, 1974, and from there on.

It is estimated by the Department of the Treasury that the cost of this amendment will be $1.6 billion. But this cost will be more than offset by the increased earning power of 34 million single persons and heads of households.

I ask unanimous consent to have printed in the RECORD a fact sheet and a table on the tax as it affects single individuals.

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

FACT SHEET ON THE SINGLE-PERSON TAX AMENDMENT

How would the amendment operate?

Currently, there are *four* tax tables for use by taxpayers in different categories: unmarrieds, heads of household, married filing jointly, and married filing separately. The amendment would result in having *two* tax tables: married filing separately and everyone else.

When would the amendment go into affect?

The change in the tax law would be effective beginning January 1, 1973. It would benefit all unmarried taxpayers who file a return on April 15, 1974, and from there on.

What would be the cost of the amendment?

It is estimated by the Department of the Treasury that the first year loss in revenues from passage of this amendment will be $1.6 billion. Thereafter, the loss in revenues would increase proportionally to the increase in the personal income tax base.

How many taxpayers will be affected by the amendment?

Estimates indicate that there are approximately 34 million single persons and heads of household who will benefit by approval of this amendment. These taxpayers are, of course, located throughout the nation.

Why doesn't the amendment address itself to the problems being experienced by dual-income marrieds?

This is, perhaps, the most frequently asked question—second only to: How much will it cost? It is felt that there simply is not adequate data to indicate the scope of the problem associated with dual-income marrieds. We all know of specific instances which have been drawn to our attention, but the speculation as to the aggregate totals involved is far from specific. Estimates as to the cost of remedying the developing inequity as regards dual-income marrieds ranges from $1.5 billion upwards to $5–6 billion.

Simply stated, it is felt that until specific—or, at least, more specific—data can be developed, we would be ill-advised to add this factor to the amendment. We recognize the existence of this development inequity, and we have every intention of addressing our attention to this problem in the immediate future.

It is felt that to hold up efforts to reform the tax laws as they discriminate against unmarried taxpayers, pending the development of these data, is simply unfair to the more than 34 million individuals affected.

Can you give me some examples of how this amendment would change the income tax liability of a single person?

Certainly! First, though, it is imperative that we remember that the change in the tax laws would affect the tax liability based on *taxable* income. The effect of this fact is that a married couple could very well earn more money—as reflected in Adjusted Gross Income—than an unmarried person and still have an identical tax liability.

Enough said, following are a few examples of how a single person's tax liability would be reduced (equalized) by virtue of passage of this amendment:

Taxable Income	*Present Tax*	*Proposed Tax*
$8,000	$1,590	$1,380
14,000	3,210	2,760
20,000	5,230	4,380

FEDERAL INCOME TAX SURTAX LEVIED AGAINST UNMARRIED INDIVIDUALS

Taxable income	Tax liability: Married filing jointly	Single individual: Tax	Single individual: Surtax	Single individual: Percentage [1]	Head of household: Tax	Head of household: Surtax	Head of household: Percentage [1]
$6,000	$1,000	$1,110	$110	11.0	$1,040	$40	4.0
$8,000	1,380	1,590	210	15.2	1,480	100	7.2
$10,000	1,820	2,090	270	14.8	1,940	120	6.6
$12,000	2,260	2,630	370	16.4	2,440	180	8.0
$14,000	2,760	3,210	450	16.3	2,980	220	8.0
$16,000	3,260	3,830	570	17.5	3,540	280	8.6
$20,000	$4,380	$5,230	$850	19.4	$4,800	$420	9.6
$24,000	5,660	6,790	1,130	20.0	6,220	560	9.9
$28,000	7,100	8,490	1,390	19.6	7,800	700	9.9
$32,000	8,660	10,290	1,630	18.8	9,480	820	9.5
$44,000	14,060	16,590	2,530	18.0	15,340	1,280	9.1

[1] Surtax as a percentage of the tax liability of married couples filing jointly.

FACT SHEET ON THE SINGLE-PERSON TAX AMENDMENT

How will the amendment operate?

Currently, there are four tax tables used by taxpayers of different marital status: single persons, heads of household, married couples filing jointly, and married couples filing, separately. The amendment will result in having *two* tax tables: one for use by married couples filing separately; the other for use by single persons, heads of household, and married couples filing jointly.

When will the amendment go into effect?

The change in the tax law will be effective beginning January 1, 1973.

What will be the cost of the amendment?

Treasury estimates that the annual loss in revenues from passage of this amendment will be $1.6 billion.

How many taxpayers will be affected by the amendment?

IRS' 1970 data show that there are 25.7 million single taxpayers and 3.6 million taxpayers who file as heads of household. All of these people, located throughout the nation, will benefit by approval of this amendment.

Why doesn't the amendment address itself to the problems being experienced by dual-income marrieds?

This is one of the most frequently asked questions—secondly only to: how much will it cost? It is felt there simply is not adequate data to indicate the scope of the problem associated with dual-income marrieds. We all know of specific instances which have been called to our attention, but the speculation as to the aggregate totals involved is far from specific. Estimates as to the cost of remedying the developing inequity as regards dual-income marrieds ranges from $1.5 to $5 billion.

It is felt that until specific—or, at least, more specific—data can be developed, we will be ill-advised to add this factor to the amendment. We recognize the existence of this developing inconsistency, and we have every intention of addressing our attention to the problem in the immediate future.

To hold up our efforts to reform the tax laws as they discriminate against 30 million unmarried taxpayers, pending the development of these data, would be unfair.

Mr. BENNETT. Prior to 1948 married couples were treated as single people, and filed separately. Under the Senator's proposal, they are not treated as single people.

Mr. PACKWOOD. Well, they can choose to be treated as single people under this proposal.

Mr. BENNETT. They cannot choose to be one or the other; they have to use the schedule of married people filing separately.

Mr. PACKWOOD. They can only be one. I mean they cannot be both.

Mr. BENNETT. That is right. Mr. President, I am sorry; maybe I sound a little bit egotistical, but, having served on the tax-writing committee for quite awhile, I know what the House conference committee members will feel is germane, and this amendment is not germane. On that basis, when time is yielded back, I shall move to table the amendment, so that there will not be an up or down vote on it.

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

Mr. BENNETT. I yield.

Mr. HARTKE. I am a member of the committee, and I agree with the Senator from Oregon. I think it is germane. I just want him to know that as far as I am concerned, I do not want to be put in the position of having the Senator from Utah say I would agree that it was not germane.

Mr. BENNETT. Well, having been in conference with the House, I know what will happen when it gets to conference.

If time is yielded back——

Mr. PACKWOOD. I yield back the remainder of my time.

Mr. BENNETT. I yield back the remainder of mine, Mr. President, and

I move to lay the amendment on the table.

The PRESIDING OFFICER (Mr. PELL). The question is on agreeing to the motion to lay on the table the amendment of the Senator from Oregon (Mr. PACKWOOD).

Mr. PACKWOOD. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. PELL). The question is on agreeing to the motion of the Senator from Utah (Mr. BENNETT) to lay on the table the amendment of the Senator from Oregon (Mr. PACKWOOD). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. EASTLAND), and the Senator from Georgia (Mr. GAMBRELL) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Georgia (Mr. GAMBRELL) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Oregon would vote "nay."

If present and voting, the Senator from Nebraska (Mr. CURTIS) and the Senator from Ohio (Mr. TAFT) would each vote "yea."

I also announce that, the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND), are necessarily absent.

The result was announced—yeas 19, nays 53, as follows:

[No. 561 Leg.]

YEAS—19

Aiken	Cooper	Hruska
Bellmon	Cotton	Jordan, N.C.
Bennett	Ervin	Jordan, Idaho
Brock	Fannin	Long
Buckley	Fong	McClellan
Byrd, Harry F., Jr.	Fulbright	Young
	Hansen	

NAYS—53

Allen	Hart	Pell
Bayh	Hartke	Percy
Beall	Hollings	Proxmire
Bentsen	Hughes	Ribicoff
Boggs	Humphrey	Roth
Brooke	Inouye	Schweiker
Burdick	Jackson	Scott
Byrd, Robert C.	Javits	Smith
Cannon	Magnuson	Spong
Case	Mansfield	Stennis
Chiles	Mathias	Stevens
Church	Miller	Stevenson
Cranston	Mondale	Symington
Dole	Montoya	Talmadge
Dominick	Moss	Tunney
Eagleton	Nelson	Weicker
Gravel	Packwood	Williams
Gurney	Pastore	

NOT VOTING—28

Allott	Griffin	Pearson
Anderson	Harris	Randolph
Baker	Hatfield	Saxbe
Bible	Kennedy	Sparkman
Cook	McGee	Stafford
Curtis	McGovern	Taft
Eastland	McIntyre	Thurmond
Edwards	Metcalf	Tower
Gambrell	Mundt	
Goldwater	Muskie	

So the motion to table was rejected.

Mr. BENNETT. Under the circumstances, Mr. President, I ask that the amendment be approved.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment was agreed to.

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 was read the third time.

ORDER FOR ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 8:30 tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATORS WEICKER, ALLEN, SCOTT, BEALL, AND JAVITS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after both leaders have been recognized tomorrow, the Senator from Connecticut (Mr. WEICKER) be recognized for not to exceed 15 minutes; the Senator from Alabama (Mr. ALLEN) be recognized for not to exceed 10 minutes; the Senator from Pennsylvania (Mr. SCOTT) be recognized for not to exceed 10 minutes, and the Senator from Maryland (Mr. BEALL) be recognized for not to exceed 10 minutes.

Mr. JAVITS. May I have 10 minutes, also?

Mr. MANSFIELD. And that the Senator from New York be recognized for not to exceed 10 minutes.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senators WEICKER, SCOTT, and BEALL be grouped together.

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

PROGRAM

Mr. SCOTT. Mr. President, I rise to ask a question which will not surprise anyone and which is on the minds of all.

I am inquiring as to the hope of seeing four lights go up on the board some time tomorrow, and I should like to inquire of the distinguished majority leader whether or not there is light at the end of the tunnel and how close we are to the light.

Mr. MANSFIELD. I hope we are close.

May I say that, contrary to the rumors, the innuendos, and the reports which have been bruited about this town today, it is our intention, if at all possible, to wind up tomorrow night and adjourn sine die.

We are going to be subject to the results of conference reports and what occurs in the other day as well. But, on behalf of the joint leadership, we wish to emphasize again that, if it is at all possible, it is our intention to adjourn sine die tomorrow night. I would say the chances are probably 60–40, 70–30.

Mr. SCOTT. If the majority leader will yield further, the present opinion, I understand, is that we may be getting a conference report on H.R. 1 some time during the afternoon of tomorrow. Is that a wise surmise?

Mr. MANSFIELD. I hope so.

Mr. SCOTT. In any event, we are seeking to advise all Senators that we may well be in session late tomorrow.

Mr. MANSFIELD. Mr. President, in further response to the question raised by the distinguished minority leader, it is the intention to lay before the Senate tonight, so that it will be the pending business tomorrow, Calendar No. 1165, H.R. 12807, which I understand the distinguished Senator from Washington (Mr. JACKSON) will handle. I would hope that it would not take too long and that it might be possible to achieve a time agreement.

Following that, it is the intention of the leadership to call up Calendar No. 921, H.R. 7093, a bill to provide for the disposition of judgment funds of the Osage Tribe of Indians of Oklahoma. I hope it will be possible to get a time agreement on that bill.

Other odds and ends will be called up during the day which will be interspersed with conference reports and the like.

That is about it up to this moment, and I would be delighted to have the distinguished minority leader yield to the Senator from New York at this time.

Mr. SCOTT. I will be glad to yield to the distinguished Senator from New

York, after one further comment, and that is that the minority leader will submit his annual report tomorrow in the event that someone will volunteer to read it.

Mr. JAVITS. Mr. President, if I could have the attention of Senators for 1 minute, I thought, and others thought, about the possibility of moving to instruct the conferees respecting the Jordan amendment but the fact is, such instructions are not binding and the only result might be some feeling of lack of confidence in the conferees. I have no such feeling of lack of confidence, but I think that Senators should be alert to the fact that this could come back in a way which is unacceptable to those of us who, as a matter of principle, support the Jordan amendment. I hope that Members will arrange to be here and be constant to the principle involved. I express the hope that in view of the seriousness of this matter, if the conferees decide that they have to drop the Jordan amendment, they will at least bring it back for a separate vote. That is understandable. I have been in many conferences and in fairness to the Senate it should be that way. Because I have these convictions, I shall not personally suggest any motion to instruct.

Mr. MATHIAS. Mr. President, if the distinguished minority leader will yield me 30 seconds for this observation, I think that this has been a historic debate tonight. It focuses on the essential problem of democracy, which is the sharing of power. I think that if we are going to win the struggle that we have engaged in tonight, we have to consider sharing power within Congress so that we can use power effectively.

Two years ago, we had an ad hoc committee which held hearings on congressional organization. I would propose tonight that we reconvene those hearings. I want to ask other Members of the Senate to join in the ad hoc hearings which I think we can hold in the coming months, so that we can reverse the flow of power from the Congress by utilizing it effectively within the Congress.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. PELL). The bill having been read the third time, the question is, Shall the bill (H.R. 16810) 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 Nevada (Mr. BIBLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Arkansas (Mr. SPARKMAN), are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE), is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Mississippi (Mr. EASTLAND), would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER), are necessarily absent.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT), is absent because of illness.

On this vote, the Senator from South Carolina (Mr. THURMOND), is paired with the Senator from Ohio (Mr. TAFT). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Ohio would vote "nay."

If present and voting, the Senator from Nebraska (Mr. CURTIS), and the Senator from Texas (Mr. TOWER), would each vote "yea."

I also announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE) the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND), are necessarily absent.

The result was announced—yeas 61, nays 11, as follows:

[No. 562 Leg.]

YEAS—61

Aiken	Dominick	Montoya
Bayh	Eagleton	Nelson
Beall	Fong	Pastore
Bellmon	Fulbright	Pell
Bennett	Gurney	Percy
Bentsen	Hansen	Proxmire
Boggs	Hart	Ribicoff
Brock	Hollings	Roth
Brooke	Hruska	Schweiker
Buckley	Hughes	Scott
Burdick	Humphrey	Smith
Byrd, Harry F., Jr.	Inouye	Spong
Byrd, Robert C.	Jackson	Stennis
Cannon	Javits	Stevens
Case	Jordan, Idaho	Stevenson
Church	Long	Symington
Cooper	Magnuson	Talmadge
Cotton	Mathias	Tunney
Cranston	McClellan	Williams
Dole	Miller	Young
	Mondale	

NAYS—11

Allen	Gravel	Moss
Chiles	Hartke	Packwood
Ervin	Jordan, N.C.	Weicker
Fannin	Mansfield	

NOT VOTING—28

Allott	Griffin	Pearson
Anderson	Harris	Randolph
Baker	Hatfield	Saxbe
Bible	Kennedy	Sparkman
Cook	McGee	Stafford
Curtis	McGovern	Taft
Eastland	McIntyre	Thurmond
Edwards	Metcalf	Tower
Gambrell	Mundt	
Goldwater	Muskie	

So the bill (H.R. 16810) was passed.

Mr. LONG. Mr. President, I have a series of motions to make. First, I move to reconsider the vote by which the bill was passed.

Mr. JORDAN of Idaho. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR SECRETARY OF SENATE TO MAKE TECHNICAL AND CLERICAL CORRECTIONS IN ENGROSSMENT OF BILL.

Mr. LONG. Mr. President, I ask unanimous consent that the bill be printed with the amendments of the Senate numbered, that and in the engrossment of the amendments of the Senate to the bill, the Secretary be authorized to make all necessary technical and clerical changes and corrections, including corrections in sections, subsections, et cetera, designations, titles, and cross references thereto.

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

Mr. LONG. Mr. President, I move that the Senate insist on its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Senators LONG, TALMADGE, HARTKE, BENNETT, and MILLER conferees on the part of the Senate.

AMENDMENT OF THE COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16675.

The PRESIDING OFFICER. The Chair lays before the Senate H.R. 16675 which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 16675) to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 to extend for 1 year the program of grants for State and local prevention, treatment, and rehabilitation programs for alcohol abuse and alcoholism.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the bill.

The PRESIDING OFFICER. Without objection, it so ordered.

The Senate proceeded to consider the bill, which was read twice by title.

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

At the end of the bill add the following:

LEAD BASED PAINT POISONING

(a) Section 503(a) of the Lead Based Paint Poisoning Prevention Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $20,000,000 for the fiscal year 1973."

(b) Section 503(b) of such Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and

the following: "and $25,000,000 for the fiscal year 1973."

(c) Section 503(c) of such Act is amended (1) by striking out the word "and" and by inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $5,000,000 for the fiscal year 1973."

(d) Section 503(d) of such Act is amended by striking out all matter after the semicolon and inserting in lieu thereof "any amounts authorized for one fiscal year but not appropriated may be appropriated for the succeeding fiscal year."

Mr. JAVITS. Mr. President, this is the lead-base paint bill, a bill that was sponsored by Senators KENNEDY and SCHWEIKER.

Mr. MANSFIELD. Mr. President, I think we ought to bring this matter to a head. I would like to withdraw the motion made. Because the Senator from Iowa had no idea this would be coming up. And on that basis, I withdraw the motion.

Mr. JAVITS. Mr. President, if the Senator would yield, I talked with the Senator from Iowa about putting this on the bill and told him that it was in a form acceptable to the House. He said it was fine. I had no desire to encumber the bill. I will gladly take it.

Mr. HUGHES. Mr. President, the Senator from Iowa did talk to the Senator from New York earlier today. I asked the Senator from New York if he had cleared it with the Members of the House to make sure that it would not kill the bill. I have no objection to the amendment if he is sure it will not kill the bill. If the Senator from New York gives that assurance, I have no objection to the amendment.

Mr. JAVITS. Mr. President, we have that assurance, and I will state to the Senator now that if there is any problem whatever that the amendment creates with the bill, I would tell the Senate that we would drop it. I have no desire to encumber the bill.

Mr. MANSFIELD. Mr. President, I understand that had not been discussed, and the Senator from Iowa was a little surprised.

Mr. JAVITS. Mr. President, I wish to repeat to the Senate that if it creates any problem, I agree thoroughly that it should be dropped.

Mr. HUGHES. Mr. President, I have no objection to accepting the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

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

The bill (H.R. 16675) was read the third time and passed.

ADJUDICATION IN CERTAIN REAL PROPERTY SUITS

Mr. CHURCH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 216.

The PRESIDING OFFICER (Mr. PELL) laid before the Senate the amendment of the House of Representatives to the bill (S. 216) to permit suits to adjudicate certain real property quiet title actions, which was to strike out all after the enacting clause and insert:

That section 1346 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) The district courts shall have exclusive original jurisdiction of civil actions under section 2409a to quiet title to an estate or interest in real property in which an interest is claimed by the United States."

SEC. 2. Section 1402 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Any civil action under section 2409a to quiet title to an estate or interest in real property in which an interest is claimed by the United States shall be brought in the district court of the district where the property is located or, if located in different districts, in any of such districts."

SEC. 3. (a) Chapter 161 of title 28, United States Code, is amended by adding after section 2409 of such title the following new section:

"§ 2409a. Real property quiet title actions

"(a) The United States may be named as a party defendant in a civil action under this section to adjudicate a disputed title to real property in which the United States claims an interest, other than a security interest or water rights. This section does not apply to trust or restricted Indian lands, nor does it apply to or affect actions which may be or could have been brought under sections 1346, 1347, 1491, or 2410 of this title, sections 7424, 7425, or 7426 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 7424, 7425, and 7426), or section 208 of the Act of July 10, 1952 (43 U.S.C. 666).

"(b) The United States shall not be disturbed in possession or control of any real property involved in any action under this section pending a final judgment or decree, the conclusion of any appeal therefrom, and sixty days; and if the final determination shall be adverse to the United States, the United States nevertheless may retain such possession or control of the real property or of any part thereof as it may elect, upon payment to the person determined to be entitle thereto of an amount which upon such election the district court in the same action shall determine to be just compensation for such possession or control.

"(3) The complaint shall set forth with particularity the nature of the right, title, or interest which the plaintiff claims in the real property, the circumstances under which it was acquired, and the right, title, or interest claimed by the United States.

"(d) If the United States disclaims all interest in the real property or interest therein adverse to the plaintiff at any time prior to the actual commencement of the trial, which disclaimer is confirmed by order of the court, the jurisdiction of the district court shall cease unless it has jurisdiction of the civil action or suit on ground other than and independent of the authority conferred by section 1346(f) of this title.

"(e) A civil action against the United States under this section shall be tried by the court without a jury.

"(f) Any civil action under this section shall be barred unless it is commenced within twelve years of the date upon which it accrued. Such action shall be deemed to have accrued on the date the plaintiff or his predecessor in interest knew or should have known of the claim of the United States.

"(g) Nothing in this section shall be construed to permit suits against the United States based upon adverse possession."

(b) The chapter analysis at the beginning of chapter 161 of title 28, United States Code, is amended by inserting after the item relating to section 2409 the following new item:

"2409a. Real property quiet title actions."

Mr. CHURCH. Mr. President, the amendment of the House to S. 216 in my judgment poses no problem, and my colleague and cosponsor (Mr. JORDAN of Idaho), has informed me that the House amendment is acceptable to him.

Mr. JORDAN of Idaho. The amendment is acceptable to me.

Mr. CHURCH. Mr. President, I have also discussed the matter with the distinguished chairman of the Senate Committee on Interior and Insular Affairs. And he takes no exception to the amendment. The matter has been cleared on both sides of the aisle. And the amendment itself has been recommended by the Department of Justice, according to my information. Therefore, on behalf of my colleague, the Senator from Idaho (Mr. JORDAN) and myself, I move that the Senate concur in the amendment of the House to S. 216.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to.

TRANSFER OF VESSEL BY SECRETARY OF COMMERCE TO THE BOARD OF EDUCATION OF THE CITY OF NEW YORK

Mr. JAVITS. Mr. President, I hope that the majority leader would yield. I have talked with the majority leader and the chairman of the Commerce Committee and the ranking minority member of the Commerce Committee about a small bill that is of great interest to Representative MURPHY in the other body but before I could stop it at the desk, H.R. 15735, which came from the House, was referred to the Committee on Commerce.

Both the ranking minorty member and the chairman are agreeable to the bill being passed on the consent calendar and the committee being discharged.

It is a bill, Mr. President, authorizing the transfer of the Navy vessel called the *Twin Falls*—U.S. Navy Ship *Twin Falls*—by the Secretary of Commerce to the Board of Education of the City of New York for educational purposes with very elaborate provisions for return when it is not required for those purposes, et cetera. And unless the leadership has some objection to it, I ask unanimous consent that the Committee on Commerce be discharged and that the Senate proceed to the immediate consideration of the bill.

The PRESIDING OFFICER. The bill will be reported by title.

The legislative clerk read as follows:

Bill (H.R. 15735), to authorize the transfer of a vessel by the Secretary of Commerce to the Board of Education of the City of New York for educational purposes.

The PRESIDING OFFICER. Is there objection to the requests of the Senator from New York? The Chair hears none, and it is so ordered.

The bill is open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 15735) was ordered to a third reading, was read the third time, and passed.

PERSONAL EXEMPTIONS FOR AMERICAN SAMOANS; ESTATE TAX TREATMENT OF ANNUITIES IN COMMUNITY PROPERTY STATE; GUARANTEED RENEWABLE LIFE, HEALTH, AND ACCIDENT INSURANCE CONTRACTS; ACCRUED VACATION PAY

Mr. LONG. Mr. President, I move that the Senate proceed to the consideration of Calendar Order No. 1232, H.R. 1467.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1467), to amend the Internal Revenue Code of 1954 with respect to personal exemptions in the case of American Samoans.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to, and the Senate proceeded to consider the bill which had been reported from the Committee on Finance with amendments on page 2, after line 4, strike out:

SEC. 2. The amendments made by the first section of this Act shall apply to taxable years beginning after December 31, 1970.

After line 7, insert:

(c) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 1971.

After line 10, insert a new section, as follows:

SEC. 2. (a) Section 2039 of the Internal Revenue Code of 1954 (relating to estate tax treatment of annuities) is amended by adding at the end thereof the following new subsection:

"(d) EXEMPTION OF CERTAIN ANNUITY INTERESTS CREATED BY COMMUNITY PROPERTY LAWS.—In the case of an employee on whose behalf contributions or payments were made by his employer or former employer under a trust or plan described in subsection (c)(1) or (2), or toward the purchase of a contract described in subsection (c)(3), which under subsection (c) are not considered as contributed by the employee, if the spouse of such employe predeceases him, then, notwithstanding the provisions of this section or of any other provision of law, there shall be excluded from the gross estate of such spouse the value of any interest of such spouse in such trust or plan or such contract, to the extent such interest—

"(1) is attributable to such contributions or payments, and

"(2) arises solely by reason of such spouse's interest in community income under the community property laws of a State."

(b) The amendment made by subsection (a) shall apply with respect to estates of decedents for which the period prescribed by the Internal Revenue Code of 1954 for filing of a claim for credit or refund of an overpayment of estate tax ends on or after the date of enactment of this Act. No interest shall be allowed or paid on any overpayment of estate tax resulting from the application of the amendment made by subsection (a) for any period prior to the expiration of the one hundred and eightieth day following the date of the enactment of this Act.

On page 3, after line 17, insert a new section, as follows:

SEC. 3. (a) Section 809(d)(5) of the Internal Revenue Code of 1954 (relating to certain nonparticipating contracts) is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, the period for which any contract is issued or renewed includes the period for which such contract is guaranteed renewable."

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1957. No interest shall be allowed or paid on any overpayment of tax resulting from the application of the amendment made by subsection (a) for any period prior to the expiration of the one hundred and eightieth day following the date of the enactment of this Act.

And, on page 4, after line 5, insert a new section, as follows:

SEC. 4. Section 97 of the Technical Amendments Act of 1958 is amended by striking out "January 1, 1971" and inserting in lieu thereof "January 1, 1973".

Mr. LONG. Mr. President, this bill is a House passed bill which would extend the present definition of a "dependent" for purposes of claiming an income tax personal exemption to include "nationals" of the United States who otherwise would qualify as dependent but for the fact that they are not citizens of the United States—American Samoans.

The committee added three amendments to the bill. The first of these relates to the estate tax treatment of annuities in community property States. This amendment removes a discrimination in existing estate tax law against spouses of employees in community property States who die before the employee spouse.

Generally, an estate tax exclusion is provided for the proportion of the value of a survivor annuity to the extent it is attributable to the contributions of the employer. In a common law State where the nonemployee—often the wife—dies first, no value representing the employer's contribution is included in her estate tax base. However, in a community property State, as a result of the operation of community property laws, half of the value of the annuity in such a case is included in the estate tax base of the nonemployee spouse, even though attributable to employer contributions. This amendment overcomes this discrimination against nonemployee spouses in community property States.

The second amendment relates to guaranteed renewable life, health and accident insurance contracts. Generally, life insurance companies are allowed a 3-percent-of-premium deduction on nonparticipating contracts of life, accident and health insurance issued or renewed for periods of 5 years or more. This amendment makes clear that the period for which a contract is issued, or renewed, also includes the period for which a contract is guaranteed renewable. As a result, it will be clear that guaranteed renewable life, health, and accident insurance contracts are eligible for the 3-percent-of-premiums deductions available to nonparticipating contracts issued for 5 years or more. The amendment is to be effective as of the general effective date of the Life Insurance Company Income Tax Act of 1959.

The third amendment extends for 2 years—until January 1, 1973—the provision of the Technical Amendments Act of 1958 which provides that a deduction for accrued vacation pay is not to be denied solely because the liability for it to a specific person has not been fixed or because the liability for it to each individual cannot be computed with reasonable accuracy. However, for the corporation to obtain the deduction, the employee must have performed the qualifying service necessary under a plan or policy which provides for vacations with pay to qualified employees and the plan or policy must have been communicated to the employees involved before the beginning of the vacation year. This is a continuation for 2 more years of the treatment which has been available for taxable years ending before January 1, 1971.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

MR. ROBERT C. BYRD. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Amendment to H.R. 1467 at the end of the bill, add the following new section:

SEC. 5. (a) section 164(b)(2) of the Internal Revenue Code of 1954 (relating to general sales taxes) is amended by adding at the end thereof the following new subparagraph:

"(E) SPECIAL RULE FOR MOTOR VEHICLES.—In the case of motor vehicles, if the rate of tax exceeds the general rate, such excess shall be disregarded and the general rate shall be treated as the rate of tax."

(b) The amendment made by subsection (a) shall apply to taxable years ending on or after January 1, 1971.

Mr. ROBERT C. BYRD. Mr. President, West Virginia currently has in effect a motor vehicle privilege tax, which until very recently has been treated by the Internal Revenue Service as a sales tax on automobiles. As long as this automobile tax was 3 percent, the same rate as West Virginia's general sales tax, the IRS treated it as a sales tax and West Virginians were permitted to deduct these payments on their Federal Tax returns.

Last year, the West Virginia Legislature raised this vehicle privilege tax to 5 percent, and IRS has now ruled that inasmuch as this tax exceeds the 3 percent sales tax rate, none of this amount can be deducted from Federal returns. I think this is unfair and should be corrected.

My amendment will permit West Virginians to deduct 3 percent of this 5 percent automobile privilege tax and would make this provision retroactive to January 1971, in order that those persons who have purchased automobiles subject to this tax ruling would be covered.

I have discussed the amendment with the able manager of the bill and with the able Senator from Utah (Mr. BENNETT), the ranking member of the committee, and I believe they have agreed to accept it.

I ask unanimous consent to add my colleague, Mr. RANDOLPH, as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. LONG. Mr. President, we have discussed the amendment and the Committee on Finance has agreed to the amendment. As far as I am concerned it can be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERT C. BYRD. I thank the distinguished manager of the bill.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

The amendment is as follows:

At the end of the bill add the following: Section 308(b) of Public Law 92-178 is amended, so that as amended it shall read as follows:

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1969, except it shall not apply to transfers in which delivery occurred prior to June 25, 1971, described in section 57(a)(6) of the Internal Revenue Code of 1954, or to sales and exchanges of capital assets in which delivery occurred prior to such date, which involved, in either case, solely shares of stock of a foreign corporation which prior to January 1, 1970, and until the date of such delivery continuously had its principal place of business and conducted a substantial part of its business in the foreign country in which such delivery occurred.

Mr. LONG. Mr. President, I have a letter from the Treasury Department which expresses no objection to the amendment. The Treasury Department stated:

We do not believe that there is any basis upon the part of taxpayers for reliance upon the silence of the original proposed regulations on this point which would warrant a change in the effective date of the minimum tax. Retroactive application of the 1971 amendment is, of course, particularly important in the case of taxpayers who carried out sales of stock or stock options in foreign tax haven countries for the sole purpose of avoiding the minimum tax in transactions that had no substantial connection with the foreign country in question. The attached language appears adequate to limit relief to bona fide foreign transactions and to have no significant revenue impact. Thus, so long as the bill is confined to the narrow situation which it describes, and so long as it is accompanied by the proposed floor statement, Treasury would not oppose it.

Mr. MILLER. Mr. President, if I may be permitted I would like to read a brief statement in order to give the legislative intent.

Section 308(b) of Public Law 92-178—the Revenue Act of 1971—constitutes a retroactive change in the description of "tax preferences" for purposes of the minimum income tax. The change was designed to tighten up the law. However, the retroactivity feature could be unduly harsh in the case of bona-fide situations established prior to the effective date of the minimum tax.

Accordingly, with a view to avoiding an unintended unfair application of the retroactive feature, this amendment is being offered. For purposes of the legislative history and for guidance to the Treasury Department in administering the law, the intention here is to avoid application of the retroactivity of section 308(b) only in "bona fide" situations; and by "bona fide" is meant: A corporation having its principal place of business in a foreign country and conducting a substantial part of its business in the foreign country prior to the effective date of the minimum tax; and actual delivery of capital assets prior to June 25, 1971, the date of House action on section 308(b). The latter would preclude "dating back" of agreements for sale or exchange for purposes of avoiding application of section 308.

The PRESIDING OFFICER. The question is on agreeing to the amendment. (Putting the question.)

The amendment was agreed to.

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 was read the third time, and passed.

Mr. LONG. Mrs. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended, so as to read: "An act to amend the Internal Revenue Code of 1954 with respect to personal exemptions in the case of American Samoans, and for other purposes."

ADDITIONAL 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. JACKSON:

S. 4105. A bill for the relief of Rosina C. Beltran. Referred to the Committee on the Judiciary.

By Mr. MATHIAS (for himself, Mr. MAGNUSON, Mr. MANSFIELD, Mr. STAFFORD, Mr. STEVENSON, Mr. TAFT, Mr. THURMOND, and Mr. WILLIAMS):

S. 4106. A bill to establish a temporary commission to evaluate the development of automatic data processing systems for legal and legislative research and analysis and related areas and other purposes. Referred to the Committee on Government Operations.

By Mr. STEVENS:

S. 4107. A bill to amend section 607 of the Merchant Marine Act, 1936, relating to vessel construction reserve funds, in order to provide that the modification or installation of certain radio equipment be included in the definition of "reconstruction" for the purpose of such section. Referred to the Committee on Commerce.

S. 4108. A bill to authorize the conveyance of certain property of the United States to the State of Alaska. Referred to the Committee on Interior and Insular Affairs.

By Mr. DOMINICK:

S. 4109. A bill to amend the Wild and Scenic Rivers Act of 1968 (82 Stat. 906) by designating a portion of the Colorado River, Colorado, for study as a potential addition to the National Wild and Scenic Rivers system. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATHIAS (for himself, Mr. MAGNUSON, Mr. MANSFIELD, Mr. STAFFORD, Mr. STEVENSON, Mr. TAFT, Mr. THURMOND, and Mr. WILLIAMS):

S. 4106. A bill to establish a temporary commission to evaluate the development of automatic data processing systems for legal and legislative research and analysis and related areas and other purposes. Referred to the Committee on Government Operations.

Mr. MATHIAS. Mr. President, today I am joined by Senators MAGNUSON, MANSFIELD, STAFFORD, STEVENSON, TAFT, THURMOND, and WILLIAMS in introducing a bill which will establish a Commission on Computerized Research and Analysis in Law. The objectiveness of the Commission will be to conduct a study of the needs of automatic data processing systems within the Federal Government and among the 50 States in the area of legislative and legal research analysis.

It is evident that computers and technology will play a major role in the implementation and delivery of many of our social services. We have seen already the value of this advanced technology in the area of law enforcement and the administration of criminal justice. Courts are gradually adopting the ways of the computer in order to make the judicial process more effiicent and less costly. The police community has now recognized the need for technology in analyzing crime. It is only a question of time until we see most of our social professions being served in one form or another by this advance technology.

One area in which computers and data processing will certainly play a major role is the dissemination of law information.

We have seen that the more diverse and demanding the American people become the more governments must respond and, accordingly the more rules, regulations and laws we will see enacted. And with this proliferation of law, the question appropriately becomes how to disseminate the information to the public, to governments, to the legal community, to the courts and to all of the Nation's communities. We have all seen that irrelevant, unenforced and uncommunicative law breeds disrespect for the law and for the governments which enact them. Certainly the more we know about the laws which we have, the more we are able to judge their effectiveness and thus establish new laws which will be able to respond to the growing social needs and challenges of our nation. If we are to prevent the breakdown of law in our society, we must promote and maintain a modicum of order and clarity among our nation's laws. Can the computer and data processing be used to fur-

ther these necessary goals; this is one of the challenges of this Commission.

The rapidly expanding body of laws, rules and regulations which are promulgated daily from our executive, legislative and judicial branches are often not heard nor read, except by a few while they affect millions of Americans. Consider the area of environmental control, civil rights, crime prevention, consumer protection and numerous laws which are never communicated, digested and understood by the public and the professional community. To rescue our environment for instance, new legal standards are being developed daily. It is essential that these new laws be communicated to the public at large in an easily understood and accessible form.

This Commission would perform an in-depth study of the flow patterns of law information, analyze information decay and judge the appropriateness of data processing in developing new dimensions and tools for legal research and law information dissemination.

Today many nations outside the North American Continent are deeply concerned with law-information technology. Czechoslovakia, Poland, U.S.S.R., Sweden, Denmark, Switzerland, The Netherlands, Germany, Italy, France, England, Scotland, Israel, Japan, and Canada have all established some form of computerized legal or legislative research and analysis. Are we falling behind in this area? This shall be one of the areas of investigation for the Commission.

There are, of course, some fundamental policy questions which the Commission must address. It must for instance, determine the proper role for the Federal Government. Shall the Federal Government be responsible for this entire dissemination process or shall it encourage the private sector to maintain or share this responsibility. And, in those areas in which it is essential for the Government to take charge, how do we assure that it will be adequately equipped to discharge its responsibility to disperse effectively its vast body of valuable information.

What should be the role of the Library of Congress. The Congress, the private bar, and the private community. All this should be examined by the Commission with the objective of creating the most efficient and fair system of disseminating and analyzing law information.

Already, the Government has employed computers such as project LITE of the USAF, at a cost, I am told, of $10 million and project JURIS of the Justice Department. The Law Enforcement Assistance Administration is funding projects for the development of computer capability in crime control. NASA has spent millions of dollars on data processing and advanced technology. There are three computers now presently being used by the Congress, primarily I am told, for payroll purposes. The Bureau of Census also utilizes computers.

Every agency has a computer in use in some form or another. I am told there are some 5,660 computers in use in just the civil agencies of the Federal Government. Are these computers being used to their fullest capabilities? Is there any duplication or waste? Should these systems be expanded, curtailed, and coordinated?

In other words we must have a systematic and calculated approach to the use of data processing both in and out of the governments. The Commission would assess this need carefully.

To what extent can modern technology play a vital role in improving the effectiveness of the judicial process? How can it improve the effectiveness of the conduct of trials and further the orderly administration of justice. If the legal profession is to continue to be officers of court and leaders of the community, we must assure that they continue to be informed on the developments of the law.

An Iowa University study indicates that in 1962 only 3 percent of the case law was recorded in that year.

A Shepard's Citator for New York alone has as many as 8 million entries. By the year 2000, this figure will likely double or triple. How is the legal community going to prepare itself for this massive influx. Already the volume of appeal cases has increased 100 percent. Civil appeals are up to 90 percent and the backlog according to the Chief Judge John Brown of the fifth circuit court has risen 300 percent. The caseload of the Supreme Court has risen more than 400 percent over the last 30 years.

The problem of lagging judicial machinery can be best summarized by the remarks of former Chief Justice Earl Warren; he said:

> In a century which has been characterized by growth and modernization, science and technology, the legal fraternity is still living in the past . . . year after year I have discussed the subject of the ever mounting caseload and the resulting backlogs in our federal courts. I have repeated many times my firm belief that the greatest weakness in our judicial system lies in its administration, yet we have not been able to progress beyond the talking stage about this. . . .

Chief Justice Warren E. Burger reiterated these feelings when he said:

> I am usually inclined to optimism, but I will take the risk of saying flatly that if we fail to do this, (reform our courts) we will experience chaos in the courts with enormous and adverse impact on private civil homes and property, and with all this a loss of public confidence in our system.

Certainly, this same criticism can be said for the workings of Congress. Congress too requires up-to-date information and sustained analysis in order to develop responsive knowledge and expertise. We cannot afford to tolerate the gaps between fact and fiction; people and governments. No one knows better than I the limit of money, space, and staff. We must find new ways to deal with the growing demands of our constituency and with the growing demands for responsible information gathering.

The Commission should consider all the current proposals in this area. It should have before it, all legislative proposals including the one recently introduced by my colleague from Minnesota, Senator HUMPHREY, S. 3612, which establishes a National Institute of Justice.

Proposals by the American Bar Association, the Associations of Law Schools and Law Libraries, the Library of Congress, universities and colleges as well as those submitted by other private and public associations and concerned citizens should be submitted to the Commission for review. For instance a proposal entitled "The National Center for Law Information—Washington, D.C." should be submitted for review by the Commission. The Commission would take a very practical outlook toward its job of reviewing these various proposals. It would look at the realities of the commercially and publicly available services with the objective of providing readily available and easily understood information.

In 1950 there were only 15 computers in the United States and now there are more than 70,000, a figure some experts predict will soar to 300,000 by 1980. We have not yet seen the affect of this revolution upon our social services and institutions. But it is clearly incumbent upon us to make sure that its development serves the needs of our constituents and the needs of quality legislative research.

Every major bar association in this Nation has a committee on law and technology. There are numerous annual conventions held throughout the country to discuss the role of computers in the legal profession and in the area of law information, in general. This is a recognized area of concern which should receive some congressional oversight. More than ever before, we have the capacity to shape America; this is the by-product and the burden of a educated and technologically advanced society. If we do not study and apply all out potential tools, we will be negligent in our duties.

In these harsh economic times we must consider congressional programs which will both correct the social problems, and also add jobs for the millions of men and women in America who are unemployed. The area of computer science might serve both of these concerns.

The bill does not purport to have the final answers, it creates a responsible forum in order that we may attempt to ask some intelligent questions and hopefully encounter some reasoned solutions.

I have been in contact with various bar associations throughout the country, including the ABA and Maryland Bar Association, as well as numerous trade associations including Information Industry Association of Bethesda, Md., and I am encouraged by their response to the bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this time.

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

S. 4106

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

SECTION 1. (a) There is hereby established a temporary commission to be known as the Federal Commission on Computerized Research and Analysis in Law (hereby referred to as the "Commission") which shall conduct a comprehensive study and investigation of the development, use and integration of automatic data processing systems within the Federal Government and among the fifty

States for legal and legislative research and analysis and shall make recommendations for the coordination and expansion of the use of such systems.

(b) The Commission shall be composed of thirteen members appointed for terms of two years by the President. Commission members shall reflect the necessary expertise and professionalism needed for such a job.

(c) The members of the Commission shall elect a chairman and a vice chairman from among their members.

(d) Seven members of the Commission shall constitute a quorum. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e)(1) Any members of the Commission who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the Commission.

(2) Members of the Commission shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332, title 5, United States Code, for each day they are engaged in the performance of their duties as members of the Commission including travel time and, while so engaged 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, title 5, United States Code, for persons in Government service employed intermittently.

DUTIES OF THE COMMISSION

SEC. 2. It shall be the duty of the Commission to assess and make recommendations to the Congress with respect to the needs of the Federal Government, the State government and the public at large for the use of automatic data processing in the area of legal and legislative research and analysis and closely related areas.

SEC. 3. (a) The Commission or any duly authorized subcommittee or member thereof may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths affirmations or issue subpoenas to witnesses appearing before the Commission, any subcommittee thereof, or that member.

(b) The Chairman shall appoint an executive director and appoint and fix the compensation of such personnel as needed to carry out the functions of the Commission.

(c) The Commission may procure temporary or intermittent services of experts and consultants to the extent authorized by section 3109, title 5, United States Code.

(d) The Commission may negotiate and enter into contract with business, nonprofit research organizations, including educational institutions, to conduct such studies and to prepare such reports as the Commission feels necessary in order to discharge its duties.

REPORTS

SEC. 4. The Commission shall submit to the President for transmittal to the Congress an annual report and such interim reports as it deems necessary. The initial report shall contain the Commission's analysis of all current proposals in this area.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the purpose of this Act.

By Mr. STEVENS:

S. 4107. A bill to amend section 607 of the Merchant Marine Act, 1936, relating to vessel construction reserve funds, in order to provide that the modification or installation of certain radio equipment be included in the definition of "reconstruction" for the purpose of such section. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, today, I introduce a bill to assist fishermen and vessel owners who must buy new marine radio equipment required by Federal regulation. The cost of this required radio gear ranges from $250 to $3,500. It is required by the Federal Communications Commission for all vessels—pursuant to an international agreement designed to make efficient use of the radio spectrum.

This international agreement stems from the 1967 Marine World Administrative Radio Conference. Its ramifications were not reviewed by the Senate. One of these ramifications is the added cost to vessel owners who must purchase new equipment required by regulations pursuant to the agreement. Granted that FCC has phased in the requirements over a length of time which attempts to minimize the burden on vessel owners, costs are still being incurred in many instances that would not be incurred without the requirements.

The purpose of this bill is to assist vessel owners to meet these costs through the capital construction fund provisions of the Merchant Marine Act of 1970. This bill would broaden the meaning of "reconstruction" as defined in the basic Merchant Marine Act of 1936 to include radio modifications required by the FCC.

Mr. President, I believe this proposal has merit and would be of assistance to boatowners and fishermen, especially those suffering economic hardships due to extremely poor salmon runs in Alaska this year. I intend to follow through with this legislation in the next Congress. Its introduction now gives the Federal agencies adequate time to study and prepare their reports for prompt consideration in the next Congress.

I move and ask unanimous consent to have the bill's text printed in the RECORD at this point.

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

S. 4107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 607(k) of the Merchant Marine Act, 1936 is amended by inserting at the end thereof the following:

"(9) The term 'reconstruction' includes the modification or installation of radio equipment in order to meet requirements of the Federal Communications Commission established in 47 Code of Federal Regulations 83.351(c)(3)(1)."

By Mr. DOMINICK:

S. 4109. A bill to amend the Wild and Scenic Rivers Act of 1968 (82 Stat. 906) by designating a portion of the Colorado River, Colo., for study as a potential addition to the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

Mr. DOMINICK. Mr. President, I introduce, for appropriate reference, a bill to amend the Wild and Scenic Rivers Act by designating a portion of the Colorado River in Colorado for study as a potential addition to the national wild and scenic rivers system. This bill would authorize the Bureau of Outdoor Recreation to study a 12.5-mile segment of the river and to report back to the President and Congress within 2 years with its recommendations regarding suitability for prospective classification under the Wild and Scenic Rivers Act.

As all of my colleagues are aware, the purpose of the Wild and Scenic Rivers Act is to help preserve some of the most valuable natural resources this country possesses—our remaining rivers which have not yet been encroached upon by man. Section 2 of the Act sets out its policy:

. . . Certain selected rivers of the nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

Mr. President, I support this policy fully, and believe the portion of the Colorado River which would be studied under this bill meets the criteria set out in the act. The 12.5-mile segment flows free and essentially undisturbed between Loma, Colo., and the Colorado-Utah border. A similar reach of free flowing river in Utah has been proposed by Senator Moss for study as a wild and scenic river.

The river flows through highly scenic Ruby Canyon in a remote area of western Colorado. The narrow cut, varying from one-fourth to three-fourths of a mile, made by the river through the north edge of the Uncompahgre Uplift, reveals interesting geologic formations. The canyon's steep walls expose several sedimentary beds laid down during the Triassic and Jurassic ages. These colorful formations are dominated by sandstone, with some black metamorphic rock outcroppings. There are several interesting and scenic side canyons. One of these, Horsethief Canyon, which was a favorite hideout for cattle rustlers, is of interesting local historical significance. Another, Rattlesnake Canyon, contains several large natural arch formations.

The area is rich in wildlife. The river and its surrounding area provide excellent habitat for deer, elk, coyotes, bobcats, Chukka Partridge, Canadian Geese, and wild ducks. Although there is a stretch of Denver and Rio Grande Railroad track, and one small unimproved access road, most of the canyon is accessible only by footpath or boat. Excel-

lent opportunities exist for canoeing, kayaking, rubber raft float trips, camping, bicycling, photography, and canyon hiking. For white-water enthusiasts, the "Black Rock Rapids" offer an exciting challenge. By raft, the float trip through the canyon to Westwater, Utah, can be made in 1 day during high water, and 2 days during low water. Since about 80 percent of the land along the river is currently administered by the Bureau of Land Management, classification under the Wild and Scenic Rivers Act would have minimal impact on private ownership.

Mr. President, a large portion of this country's water resources are found in Colorado. Colorado is the only State in the continental United States into which no appreciable water flows. Snowbanks high in the Colorado Rockies form the headwaters of all its rivers and streams which then flow downward through the mountains and out across its borders. Four of our major river systems originate in Colorado—the Colorado, the Rio Grande, the Arkansas, and the Platte. These rivers and their tributaries pass through some of the most beautiful and unspoiled areas in the United States. Yet, at present, not a single mile of river in Colorado is included in the Wild and Scenic Rivers System. I will be delighted if the study authorized by this bill results in the designation of a small portion of the upper Colorado River for preservation under the Wild and Scenic Rivers Act.

ADDITIONAL COSPONSOR OF BILL

S. 3598

At the request of Mr. WILLIAMS, the Senator from Montana (Mr. MANSFIELD) was added as a cosponsor of S. 3598, the Retirement Income Security for Employees Act of 1972.

INCREASE IN THE PUBLIC DEBT LIMITATION—AMENDMENT

AMENDMENT NO. 1757

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

Mr. STEVENSON submitted an amendment intended to be proposed by him to the bill (H.R. 16810) to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973.

Mr. STEVENSON. Mr. President, I introduce an amendment to H.R. 1681 to require that the President reserve Federal revenues from revenue sharing for State and local governments before reserving Federal revenues from Federal programs.

As reported by the Finance Committee, the debt limit bill contains a provision conferring on the President the extraordinary power to cut any Federal expenditures he chooses so that total Federal expenditures for fiscal 1973 will not exceed $250 billion.

When the debt limit bill is called up, I intend to offer an amendment which establishes a reasonable order of priorities if it becomes necessary for the President to exercise his expenditure-reducing power. The amendment provides that any reductions needed to meet the ceiling must first be made in the new and untested revenue-sharing program. Only if such reductions are not sufficient to bring aggregate Federal spending down to $250 billion would the President be permitted to cut existing Federal programs.

The amendment is based on a simple proposition: if the Federal budget is in such imbalance that extraordinary cuts are required, we should postpone giving away Federal funds to other governments before we starve existing Federal programs to ease the crisis.

Frankly, it does not make any sense for the Federal Government—which is running a deficit for this fiscal year of approximately $35 billion—to provide revenue sharing funds to all State and local governments—which, according to a recent study of the highly respected American Enterprise Institute, ran a surplus of nearly $15 billion on an annual basis during the second quarter of this year. And the situation will worsen. According to the AEI study the Federal budget will suffer a $21.5 billion deficit in fiscal 1975, assuming there is full employment and that there is no tax increase. State and local governments in the aggregate will have a surplus of $23.9 billion in 1975, $6.275 billion of which will come from the Federal deficit in the form of revenue sharing. In short, a deficit budget is going deeper into debt to finance budgets which, in the aggregate have huge surpluses.

Since the new revenue-sharing program is retroactive to January 1 of this year, nearly $8.3 billion in revenue-sharing funds are slated to be paid out this year. If the President was required to reserve these funds first, it is unlikely that he would have to cut any other existing program from its present level of expenditure in order to meet the $250 billion ceiling.

If we do not first postpone revenue sharing, existing high priority programs which unlike revenue sharing are funded through the appropriations process—will have to be cut first. The disruption caused by an 8-month delay in the funding of the new revenue-sharing program is minor when compared with the chaos which would ensue if existing Federal programs are in midyear reduced according to the whims of the Office of Management and Budget.

My amendment also minimizes the degree of Presidential subversion of the appropriations process and of Congress constitutional responsibility to determine how Federal tax dollars are spent.

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

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

AMENDMENT NO. 1757

Add a new paragraph (4) after paragraph (3) of subsection (b) of Section 201 as follows:

"(4) Prior to applying the provisions of paragraphs (2) and (3) of this subsection, the President shall first reserve from expenditure and net lending all, or as much as is necessary to effectuate the provisions of subsection (a), of the amount entitled to be paid to state and local governments from the State and Local Government Fiscal Assistance Trust Fund provided for in the State and Local Fiscal Assistance Act of 1972."

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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 RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the sequence in which the five Senators are to be recognized for special orders on tomorrow be as follows: Mr. ALLEN, Mr. JAVITS, Mr. WEICKER, Mr. BEALL, and Mr. SCOTT.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, the distinguished majority leader has stated the program for tomorrow within the last hour, so I need not repeat it.

ADJOURNMENT TO 8:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 8:30 a.m. tomorrow.

The motion was agreed to; and at 11:30 p.m. the Senate adjourned until tomorrow, Saturday, October 14, 1972, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 13 1972:

IN THE ARMY

The following-named persons for reappointment in the active list of the Regular Army of the United States, from temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be lieutenant colonel, regular Army and colonel, Army of the United States

Dahl, Laverne H., [redacted].

To be captain

Turpin, William C., [redacted]

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be colonel

Doane, David G., [redacted].

To be major

Broskey, Richard D., [redacted].
Goiser, John L., [redacted].
Mathison, Francis G., [redacted].
Reese, Joseph W., [redacted].

Schmidt, Charles E., xxx-xx-xxxx.
Smith, Joseph A., xxxx.

To be captain

Addison, Charles B., xxx-xx-xxxx.
Bickerdike, Edwin V., xxx-xx-xxxx.
Bunner, Ronald C., xxx-xx-xxxx.
Ferguson, Richard L., xxx-xx-xxxx.
Garraway, Samuel W., Jr., xxx-xx-xxxx.
Gray, Kenneth E., xxx-xx-xxxx.
Koller, Conrad F., xxx-xx-xxxx.
Lawhead, Gary W., xxx-xx-xxxx.
Long, Donald W., xxx-xx-xxxx.
Neely, James M., xxx-xx-xxxx.
Neves, Eugene E., xxx-xx-xxxx.
Newby, John H., Jr., xxx-xx-xxxx.
Riddle, Steven G., xxx-xx-xxxx.
Sauer, James B., xxx-xx-xxxx.
Schweitzer, William C., xxx-xx-xxxx.
Shipp, Donald R., xxx-xx-xxxx.
Taylor, Larry A., xxx-xx-xxxx.
Ward, George S., xxx-xx-xxxx.
Woody, Jerry M., xxx-xx-xxxx.
Yearby, Calvin G., xxx-xx-xxxx.

To be first lieutenant

Armstrong, Michael D., xxx-xx-xxxx.
Arquilla, Alfred F., xxx-xx-xxxx.
Aust, Lorraine L., xxx-xx-xxxx.
Bolt, Brenda A., xxx-xx-xxxx.
Brewer, Thomas L., xxx-xx-xxxx.
Browning, Judith A., xxx-xx-xxxx.
Callaway, Larry W., xxx-xx-xxxx.
Caudle, Michael E., xxx-xx-xxxx.
Craig, Aubrey D., xxx-xx-xxxx.
Crockett, Rudolph, Jr., xxx-xx-xxxx.
Dix, Drew D., xxx-xx-xxxx.
Frank, Mitchell C., xxx-xx-xxxx.
Gahan, Sharon M., xxx-xx-xxxx.
Hammack, Richard T., xxx-xx-xxxx.
Harris, Thomas W., xxx-xx-xxxx.
Henry, Ronald M., xxx-xx-xxxx.
Hinson, Alan L., xxx-xx-xxxx.
Holt, Robert H., xxx-xx-xxxx.
Hoover, Steven P., xxx-xx-xxxx.
Hopkins, Frank E., Jr., xxx-xx-xxxx.
Jacobsen, Craig C., xxx-xx-xxxx.
Johnson, Gerald K., xxx-xx-xxxx.
Johnson, Terry D., xxx-xx-xxxx.
Jones, Frank F., III xxx-xx-xxxx.
Jarjala, John C., xxx-xx-xxxx.
Kearns, Michael B., xxx-xx-xxxx.
Keyser, Collette P., xxx-xx-xxxx.
Kinzey, Bertram Y., III, xxx-xx-xxxx.
Larson, Douglas F., xxx-xx-xxxx.
Lawson, Willie A., xxx-xx-xxxx.
Lewis, Richard L., xxx-xx-xxxx.
Logan, William M., xxx-xx-xxxx.
Mayfield, Truman M., xxx-xx-xxxx.
MacDougall, Parker, xxx-xx-xxxx.
Meigel, Glenn J., xxx-xx-xxxx.
Meyers, Sharleen G., xxx-xx-xxxx.
Michaud, Philip L., xxx-xx-xxxx.
Millican, Jerry W., xxx-xx-xxxx.
Montgomery, Daniel A., xxx-xx-xxxx.
Mullins, Stephen A., xxx-xx-xxxx.
Murphrey, Sheila M., xxx-xx-xxxx.
Nelson, Paul R., xxx-xx-xxxx.
Nickisch, Ward B., xxx-xx-xxxx.
Njuguna, Joshua F., xxx-xx-xxxx.
Oldmixon, Robert J., xxx-xx-xxxx.
Pemberton, Clem J., xxx-xx-xxxx.
Ray, Delton B., xxx-xx-xxxx.
Reilly, William P., xxx-xx-xxxx.
Roberts, Donald R., xxx-xx-xxxx.
Robinson, Rosemary L., xxx-xx-xxxx.
Schone, Carl L., xxx-xx-xxxx.
Shaffer, Gayle A., xxx-xx-xxxx.
Shipley, Susan B., xxx-xx-xxxx.
Silkman, Billy D., xxx-xx-xxxx.
Smith, Byron W., xxx-xx-xxxx.
Smith, Robert A., xxx-xx-xxxx.
Sparacino, Ronald A., xxx-xx-xxxx.
Stephanik, Gerald V., xxx-xx-xxxx.
Stewart, Randall T., xxx-xx-xxxx.
Stratta, James M., xxx-xx-xxxx.
Taylor, Rex E., xxx-xx-xxxx.
Thomson, Joseph S., xxx-xx-xxxx.
Townsend, Jamis C., xxx-xx-xxxx.
Tull, Clyde H., xxx-xx-xxxx.
Vihinen, Ruthanne, xxx-xx-xxxx.
Walker, Richard S., xxx-xx-xxxx.
Ward, Bobby R., xxx-xx-xxxx.
Wholfeil, Paula K., xxx-xx-xxxx.

To be second lieutenant

Bankirer, Harold, xxx-xx-xxxx.
Basye, Richard E., xxx-xx-xxxx.
Bosley, James M., xxx-xx-xxxx.
Burge, Larry W., xxx-xx-xxxx.
Cart, Carl E., xxx-xx-xxxx.
Cooper, Marcellous, xxx-xx-xxxx.
Crosbie, Philip A., xxx-xx-xxxx.
Crouch, Sammy E., xxx-xx-xxxx.
Crump, Howard M., xxx-xx-xxxx.
Ericson, Andrew F., xxx-xx-xxxx.
Garcia, Albert B., xxx-xx-xxxx.
Hills, James P., xxx-xx-xxxx.
Gibson, Elizabeth L., xxx-xx-xxxx.
Johnson, Richard W., xxx-xx-xxxx.
Kearin, Timothy D., xxx-xx-xxxx.
Leblanc, James M., xxx-xx-xxxx.
Lots, James V., xxx-xx-xxxx.
McMaughan, Patrick M., xxx-xx-xxxx.
O'Brien, Michael D., xxx-xx-xxxx.
Morgan, Mary E., 00–50–3594.
Pearson, Charles D., Jr., xxx-xx-xxxx.
Peters, Anthony L., xxx-xx-xxxx.
Radwick, Michael J., xxx-xx-xxxx.
Rickman, John C., xxx-xx-xxxx.
Riedel, Peter E., xxx-xx-xxxx.
Rodda, Peter H., xxx-xx-xxxx.
Rose, Robert W., xxx-xx-xxxx.
Rosenquist, David L., xxx-xx-xxxx.
Smith, Wallace E., Jr., xxx-xx-xxxx.
Steiner, James E., xxx-xx-xxxx.
Van Horne, Ralph J., xxx-xx-xxxx.
Varnado, Talmadge R., Jr., xxx-xx-xxxx.
Ward, Robert L., xxx-xx-xxxx.
Williams, Reginald F., xxx-xx-xxxx.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Richardson, Michael A., xxx-xx-xxxx.

CONFIRMATIONS

Executive nominations confirmed by the Senate, October 13, 1972:

In the Coast Guard

Coast Guard nominations beginning Donald M. Thomson, Jr., to be commander, and ending Robert V. Fischer, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 2, 1972.

In the Diplomatic and Foreign Service

Diplomatic and Foreign Service nominations beginning Charles S. Ahlgren, to be a Foreign Service officer of class five, and ending Donald J. Yellman, to be a Foreign Service officer of class five, which nominations were received by the Senate and appeared in the Congressional Record on October 9, 1972.

In the Army

The following-named officers to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Joseph Miller Heiser, Jr., 240–03–6883, Army of the United States (major general, U.S. Army).

Lt. Gen. Charles William Eifler, 176–32–5546, Army of the United States (major general, U.S. Army).

Lt. Gen. John Macnair Wright, Jr., 562–54–2446, Army of the United States (major general, U.S. Army).

Lt. Gen. Fillmore Kennady Mearns, 561–54–4071, Army of the United States (major general, U.S. Army).

In the Navy

The following-named officers of the Navy for permanent promotion to the grade of rear admiral:

LINE

George G. Halvorson	John S. Christiansen
John D. H. Kane, Jr.	Richard E. Fowler, Jr.
Edward L. Feightner	William M. A. Greene
John M. Thomas	Julian S. Lake
Brian McCauley	Joe Williams, Jr.
Thomas E. Bass III	Joe P. Moorer
Billy D. Holder	Walter N. Dietzen, Jr.
Richard E. Henning	Harvey E. Lyon
William H. Shawcross	Emmett H. Tidd
Robert P. Coogan	Robert O. Welander
Ralph S. Wentworth, Jr.	Robert Y. Kaufman
	Stansfield Turner
Daniel J. Murphy	William R. St. George
Thomas B. Hayward	John G. Finneran
John J. Shanahan, Jr.	

CIVIL ENGINEER CORPS

Albert R. Marschall

Vice Adm. Dick H. Guinn, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Fred G. Bennett, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. George E. Moore II, Supply Corps, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Ralph Weymouth, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

In the Air Force

Air Force nominations beginning Robert H. Boehringer, to be lieutenant colonel, and ending Jerral V. Skinner, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on October 2, 1972.

Air Force nominations beginning Philip J. Blank, to be lieutenant colonel, and ending Charles W. Taylor, Jr., to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on October 10, 1972.

Air Force nominations beginning Raymond G. Armstrong, to be colonel, and ending Alfred S. Windeler, Jr., to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 1972.

Air Force nominations beginning Donald L. Abbott, to be major, and ending Sherman G. Madere, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 1972.

Air Force nominations beginning Roland D. Aarons, to be captain, and ending William B. Poore, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 1972.

Air Force nominations beginning Alvin D. Aaronson, to be colonel, and ending Lorraine E. Stuckman to be colonel, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 1972.

Air Force nominations beginning Richard F. Abel, to be lieutenant colonel, and ending Marion J. Stansell, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 1972.

In the Army

Army nominations beginning P. L. Barrett, Jr., to be colonel, and ending William K. White, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on October 2, 1972.

Army nominations beginning Enrique Irkzarry-Toro, to be lieutenant colonel, and ending Donald S. Rennie, to be first lieuten-

ant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 1972.

IN THE NAVY

Navy nominations beginning John Abbott, to be captain, and ending Joanne Marie Wilke, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 8, 1972.

Navy nominations beginning Emile W. Achee, to be captain, and ending Jacob V. Eskenazi, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 1972.

IN THE MARINE CORPS

Marine Corps nominations beginning Mary E. Bane, to be colonel, and ending Kathleen Wright, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 11, 1972.

HOUSE OF REPRESENTATIVES—*Friday, October 13, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord will give strength unto His people; the Lord will bless His people with peace, Psalms 29: 11.

Eternal God, our Father, we thank Thee for the deep and abiding faith which through all the trials and tribulations of these troubled times holds us close to Thee. We are grateful for the star of hope shining forever in our sky, illumining our way leading us to nobler endeavors, and for the spirit of good will which binds us together and which can unite us as a nation seeking justice with freedom for all.

As we wait upon Thee, grant unto us light to guide us, strength to sustain us, and wisdom to help us; that we may be true servants of Thine and faithful in our devotion to our country. Keep us as individuals and as a nation on the march to a better day for all people on this planet.

We pray in the spirit of Christ. 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 PRESIDENT

Sundry messages in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on October 12, 1972, the President approved and signed bills of the House of the following titles:

H.R. 11047. An act for the relief of Donald W. Wotring;

H.R. 11629. An act for the relief of Cpl. Bobby R. Mullins; 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 9554. An act to change the name of the Perry's Victory and International Peace Memorial National Monument, to provide for the acquisition of certain lands, and for other purposes;

H.R. 15280. An act to amend the act of August 16, 1971, which established the National Advisory Committee on Oceans and Atmosphere, to increase the appropriation authorization thereunder;

H.R. 16444. An act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes;

H.R. 16987. An act to amend the act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce; and

H. Con. Res. 721. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 3507.

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. 12186. An act to strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes;

H.R. 15641. An act to facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3507) entitled "An act to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9727) entitled "An act to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8395) entitled "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."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16754) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16593) entitled "An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17034) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCLELLAN, Mr. MAGNUSON, Mr. STENNIS, Mr. PASTORE, Mr. ROBERT C. BYRD, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. YOUNG, Mrs. SMITH, Mr. HRUSKA, Mr. COTTON, Mr. CASE, and Mr. STEVENS to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2087) entitled "An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal minimum death and dismemberment benefit to public safety officers or their surviving dependents," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCLELLAN, Mr. ERVIN, Mr. HART, Mr. HRUSKA, and Mr. SCOTT to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills and a joint resolution of the Senate of the following titles:

S. 1973. An act to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes;

S. 2411. An act to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes;

S. 2454. An act to amend the Youth Conservation Corps Act of 1970 (Public Law 91-378, 84 Stat. 794) to expand the Youth Conservation Corps pilot program, and for other purposes;

S. 2674. An act to remove a cloud on the title to certain lands located in the State of New Mexico;

S.J. Res. 251. Joint resolution to designate the week which begins on the first Sunday in March of each year as "National Beta Club Week".

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R.