



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92^d CONGRESS, SECOND SESSION

SENATE—Thursday, February 3, 1972

The Senate met at 10:30 a.m. and was called to order by Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia.

PRAYER

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

Almighty God, our help in ages past, our never-failing strength from day to day, in Thy providence another day for service is added to our lives. Sanctify our efforts for the betterment of our common life. Endue with Thy spirit our fallible minds. Undergird our limited natural powers by Thy supernatural powers. Bring to our consultations a wisdom which is above all that is merely human.

In these contentious times, keep each of us true to truth and faithful to the claims of justice and freedom. Above the confusion of many voices may we hear Thy voice, heed the promptings of conscience, and obey the call to duty. Send us to our tasks with the power of Thy spirit in our lives and bring us to the close of the day with clean hands and pure hearts at peace with Thee.

As we pray for ourselves in this place we pray for Thy blessing upon this Nation and make it a blessing to the whole world.

In His name who taught us to pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 3, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. GAMBRELL 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

CXVIII—155—Part 3

Wednesday, February 2, 1972, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

CONVEYANCE OF CERTAIN LANDS IN BREVARD COUNTY, FLA.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 574, H.R. 11487.

The ACTING PRESIDENT pro tempore. The clerk will state the bill by title.

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

A bill (H.R. 11487) to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Aeronautical and Space Sciences with an amendment on page 3, after line 10, insert a new section, as follows:

SEC. 2. The authority to convey land to the Chapel of the Astronauts, Incorporated, under this Act shall terminate two years after the date of enactment of this Act.

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

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-600), explaining the purposes of the measure.

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

COMMITTEE AMENDMENT

The committee added Section 2 to the bill which reads as follows:

SEC. 2. The authority to convey land to the Chapel of the Astronauts, Inc., under this Act shall terminate two years after the date of enactment of this Act.

This amendment places a time limit of two years on the authority of the Administrator to convey the land described in the bill and this report to the Chapel of the Astronauts, Inc.

PURPOSE OF THE BILL

The purpose of the bill is to authorize the Administrator of the National Aeronautics and Space Administration to convey for fair market value to the Chapel of the Astronauts, Inc., a nonprofit Florida corporation, not to exceed 7 acres of unimproved land at the John F. Kennedy Space Center, National Aeronautics and Space Administration, in Florida, for the purpose of constructing, operating, and maintaining a public facility for worship or meditation and a memorial to our astronauts.

EXPLANATION OF THE BILL

The bill authorizes the conveyance for fair market value of unimproved land adjacent to the present Visitor Information Center at the John F. Kennedy Space Center, Florida. The bill also permits the construction, operation, and maintenance on the land of a nondenominational, nonsectarian, nonprofit public facility for worship or meditation and a memorial to the astronauts by the Chapel of the Astronauts, Inc. The facility shall be open at all times to any individual or group without discrimination as to race, creed, color, or national origin.

The bill provides that conveyance of the property together with necessary access easements for vehicular and pedestrian traffic and utilities should not take place until the Administrator of the National Aeronautics and Space Administration determines that the Chapel corporation is ready, willing, and financially able to otherwise able to construct, operate, and maintain such a facility and that plans therefor are appropriate for the intended purpose and will not interfere with the operation of the surrounding Government facilities. Covenants shall be included in any deed of conveyance which restrict the use of the property for the purpose for which it was conveyed, affirmatively requiring that the property be used in that manner, and providing that title to the property and improvements thereon shall revert to the Government without compensation whenever the Administrator (or his successor) determines that any of the covenants have been breached.

Section 2 of the bill provides that the authority of the Administrator to convey the property described in the bill shall terminate 2 years after the date on which the bill becomes law.

BACKGROUND

Initial proposals for locating the Chapel of the Astronauts at the Kennedy Space Center surfaced in 1969 when NASA was requested to grant to the Chapel corporation a 25-year, noncost easement of land adjacent to the present Visitor Information Center. The purpose of this chapel facility was intended primarily for those persons who visit the Kennedy Space Center as no direct NASA mission or purpose would have been served by the erection of such a chapel.

NASA determined that the easement was

not appropriate as it might give the appearance that NASA by granting the Chapel corporation's request might be favoring a religious enterprise in violation of the Federal Constitution.

A long-term lease was then considered and NASA requested the Chapel corporation to amend its corporate charter and plans so as to make its corporate purpose and the building truly nondenominational. The corporation complied with this condition to NASA's satisfaction.

NASA submitted a draft lease to the Comptroller General for advice as to its sufficiency. The Comptroller General in two memorandum decisions (B-169992, July 24, 1970, and September 15, 1970), expressed doubt that the authority of section 203(b)(3) of the National Aeronautics and Space Act of 1958, as amended, 42 U.S.C. 2473(b)(3), would extend to a lease of land for the purpose of constructing thereon a substantial building for use by the public as a nondenominational chapel. In view of this doubt, the Comptroller General stated that specific authorization should be obtained from the Congress before entering into any such lease arrangement. In view of the Comptroller General's decision, NASA advised the Chapel corporation that NASA could not proceed with the lease negotiation without further specific congressional authorization.

NASA then drafted a bill to authorize the sale of such land which was introduced in the House as H.R. 4545 and in the Senate as Senate Joint Resolution 42.

The bill was considered by the Committee on Science and Astronautics of the House which, after reviewing and recommending several technical amendments, reported out a clean bill, H.R. 11487, which was subsequently passed by the House of Representatives on November 15, 1971.

COMMITTEE COMMENT

H.R. 11487 was referred to this committee on November 16, 1971. The committee having had Senate Joint Resolution 42 before it had requested reports from the Administrator of NASA, the Comptroller General, and the Deputy Attorney General. None opposed the enactment of the legislation. (For comments by the individual agencies, see hearing before the Committee on Senate Joint Resolution 42 and H.R. 11487, Thursday, December 2, 1971, pp. 4-11.)

The committee explored in depth on December 2, 1971, during a public hearing, NASA's plan for implementing provisions of the bill to insure that the interests of the Federal Government would be protected in the proposed conveyance.

Testimony before the committee indicated that while the bill provides for conveying not more than 7 acres of land, the amount under consideration is actually 5.5 acres. Testimony further indicated that an appraisal of these 5.5 acres during the time the lease concept was under consideration placed the fair market value of the 5.5 acres of land, excluding necessary easements, at about \$10,000. Testimony indicated also that the value of this land probably has not increased to any great extent. The tract was originally acquired by the Federal Government as part of a larger tract at an average cost of \$1,584 per acre or slightly over \$8,700 for the 5.5 acre tract.

Sale of this land to the Chapel of the Astronauts, Inc., is to be at fair market value. The committee recommends that NASA in determining the fair market value of this land avail itself of the advice and assistance of those departments and agencies that specialize in the conduct of real property activities for the Federal Government.

The corporation will bear all costs associated with the chapel facility. More specifically, the Chapel corporation will bear all costs directly attributable to the acquisition

of the land and its improvements, and to the construction, operation, and maintenance of the chapel, including such things as road improvements, running utility lines to the chapel, relocation of security posts or gates, rental of temporary storage area for construction material, purchase of fill dirt, additional emergency fire fighting or medical capacity, and services of NASA guards for those occasions when the chapel is in use but the installation is otherwise closed. To the maximum extent possible, the corporation will bear all such costs directly so as to minimize the day-to-day interface between the Chapel corporation and NASA. For example, while the nature and the location of the necessary access easements have not yet been determined, it is NASA's intention that where practical the chapel will connect directly with public rather than NASA utility lines so as to avoid the cost and complications of resale.

In testimony before the committee, the Administrator of NASA stated that he will not execute the deed without coming back to the committee (see hearing, pp. 25 and 32). It is the intent of the committee to scrutinize the deed of conveyance along with its covenants closely. It is the committee's view that the Administrator would make every effort to meet any recommendation the committee might have with respect to this deed and its covenants.

In testifying before the committee, the corporation witness stated that the Chapel financing would be carried out through a professional fund-raising group to obtain funds by public subscription. The Chapel corporation witness assured the committee that any literature published of behalf of the Chapel of the Astronauts would contain a specific disclaimer as to any association between the Chapel corporation and NASA.

COMMITTEE RECOMMENDATION

The committee having favorably considered this legislation reports the bill with an amendment and recommends its enactment. The committee's amendment provides that the authority for the Administrator of NASA to convey the land to the Chapel of the Astronauts, Inc., will terminate 2 years after the date of the enactment of the bill.

COST AND BUDGET DATA

No Federal funds are authorized to be appropriated or would be appropriated by enactment of this bill. Further, enactment of this bill will not require, in the future, any net outlay of funds by the U.S. Government. Sale of the land probably would result in a small profit to the Government. All costs of construction, operation, and maintenance of the chapel will be borne by the corporation using funds derived by public subscription.

A. WILLIS ROBERTSON—IN MEMORIAM

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. BYRD) is recognized for 15 minutes.

Mr. BYRD of Virginia. Mr. President, my distinguished colleague from Virginia and I requested this time this morning so that any of our colleagues who desire to do so might have an opportunity to make remarks concerning a late beloved member of this body, former Senator A. Willis Robertson.

Mr. President, I had known Senator Robertson all of my life. It just so happened that Senator Robertson and my father came to know each other the year that I was born. The reason for that was that that was the year when each

of them was elected to the Virginia Senate. They served in the Virginia Senate together, and subsequently served together in the Senate of the United States.

Senator Robertson had an outstanding political career in Virginia, an outstanding career of public service. He served as a member of the Virginia Senate. He served as Commonwealth attorney for Rockbridge County. He served as chairman of the fish and game commission. He served as a Member of the U.S. House of Representatives from the Seventh Congressional District. And he served for 20 years in the Senate of the United States.

Last fall I spoke in the Senate in regard to Senator Robertson and my friendship for him. I shall not repeat those remarks today other than to say that he was a long-time friend and he was an outstanding, distinguished, and able legislator.

Mr. President, I yield the remainder of my time to my distinguished colleague from Virginia.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. SPONG. Mr. President, I thank my colleague, Senator BYRD of Virginia.

I was in the Senate Chamber when word was received of the passing of Senator Willis Robertson and on that occasion made some remarks to the Senate. I should like to supplement them this morning.

Mr. President, Senator Robertson served the Commonwealth of Virginia with distinction for a half a century. He was elected to our State senate in 1916 and was a diligent member of that body. He also served as Commonwealth's attorney for Rockbridge County, as chairman of the State Commission on Game and Inland Fisheries, and as representative of Virginia's Seventh Congressional District, that area which encompasses the beautiful Shenandoah Valley. He was elected to the Senate in 1946 to succeed the late Carter Glass, whom he greatly admired.

It was my privilege to succeed Senator Robertson. As I observed in the Senate on the day his passing was announced, he was "a man of deep spiritual conviction, a dedicated public servant, and a clean political opponent."

Virginius Dabney, in his recent book entitled "Virginia: The New Dominion," recalls that Senator Robertson once declared:

I would be happy if history records my efforts in behalf of conservation as a worthwhile contribution to my day and generation.

He was especially proud to be a co-sponsor of the Pittman-Robertson Act, which has produced millions of dollars for wildlife preservation activities.

Mr. Dabney states that Senator Robertson "was particularly concerned for the preservation of the forests from destruction and the rivers from pollution and in this he was ahead of his time."

I think, with the emphasis we now know must be placed on the environment and its preservation, Senator Robertson's pioneering work in this field will truly be recognized as a worthwhile contribution

not only to his day and generation but to future generations as well.

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

Mr. SPONG. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I wish to join in the sentiments expressed by the two distinguished Senators from Virginia.

There was a good deal of similarity between Senator BYRD of Virginia and Senator Robertson. They both came from the same part of the country. They were both born about the same time, and, insofar as the chairmanship of their respective committees was concerned, Finance on the part of Senator BYRD of Virginia and Banking and Currency on the part of Senator Robertson, I wish to say that regardless of how they felt about any particular piece of legislation, they always gave that legislation the most serious, expeditious consideration, and had it reported to the floor where the Senate would then decide what its ultimate disposition would be.

I came to love Harry Byrd, who sat in that chair, because he was a wise man and a good man, and his counsel was always worthwhile. And I had great affection for Willis Robertson, with whom I served in both the House and the Senate, and who, as has been indicated, was interested in the environment long before it became a popular subject.

The loss of both Senators from the Old Dominion has been felt in this body, but I am delighted that the son is filling the shoes of the father and that the distinguished junior Senator from Virginia (Mr. SPONG) is likewise filling the shoes of his predecessor, as well as his own. Virginians should be very proud of the two Senators who represent them in the line of succession to the two former Senators who have passed to their reward.

Mr. SPONG. I thank the Senator from Montana.

Mr. STENNIS. Mr. President, if the Senator has additional time so that he can yield to me, I would appreciate it.

Mr. SPONG. I am pleased to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I appreciate the fact that the Senator from Virginia has yielded time to me. Most of my colleagues know that the late Senator Willis Robertson and I became very close personal friends. I do not propose to repeat here today things that I have already said on the floor of the Senate, some on the occasion of his retirement from this body and some on the day that we learned of his passing. But I do, as a personal friend and in part as an associate and fellow Senator, wish to express my thoughts concerning a part of that area of our association.

Mr. President, if I had to sum up Senator Robertson's character as well as his career in a limited number of words—in two words, we will say—I would think first of his being a genuine person. Genuineness: He was genuine about the things that he attempted to do. He was genuine in his acts and in his

conduct. He was genuine in every respect.

Another single word that would sum up a lot about him was that he was a wholesome man, which I think means a great deal. Wholesomeness: He had a wholesome outlook on life, and that certainly included, for him, a basic faith in his fellow man. He had strong differences of opinion with some of his fellow men, but he had a basic faith in humanity and his fellow man. Further, he had a basic continuing faith in God as Creator and as a Divine Power. These things meant a great deal to him, and he lived his beliefs.

In that connection, those who were closely associated with him knew that he was truly a student of the Bible. He knew the contents of the Bible in a scholarly way, as well as looking upon its cardinal principles as a basis for his faith.

I should mention here, too, that he was the son of a Baptist minister in Virginia. His father read the Bible in the original Greek; he was that much of a scholar, as well as a biblical scholar—I am referring to the father—and I happen to know that Senator Robertson's father at a time when his family consisted of his wife and four or five children, he turned down a call to fill the pulpit in the First Baptist Church of Roanoke, Va., which then as now was well supported financially, in order to accept the call of the Baptist Church of Virginia to go into the mountains as a home missionary; the compensation in money for that missionary position was \$50 a month. This, of course, was many years ago.

This shows the type of faith, dedication, and devotion that his father exemplified and his mother matched, I am sure. It shows the kind of home that he was reared in. The teachings of that home certainly paid off in this fine son and his great work.

Those of us who knew him so well, and knew of his scholarly approach to the Bible, knew also of his dedication and devotion to some of the great figures of the Bible: Job for one, and Moses is another illustration. He had, I think, many of the qualities that those notable biblical characters possessed.

I think of him, too, in connection with his love for the great outdoors.

I remember that long before there was a national movement about ecology, or publicity or consciousness about it, even long before I knew him, Senator Robertson was leading the way for fish and wildlife conservation, for the purity of water streams, and for the protection of our natural resources. He was a man long ahead of his time.

That interest led him to be the author of much of Virginia's fish and game law of his time, and after he came here, he was coauthor of a bill that is still the basic national law on the subject.

That interest was not just from the sportsman's standpoint; it was from the standpoint of his great love of nature, even though he was a very ardent sportsman—always interested—and that interest spread to others who associated

with him. I know that when he was past his 80th birthday and until about the last 12 months of his life, shooting wild quail—that is, quail raised on the outside—without wearing glasses, the quail had a mighty small chance to survive. I would not score anyone ahead of him except the Senator from Georgia (Mr. TALMADGE), who would run a very close second.

It was an inspiration for me to be with Willis Robertson on many such occasions, when he liked to tramp the fields and wade the streams. Whether the game was plentiful or not, he got great enjoyment.

I associated with him not only in Washington, in the Senate, but also during many visits to his native State of Virginia which he loved so well—and which I love, too. We were together in other places, in other States. All were frequently engaged in work on the Senate Appropriations Committee.

He had a great number of wholesome, fine friends all over the State of Virginia and many other States. Just the fact of their friendship enduring over the years speaks more eloquently than I can. He had friends in Congress, and deserved them; and, in turn, he was a great friend of many of us.

I want to mention, also, that he had a fine sense of humor. He always relished a good, clean story and he had many of his own. But it was his original wit and humor and his vivid descriptions that would entertain us the most, whether on hunting trips or at a social event or at a committee meeting in the Senate, and even on the floor. I think his sense of humor was one of the things that kept him going, still physically active, into the ninth decade of his life.

I think it is appropriate to mention, too, the fine way that he consistently exercised during his youth and his adult years. In his arms was the same muscle with which he played football at the University of Richmond, as a student. His muscles were strong and vigorous until a few weeks before he passed away. He had never been flabby under any circumstances. That describes the man—his wholesomeness, his cleanness, his outlook on life, and his fine sense of a true sportsman; a fine Christian man who lived his religion every day in the week.

Mr. President, I miss him; I miss him every day. I miss him on patriotic holidays, and I recall how he would express himself. I miss him on religious holidays, such as the Christmas season. I think one of the tests of a man's greatness and his effectiveness in life is whether he is missed. I know he is missed by many of his colleagues, by his many, many friends. I have received many expressions of this.

I feel that the great, fine spirit that was Willis Robertson cannot be dead. That would not be the end. There is a future life for him. His spirit lives, continues to live here, and I am sure it also lives in that great beyond.

My words are very feeble as compared to the words used by Dr. William L. Lumpkin, pastor of the Freeman Baptist Church, Norfolk, Va., when this scholarly, fine, wholesome minister, and

gentleman delivered the funeral service for our late friend on the campus of Virginia Military Institute, in the magnificent chapel, in Lexington, Va., which was the home city of Willis Robertson. I have never seen a more fitting place nor more fitting surroundings for the funeral of a man who had served his State so well. A magnificent sermon was delivered by Dr. Lumpkin, who at one time, 20 years ago, had been the pastor of Senator Robertson's church in Lexington.

So that the sermon may be shared and so that the words may be expressed again for an even wider audience, I ask unanimous consent that the words of this truly great leader, this outstanding minister of Virginia, spoken on that occasion, be printed at this point in the RECORD.

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

FUNERAL SERVICE OF HONORABLE A. WILLIS ROBERTSON

In the midst of the sage of Israel's Wilderness Wandering we read that "Moses and Aaron said to all the people of Israel, 'At evening ye shall know that it was the Lord who brought you out of the land of Egypt, and in the morning ye shall see the glory of the Lord . . .'" I would have you consider with me the theme:

THE BEAUTY OF THE SUNSET

You have sat on a hill and watched the sun going down; your soul has thrilled at the beauty of the sunset. In similar light we are to see the death of our honored friend, A. Willis Robertson. Think of the world as a park filled with gardens and playgrounds, trees and lakes, museums and swimming pools. We are like children privileged to spend a day in the great park. The time we are privileged to spend is not the same in length, in light nor in beauty. Some days are long and sunlit; others are cloudy and stormy, as in a winter's tale. Some children are able to stay only a few short hours. Some must go home at noon while the sun is still shining. Others stay until the sun begins to set in the beauty of the west. For each of us the moment comes when the great nurse, Death, takes us by the hand and quietly says "It is time to go home, my child; come with me." This our admired friend has been privileged to live until the shadows of the setting sun had lengthened, and the evening had come; the business of the world was hushed, and the fever of life was over, and work was done.

I. Death can be beautiful when it comes as a Friend to Old Age. We often wish in a childish way that life would never end, and in our rebellious moments we wonder why God created the universe so death comes at all. We feel that death is an enemy of life, not a friend. But that is not right. It is the knowledge that our years are limited that makes them so precious. Plato was right when he declared that infinite life on this earth for us human beings would not be desirable even if it were possible. Who would want to live a never-ending existence on earth through endless years of struggle and change, pain and worry, conflict and labor—with no possibility of escape? Life would be monotonous with no heights or depths, without crescendos or diminuendos, with no challenge nor achievement. What drudgery if day would never end and the sun would never set. When evening finally comes on a sweltering day, how welcome it is. What cool peace and embracing rest! What satisfying release! What a wonderful Friend! This our brother had come to experience the burden of the years. Death came as his friend. John Oxenham wrote:

"Lord, when Thou seest that my work is done,
Let me not linger on, With failing powers,
Adown the weary hours.—
A workless worker in a world of work.
But, with a word, Just bid me home,
And I will come Right gladly.—
Yea, right gladly Will I come."

II. Again, death can be beautiful when it comes as a Climax to a Full, Worthwhile Life. One need not eulogize to you who have known him, the record or the character of the departed. His life tells its own story. The friendships expressed here demonstrate its influence. Some there are who come to the end of life filled with remorse and regret. "Take my wasted years," said one, "and bury them with me." He had misused his life, had furthered no great cause of human welfare, had buried his talents in the quest for cheap, selfish security. Such was not the case with A. Willis Robertson. He inherited a notable family heritage and magnified his inheritance. In words of a Senate colleague: "The rootage of Senator Robertson goes back to the first permanent settlement of Jamestown, Dr. John Woodson, who came to Jamestown with Governor Yardley in 1619. Senator Robertson is a member of the Jamestown Society, made up of those whose ancestors lived in the Jamestown area prior to 1700. He belongs to the Virginia chapter of the Society of the Cincinnati, limited to those who had an ancestor serving for three years in the Revolutionary War. He holds membership in the Sons of the American Revolution, which is a much larger organization of descendants of Revolutionary ancestors, and of the Sons of the Confederacy, being a grandson of a Confederate officer who was killed in the Civil War.

In fact, Senator Robertson's ancestors were in every war this country ever fought, and he served in the Army in World War I.

With this "rootage" it is not surprising that he has been a champion of patriotic citizenship, and student and defender of the ideals and principles upon which our Republic was founded. He is indeed worthy of the tremendous heritage which is his as Senator from the State which has given our country Washington, Jefferson, George Mason, Patrick Henry, James Madison, James Monroe, and so many of her greatest and noblest sons.

For half a century he invested his talents and strength in service to his home community, his State, and his Nation. In twenty years of membership in the U.S. Senate, climaxing his public career, he came to occupy positions of greatest responsibility for the Nation's welfare. "Breadth, dedication, and immense energy," says a Norfolk newspaper, characterized his performance in public life. His pioneering work as a conservationist illustrates his concern and labor for generations unborn. His moral integrity, his concern for humanity, and his splendid contributions to national economic policy are causes for gratitude on the part of all of us. He richly deserves the accolade: "one of Virginia's most able and durable public servants."

From a message of condolence of President Nixon I quote: "Senator Robertson was a distinguished figure in public life, a man of profound conviction, and wholly dedicated to the nation he served with such honor. Those of us who were fortunate to have worked with him, will always remember Senator Robertson with warm affection and with great respect for his devotion to the fundamental principles upon which this country was founded.

"A man whose life was so rich in achievements is a continuing source of inspiration to others, and we hope that this knowledge will serve to comfort and strengthen you in the years ahead."

What Georgia Harkness wrote of her father

might have been written of A. Willis Robertson:

"A giant pine, magnificent and old
Stood staunch against the sky and all
around
Shed beauty, grace and power. Within its
fold
Birds safely reared their young. The velvet
ground
Beneath was gentle, and the cooling shade
Gave cheer to passers-by. Its towering arms
A landmark stood, erect and unafraid,
As if to say, 'Fear nought from life's
alarms.'
It fell one day. Where it had dauntless
stood
Was loneliness and void. But men who
passed
Paid tribute—said, 'To know this life was
good.
It left its mark on me. Its work stands
fast.'
And so it lives. Such life no bonds can
hold—
This giant pine, magnificent and old."

III. Finally, death can be beautiful when it looks forward to God's glory in the morning. "Here in this present life we are permitted to know something of beauty, truth, and goodness, to read something of the ultimate plan and meaning of the universe, to see something of the splendor of the majesty of God. Yet the very best that we can see and know on earth is but a poor fraction of what must be waiting yonder to be revealed "Eye hath not seen, ear hath not heard, neither hath entered into the heart of man the things which God hath prepared for those who love him."

For Senator Robertson was a man of faith. He did not parade his religion, but it was a living force in his inner sanctuary. Now and again we would view its bright evidences: in his deep knowledge and frequent use of the Scriptures, in his leadership of prayer breakfasts for congressmen in Washington, in his concern for the local congregation of believers to which he belonged, and in occasional moving expressions of personal faith.

For children of God through faith in Christ the best is yet to be. Death is not the end; it is only a new beginning. It is going to bed on a cold, black night, and waking with the sun always shining. Victor Hugo, the French author, wrote, "When I go down to the grave, I can say, like many others, 'I have finished my day's work.' But I cannot say, 'I have finished my life.' My day's work will begin the next morning. The tomb is not a blind alley; it is a thoroughfare. It closes on the twilight, and opens on the dawn."

O Cross that liftest up my head,
I dare not ask to fly from thee;
I lay in dust life's glory dead,
And from the ground there blossoms red
Life that shall endless be.

Mr. STENNIS. Mr. President, I thank the Senator again for yielding.

Mr. SPONG. I thank the Senator from Mississippi.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. SPONG. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, Senator Willis Robertson was a man who served his State and Nation with diligence and distinction for 50 years—part of which was service as assemblyman, as a Member of the U.S. House of Representatives and, for 20 years, as a highly respected Member of this body.

I had a deep regard for Senator Robertson as a legislator and as a friend. I felt a special kinship for a man who was

born in Martinsburg, W. Va., even though most of his life and work were devoted to the service of our neighboring Commonwealth.

On the floor of the Senate, in council chambers and in committee rooms, Willis Robertson was at all times likable, attractive, conscientious, and effective in his duties. His notable ability was never more appreciated than when he fulfilled the onerous and important responsibilities attendant on the chairmanship of the Committee on Banking, Housing and Urban Affairs.

Senator Robertson was a man of fine spirit, with a refreshing outlook on life. No man could have had a higher purpose in his approach to public affairs, and he stood solidly for his principles and steadfastly for his spiritual values. This steadfastness was revered by his many friends in the valley of Virginia, in the U.S. Senate, and by all who were fortunate enough, as I was, to know and cherish this fine, late distinguished American.

Mr. SPONG. Mr. President, Senator BYRD and I are appreciative of the remarks this morning about this late, distinguished representative of the Commonwealth of Virginia.

I am pleased that Senator STENNIS has been thoughtful and placed in the RECORD the remarks of Dr. Lumpkin on the occasion of Senator Robertson's funeral. I heard them, and am pleased that a wider audience will have an opportunity to share them.

Senator BYRD and I were pleased, also, that Senator BYRD of West Virginia has spoken this morning, since Senator Robertson was a native of that State, although he spent almost all his life in our State.

Mr. PASTORE. Mr. President, Virginia, "the Mother of Presidents," has likewise sponsored great Americans for service in this Senate—and the 20 years service of the late Senator A. Willis Robertson ranks him among the superlative Virginians and Americans.

His public life covered a span of 50 years, a half century of honor and responsibility to his people. To that career Willis Robertson brought the stamina of a college athlete and the scholarship of Phi Beta Kappa.

In public finance, national and international, Senator Robertson was an authority—and, yet, the conservation of wildlife was probably dearest to the heart of this able Virginian—in a time when he was sharing the burdens of world crises in these years of challenge and change. The burden of office is all too apparent as colleague after colleague depart the human scene.

The soul of courtesy and the embodiment of friendship even with those of contrary view, it was a privilege to have shared these Senate years with Willis Robertson—and a Nation's gratitude as well as personal sympathy goes in tribute to his loved ones.

Mr. McCLELLAN. Mr. President, I was privileged to serve with the distinguished former Senator from Virginia, Willis A. Robertson, during the two decades he represented his great State in this body, and before that I also served with him in the House.

He was as unswerving in his adherence to the Constitution as he was gentle and compassionate in his dealings with his fellow man.

He was a stalwart on issues of constitutional government, indeed, he was steadfastly devoted to all fundamental principles. He was a workhorse in the Senate, discharging his responsibilities with diligence and representing his constituents indefatigably. During his chairmanship of the powerful Banking and Currency Committee, he was instrumental in shaping the vitally important monetary policies and programs of the Government. Senator Robertson was an expert on the economy and an unrelenting champion of prudent fiscal spending—the kind of philosophy we so sorely miss and need in governmental affairs today.

But Senator Robertson was a many-sided man. And it is significant that he once said that:

I would be happy if history records my efforts on behalf of conservation as being a worthwhile contribution to my day and generation.

I am sure that history will so record and never forget that he was a principal sponsor of the Pittman Robertson Act, which returned millions of dollars in Federal taxes on sporting guns and ammunition to the States for their game and conservation projects. He was an avid outdoorsman, an expert hunter, and a superb fisherman, who could spin yarns with the best of them.

But he could also deliver, with equal ease, the most thoughtful, lucid, and logical addresses on questions of constitutional law that I have ever heard.

Yes, Mr. President, Senator Willis A. Robertson was a unique man, whose wisdom, counsel, and friendship will long be remembered by the American people—his devoted constituents—and all of us who had the privilege to serve and work with him.

Mrs. McClellan joins with me in extending our heartfelt sympathy to his family.

Mr. ANDERSON. Mr. President, Senator A. Willis Robertson of Virginia was a valued colleague and associate in the Congress for a quarter of a century. When I came to the House of Representatives in January 1941, Congressman Robertson was beginning his fifth term and was already known for his diligence and legislative abilities. Although he was busy and had many demands upon his time, he was unfailingly helpful and courteous.

It was my pleasure and good fortune, upon beginning my first Senate term in 1949, to again find Willis Robertson as a colleague. We worked together through 1966, a period of time during which the Nation experienced many difficulties, foreign and domestic, a time when the Nation and the Congress were fortunate to have a man with the experience and judgment of Senator Robertson. In the House and the Senate, he served for 33 years and rose to the chairmanship of the Senate Banking and Currency Committee.

Sometimes we agreed; sometimes we did not. But Senator Robertson had the

ability to differ without being contentious, and the capacity and willingness to help those of his colleagues of all political persuasions. I personally am grateful for his service in the public arena, and miss his presence.

Mr. MOSS. Mr. President, I was deeply sorry to hear of the death—in retirement—of our esteemed colleague, Willis Robertson.

It can truly be said that he was a man who had the courage of his convictions. He knew what he believed, and he never wavered from those beliefs. Those of us who sometimes disagreed with him honored him for his strength of character and his resolute stand.

He was also a man of his word. When he said he would do something—he did it. America has been built by men like Willis Robertson who did not know how to back down, or equivocate or break faith.

My own associations with him were closest in the field of conservation. He strove, as I always have, to protect the outdoor life he so deeply enjoyed, and always said that his wildlife conservation work was his happiest. His efforts in behalf of conservation will be recognized for years to come. I remember appreciatively going birdhunting with Willis in his native Virginia.

Nor will his contributions in the field of taxation be soon forgotten. As chairman of the Banking and Currency Committee, he carried for many years the burden of legislation which had a tremendous impact on the lives of all Americans—and he carried it with skill and distinction. The record he left is a proud one.

His passing was a personal loss to those of us who served as his colleagues, and loss to his State and Nation as well.

FOREIGN AID

Mr. BYRD of Virginia. Mr. President, on October 29, 1971, the Senate defeated the foreign aid authorization bill. The amount of that bill was \$2,914,870,000. The Senate voted that down.

Reaction throughout the country, I think, was good. Reaction throughout the State of Virginia certainly was good. It held some hope to the people of this Nation that, at long last, the Federal Government was beginning to put its financial house in order. It held hope to the people of this Nation that a program which has not proved itself, a program in which we have attempted to buy friends, has not succeeded. So the Senate voted down that authorization bill of \$2,914,870,000.

Today, Mr. President, February 3, 1972, the Appropriations Committee has brought before the Senate an appropriation bill for foreign aid which, as amended by the Senate last night, now totals \$2,991,635,000.

Thus, if the Senate concludes that it will approve this appropriation bill as it now stands, it will be approving foreign aid expenditure appropriations of \$77 million more than the authorization bill which it turned down last October 29.

Mr. President, I think that one reason Congress, and one reason this fine body

in which I am proud to serve, the Senate, has lost the confidence of the American people—and I believe we have lost it to a considerable extent—is that we march up the hill one day and march down the hill the next day on the great problems which face this Nation.

I do not believe that the Senate is justified in appropriating approximately \$3 billion to send to countries overseas at a time when this Government is running a smashing Federal deficit estimated by the President himself to be, for this current fiscal year, \$44.8 billion.

I submit that the foreign aid program is a failure. The Senate, on October 29 last, voted it to be a failure. Yet we come along here in February of 1972, just a few months later, and are on the verge of appropriating approximately \$3 billion—to be exact, \$2,991,635,000—for more foreign aid.

I submit that most of this foreign aid is not helping the people who should be helped by it but is being siphoned off by the political leaders and the ruling cliques in these other nations.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HUGHES). Under the previous order, the distinguished Senator from Oklahoma (Mr. HARRIS) is now recognized for not to exceed 15 minutes.

PROJECT ON CORPORATE RESPONSIBILITY

Mr. HARRIS. Mr. President, I joined Congressman WILLIAM F. RYAN and Congresswoman BELLA ABZUG in endorsing the newly announced expansion of activities of the Project on Corporate Responsibility.

I ask unanimous consent that my statement on that occasion, as well as other related statements and documents be printed in the RECORD.

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

STATEMENT OF FRED R. HARRIS,
FEBRUARY 3, 1972

This spring the Democratic and Republican parties will choose candidates for the Presidency. Millions of rank and file voters in both parties will participate in primaries, conventions, and caucuses that will help choose the nominees of their parties. Within the last two weeks, 50,000 Democrats in Iowa and 36,000 Arizonans have met in caucuses in those states to begin the process of selecting a Democratic nominee.

For more than a year candidates have been traveling around the country campaigning—meeting with large and small groups of people, explaining their positions on public issues, submitting themselves to open questioning. During the next six months presidential candidates will be subjected to just about the closest scrutiny the American press and public applies to anyone.

It's not a perfect system, by any means. But when compared with the way the big corporations will choose their directors this spring, the presidential nominating process looks rather good. As Phil Moore of the Project on Corporate Responsibility has described it, "In virtually every large company, a few white male directors, representing large banks, large insurance companies, and large corporations will nominate a few new white male directors, put them on the proxy statement which serves as their bal-

lot, and send it out to the company's shareholders—the corporate electorate."

Far from being subjected to an exhausting campaign of speechmaking, TV and radio interviews, and local press conferences, the average candidate for a directorship of a big corporation can sit on his porch, in the style of William McKinley, or more likely wait in his office for the proxies containing his name and the names of the other unopposed candidates for the board to be mailed in. There will most likely be no campaign, no questionnaires, no explanation of views—in fact no opposition.

All of this might be tolerable if big corporations were not so powerful. But they are. Less than 200 corporations control 60% of the manufacturing assets in this country. At least one-third of basic industry is dominated by shared monopolies in which four or fewer firms control at least 50% of the market. A corporation like General Motors is simply not a human-sized institution. Its sales are larger than the gross national products of all but nine countries. The American Telephone and Telegraph Company is so big, with \$50 billion in assets and \$17 billion in annual sales, that the Federal Communications Commission recently called off an investigation of the telephone company's rates, simply because it didn't have the manpower to regulate such a giant corporation.

With the great size and with concentrated market power comes economic and political power. We are taught in school that only governments, hopefully democratically chosen, may collect taxes, deprive us of our liberty or our lives, or set social policies. We are taught that private corporations merely respond to public demand and are subservient to consumer sovereignty and government regulation.

But, of course, we know that's not true. We know that Kellogg's and General Mills have more to say about the average child's diet than do all the health and hygiene courses the schools can offer. We know that, far from regulating the transportation industry, the Interstate Commerce Commission acts as a giant government-protected price-fixing agency for the railroad, trucking and barge industries. We know that over the years the steel industry, ignoring the antitrust laws as well as those of economics, has raised prices in the face of sliding demand and growing imports. We know that the working conditions in coal mines and textile plants will kill workers far faster than the laws of nature would, regardless of how many times they visit a doctor. During the 1960's, 46,000 Americans died in Vietnam, but 126,000 were killed on the job.

The fact is that our biggest corporations are private governments. They can, and do, redistribute income, protect or harm the public's health, and decide who will work and who will not. Some industries, such as the oil industry for example, even have their own foreign policies. The most important decisions about a person's life are made, not by a democratic process in which he or she can participate, but by a handful of corporate executives who are responsible to almost no one.

Over the last two years, the Project on Corporate Responsibility has tried to bring this point home to the 1½ million owners of one company, General Motors. They pointed out that the company causes perhaps 20% of the nation's air pollution. It has opposed auto safety measures for a generation, starting with its opposition to safety glass in the 1920's, which could have saved tens of thousands of lives. It has only 12 blacks among its 13,000 local dealers. It has opposed requirements that manufacturers build bumpers that can withstand 5 mpe per hour crashes. It is the 17th biggest defense contractor, and has major investments in racially segregated South Africa.

Despite the obvious economic, political and social impact of all these actions, GM's board of directors was conducting business as usual

when they were challenged by the Project's Campaign GM two years ago. Since that time GM has made some modest, but significant changes. It has appointed Dr. Leon Sullivan, a black minister active in job training programs, to its board of directors and has set up a Public Policy Committee to consider the public impact of GM's actions.

More important, however, Campaign GM has helped educate the company's shareholders, public office holders, and the public at large about the social impact of GM's policies. The more people that realize that air pollution is the result of considered corporate decision making, and not the inevitable result of the tide of history, the more likely we are to stop it.

It is an expansion of that effort that we are announcing today. I am happy to join with the Project as it expands its efforts from Campaign GM to challenge the corporate irresponsibility of Chrysler, Ford, AT & T and five major drug companies.

The proposals submitted to Ford and Chrysler are aimed at opening up their boards to new perspectives, as GM has done partially already, and giving their stockholders, consumers, workers, and dealers detailed information on their impact on pollution, safety, mass transit, and minority employment.

The AT&T proposal would also open up that board to "women and representatives of employee organizations, consumers, and minority groups." It will also focus on AT&T's inadequate response to complaints of bad telephone service and job discrimination against women and minorities.

The proposals to the five drug companies will pinpoint their 1) responsibility for selling dangerous drugs to foreigners without the kinds of warnings about side effects that American drug safety laws require, and 2) their responsibility for encouraging drug abuse through their advertising campaigns and in other ways.

And finally, Round Three of Campaign GM will focus on making GM's new Public Policy Committee open and responsive and on breaking up the company into two or more smaller and more competitive firms.

While I enthusiastically support all four of the Project's campaigns, I will participate in Round III of Campaign GM because of my special interest in seeing real competition between auto companies. I will go to the GM Annual Meeting in Detroit on May 19 to argue the case for bringing free enterprise to the auto industry.

Too often, I think, politicians and the public count on the big institutions in our society—the Congress, the political parties, the unions—to protect the public interest, when there is much they can do themselves. Just recently, the Federal Communications Commission reversed its decision to drop the AT&T investigation, not because of an act of Congress, but because a lot of individual citizens, in and out of Congress—on and off the FCC—raised the roof.

It's the same with our proposal that GM consider breaking itself up into more companies. I want to see the shared monopolies which dominate our economy, including the shared monopoly in automobiles, decentralized. One way to do it is to pass new legislation, like the Concentrated Industries Act I have introduced, to explicitly prohibit them. Another way is to get an Attorney General who will enforce the Sherman Act against shared monopolies. Another is encourage the Federal Trade Commission to move on from its proposed complaint against the big breakfast cereal companies to take on the other shared monopolies, like autos. And finally, we can encourage the big corporations to obey the antitrust laws voluntarily so that the first three strategies will be unnecessary.

That's what our antitrust proposal to GM is all about. I am going to the annual meeting with representatives of the Project to

urge GM to decentralize itself before the government has to do it for them.

I see it as a form of reverse lobbying. Instead of the corporation descending on the halls of Congress to advance its private interest, a Senator will be going to the corporation's annual meeting to advance the public interest. It is precisely the kind of citizen's action we need more of.

Altogether the campaigns we are announcing today are part of the continuing effort by public officials, consumers, workers, minorities, small farmers, small businessmen, and all kinds of citizens to make big corporations the servants and not the masters of our lives. In this year of presidential politics, these questions of corporate politics must not be ignored.

THE PROJECT ON CORPORATE RESPONSIBILITY ANNOUNCES EXPANDED ACTIVITIES FOR THE 1972 PROXY SEASON

The Project on Corporate Responsibility, sponsor of Campaign GM, announced at a press conference today that it has submitted shareholder proposals to ten different corporations. The expanded activities include proposals to the auto industry, the drug industry and American Telephone and Telegraph. The proposals and activities of the Project were endorsed by Senator Fred Harris, who issued a statement at the press conference.

In announcing the new campaigns, Philip W. Moore, Director of the Project, said that an evaluation of the results of past campaigns compelled an expansion of shareholder activities: "Despite diminishing votes, we have seen increasing progress on three fronts: first, public awareness of the social impact of corporate behavior has continued to rise; second, a rapidly growing number of shareholding institutions have begun to acknowledge and act on their responsibility to pressure corporations toward greater social responsiveness; and third, there are increasing signs that corporations themselves are thinking more about the public interest. We believe that our activities have contributed toward these achievements. Therefore, we have decided not only to continue waging public interest proxy contests, but to expand our activities and to test new methods and new forums for bringing about education and change."

SHAREHOLDER PROPOSALS

1. General Motors

(a) Anti-trust: The Project proposed that General Motors' Directors undertake a comprehensive study on the desirability of dividing General Motors into two or more companies, taking into account the value of shareholder investment, and the interests of employees, consumers and the general public. The Project stated that the proposal would require GM's shareholders, directors and management to confront the question of its size. "Any efforts to make corporate structures more responsive must include a consideration of size. It is very possible that the size of some corporations may well prevent the marketplace or government regulation from working effectively," said Moore.

(b) Public Policy Committee: The Project proposed that the General Motors' Policy Committee annually provide a report to the shareholders disclosing its activities and its recommendations to the Board, and hold at least four public hearings each year. The Committee, formed largely in response to demands of Campaign GM—Round I, has never reported to the shareholders about its studies or recommendations. Mr. Moore stated that the Project felt that "if the Public Policy Committee is to act in the public interest, it must be exposed to public scrutiny and opened up to public opinion."

There has been no indication from General Motors as to its response to these proposals.

2. Ford and Chrysler

(a) Public Board Members: A proposal was submitted to Ford and Chrysler calling for these companies to add to their Boards "women and representatives of employee organizations, consumers and minority groups."

(b) Disclosures: The Project has also submitted proposals to Ford and Chrysler calling for more disclosure about company programs in the areas of pollution controls, safety and employment discrimination. Last year, this proposal was submitted to General Motors and was included in General Motors' proxy statement.

Chrysler has responded that it will not include these proposals in its proxy statement. The Project has appealed this action to the Securities and Exchange Commission and will take the matter to court, if necessary.

3. AT&T

The Project is co-sponsoring the submission of a proposal to AT&T with Mr. Henry Stern, Esq., a securities lawyer from Los Angeles. The Proposal is the same proposal that has been submitted to Ford and Chrysler asking for broader representation on the Board of Directors. This same proposal was submitted to AT&T by Mr. Stern last year and was indexed in its proxy statement. It received more than 4% of the shareholder vote. In a letter to Mr. H. I. Rommes, Chairman of the Board of AT&T, the Project specifically recommended that AT&T add Ms. Aileen Hernandez, former President of the National Organization for Women (NOW). Citing her continuous activities on behalf of minority and other similarly disenfranchised groups, Mr. Moore of the Project stated that "Ms. Hernandez would make an outstanding addition to AT&T's Board. Indeed, if AT&T nominates persons to its Board who have failed to demonstrate that kind of commitment to equal employment and promotional opportunities, some doubt will be cast on AT&T's commitment to these goals." Ms. Hernandez is currently a member of the special advisory committee on employment policies to one of AT&T's subsidiaries, Pacific Telephone and Telegraph Company, and is western representative and consultant to the National Council Against Discrimination in Housing. She served as assistant chief to the division of the California Fair Employment Practices Commission before President Johnson appointed her Commissioner to the Equal Employment Opportunity Commission, where she served until November 1966.

AT&T has notified the Project and Mr. Stern that they will not include the proposals on their proxy statement. The Project has appealed to the Securities and Exchange Commission and will take the matter to court, if necessary.

4. Corporate drug abuse: *Eli Lilly, Warner-Lambert, Bristol Myers, Merck, American Cyanamid and Smith Kline and French*

(a) Foreign Labelling: This proposal would require drug companies to include on their labels for drugs manufactured and marketed in foreign countries at least the same warnings of dangerous side effects as are required by the FDA for domestic distribution. The labelling of many drugs currently produced and marketed in foreign countries is totally inadequate when viewed in terms of the warnings of side effects which are required for these same drugs when they are marketed domestically. The Project cited the example of Warner-Lambert, whose subsidiary, Parke Davis, produces and distributes a drug called Chloromycetin in foreign countries. When distributed in this country, the drug is required by the FDA to bear a warning that its side effects include "serious and fatal blood diseases," but when it is marketed abroad, the label says that the drug is "remarkably without secondary reactions."

(b) Drug Abuse: The second proposal calls

for the drug industry to conduct a comprehensive study of the impact of the drug promotion, marketing and advertising practices on drug abuse in America. This proposal is designed to focus attention on the contribution that drug compromise make to the overuse and abuse of mood altering drugs, particularly amphetamines and barbiturates. In commenting on this proposal, Mr. Moore said: "We believe that drug companies bear a tremendous responsibility for the overuse of drugs in this nation. To speak of the drug problem as though it concerned only kids on marijuana or law enforcement simply misses a fundamental point—that corporations often create and then exploit the need for drugs."

The Project stated that it expected considerable interest among institutional shareholders and the public generally. These proposals, said Mr. Moore, are part of the Project's continuing activities "to further demonstrate the enormous public impact of corporate decisions and the need to make corporate decision-makers more representative of and responsive to the people they affect." The primary targets for this year's efforts are Warner-Lambert, AT&T and General Motors. Listed below are the dates and locations of these annual meetings.

OTHER DEVELOPMENTS

1. The Project submitted comments to the SEC calling for it to liberalize proxy solicitation rules in order to give shareholders and public interest groups a greater opportunity to raise issues of public importance directly with the corporations. Noting that General Motors had for the first time formally notified the Securities and Exchange Commission that it objected to this press conference on the grounds that it violates proxy solicitation rules, Mr. Moore said: "It is regrettable that corporations are seeking to restrict proxy rules even to the point of infringing First Amendment rights to speak out on corporate policies. The proxy rules should be expanded, not restricted, so that citizens can have the right to petition corporate governments for redress of grievances just as they now can petition public governments."

2. In addition to its shareholders advocacy efforts, the Project plans to employ lawsuits and other methods to raise and resolve these same issues. These other activities will be announced at a later date.

STATEMENT OF THE PROJECT ON CORPORATE RESPONSIBILITY ON NEW INITIATIVES

Immediately following last year's General Motors annual meeting, the Project on Corporate Responsibility announced that it would reevaluate the public interest proxy contest as a device for influencing corporate policy and bringing about meaningful corporate change. Since that time we've done a lot of thinking and a lot of talking—with other corporate activists, with representatives of social welfare organizations, community action groups, and numerous shareholding institutions such as the Wellington Fund, Harvard University, Manufacturers Hanover Bank, the Dreyfus Fund, and TIAA-CREF.

Most are convinced that the proxy contests waged by the Project and other public interest groups have been effective. Though voting support for our proposals has been far from overwhelming, we have seen increasing support and progress on several fronts. First, public awareness of social impact of corporate behavior has continued to increase. Second, a rapidly growing number of shareholder institutions have begun to acknowledge and act on their responsibility to encourage corporations toward greater social responsiveness. And third, there are increasing signs that corporations themselves are thinking more and more about the public interest. We believe that the Project's activities have contributed substantially toward these achievements. Therefore,

we have decided not only to continue waging public interest proxy contests, but to expand our activities and to test new methods and new forums for bringing about education and change.

Thus we are announcing Round III of Campaign GM, a Campaign AT&T (last year begun by Mr. Henry Stern, Esq., of Los Angeles), and the first round of the Corporate Drug Abuse Project. We have submitted shareholder proposals to General Motors, Ford, Chrysler, AT&T and six major drug companies. These proposals are intended to further demonstrate the enormous public impact of corporate decisions and the need to make corporate decision-makers more representative of, and responsive to, the people they affect.

Campaign GM Round III proposes that General Motors undertake a comprehensive study of whether it would be in the interest of the shareholders, the consumers and the public to break up General Motors into two or more companies. Questions concerning the size of General Motors are very complex. It is not clear that there is a direct relationship between the size of the company and such problems of current concern as pollution, safety, and minority opportunities. It is clear, however, that any efforts to make corporate structures more responsive to these issues must include a consideration of size. The size of some corporations prevents both the government and the market place from exercising effective controls. Moreover, in a democratic society there is something inherently suspect about big institutions—be they corporate or governmental—for such institutions have the dangerous capacity to squelch individual freedom and ignore the legitimate concerns of the constituencies they are designed to serve.

We have also proposed that General Motors' Public Policy Committee, which some consider a cosmetic and others a substantial reform, be required to make complete disclosures of its activities and to hold open meetings at which members of the public may testify. If the Public Policy Committee is truly to act in the public interest, it must be exposed to public scrutiny and opened to public opinion. In past years General Motors has complained that we singled it out, rather than submitting proposals to all major auto manufacturers. General Motors will no doubt be pleased to learn that the campaign this year is more ecumenical. This year for the first time we are submitting proposals to Ford and Chrysler as well. One proposal calls for a broadened Board of Directors; the other calls for more detailed disclosures of safety, auto-pollution and minority employment practices. As we have noted in past years, General Motors is the nation's largest corporation in terms of gross sales. This year we also launched a campaign against the nation's largest company in terms of assets, employees, and number of shareholders—AT&T.

We have proposed that AT&T expand its Board of Directors to include members more representative of the public. An Equal Employment Opportunity Commission report recently called AT&T the "largest oppressor of women workers in the United States." In view of the Equal Employment Opportunity Commission report it would be particularly insensitive—and foolhardy—for AT&T's Board to remain all male. We have written to Mr. H. I. Romnes, Chairman of AT&T's Board, specifically recommending that Ms. Aileen Hernandez be appointed to the Board of Directors. A former Commissioner of the Equal Employment Opportunity Commission, Ms. Hernandez is currently a member of the special advisory committee on employment policies to one of AT&T's subsidiaries, Pacific Telephone and Telegraph; and is the past president of the National Organization for Women (NOW).

Our remaining campaign relates to Drug Abuse, a problem which touches the lives of

most Americans and of people throughout the world. As a shareholder we have submitted resolutions to six drug companies—American Cyanamid, Eli Lilly, Bristol-Myers, Merck, Warner-Lambert and Smith Kline and French. We have proposed that they include in the advertising and labeling of drugs they make and sell abroad the same warnings of side effects that are required by the Food and Drug Administration for drugs sold in this country. These side effects can often be lethal. Yet, because United States law does not require it, drug companies do not always include these warnings in the drugs they make and sell abroad. Warner-Lambert, for example, through its subsidiary, Parke Davis, produces and distributes a drug called Chloromycetin in foreign countries. When distributed in this country the Food and Drug Administration requires a warning that its side effects include serious and fatal blood diseases, but when marketed abroad, Warner-Lambert says that the drug is "remarkably without secondary reactions." We have also proposed that these companies study the impact of drug advertising and drug marketing procedures on the drug abuse problem in this country. We believe American drug companies bear a tremendous responsibility for the overuse of drugs in this nation. To speak of the drug problem as one only of kids or marijuana or law enforcement, simply misses a fundamental point—that corporations often create and then exploit the need for drugs. At a time when so many people are concerned about drug abuse it is difficult for us to see how universities and other concerned shareholder institutions can avoid this issue.

We do not pretend that these proposals provide the final answers. That is not our purpose. Nor are we under any illusions about creating a shareholder revolution. The Project is not a shareholder democracy group. Our purpose and our function is to raise issues concerning corporate power and to help focus debate. The debate is still beginning. Our proposals call for action that corporations should have taken long ago. And these same proposals are proposals that responsible institutions should have urged on their portfolio companies years ago. The failure of shareholding institutions to make these demands in the past has made it necessary for us to prod and push now, and we will do so until finally these institutions take it upon themselves to initiate proposals and advocate change on their own. Then we can move on to new tactics and new forums and new solutions until we have a new corporation—a corporation responsive to society's needs and directly answerable to the people it affects. When that time comes, we will gleefully go out of business.

ANNUAL MEETINGS OF CORPORATIONS, LOCATIONS AND DATES, PROXY CONTESTS 1972

American Cyanamid, April 17, 1972, Portland.

American Telephone & Telegraph, April 19, 1972, Denver.

Bristol Myers, April 20, 1972, Cincinnati.

Chrysler, April 18, 1972, Center Line.

Eli Lilly, April 25, 1972, Indianapolis.

Ford, May 11, 1972, Detroit.

General Motors, May 19, 1972, Detroit.

Merck, April 25, 1972, Rahway.

Smith Kline & French, April 24, 1972, Philadelphia.

Warner-Lambert, April 18, 1972, New York.

PROJECT ON CORPORATE RESPONSIBILITY* PROPOSAL SUBMITTED TO AMERICAN TELEPHONE & TELEGRAPH COMPANY

Expansion of The Board

Whereas AT&T has been criticized by the Equal Employment Opportunities Commis-

*And Henry L. Stern, Esq., 1800 Century Park East, Los Angeles, California 90067.

sion for not taking adequate steps to implement minority employment;

Whereas the Bell System companies are the subject of numerous customer complaints about unsatisfactory telephone service;

Whereas these complaints may impair the ability of the Bell System companies to obtain satisfactory rates in proceedings before federal and state regulatory bodies; and

Whereas these adverse results might be alleviated if the AT&T Board of Directors included members representing the views of these complaining and other groups;

Be it resolved: That the Board of Directors consider taking appropriate steps to broaden its composition by nominating as proposed directors of the Company, to fill vacancies as they occur and for election at the next annual shareholders' meeting, women and representatives of employee organizations, consumers and minority groups.

Supporting statement

Despite the conceded desirability of the principle, the Board's composition still has not been broadened to improve responsiveness to wide-ranging public and social concerns affecting this corporate behemoth and its shareholders. Directors belonging to and identifying with employee, consumer and minority groups could be expected to discharge the Company's diverse responsibilities better than the continuing all-white, all-male, executive-dominated Board. A more broadly constituted directorate also might have avoided the pending FCC inquiry into alleged hiring discrimination and resultant cost effects. Mark your proxy FOR and join 117,000 shareowners who supported a similar proposal last year.

PROPOSALS SUBMITTED TO GENERAL MOTORS

Proposal I—Anti-trust

Whereas the size of General Motors is a proper and direct concern of the shareholders, directors and management of the Corporation; and

Whereas the shareholders are concerned that General Motors may have become so large that its capacity for growth and increased profits is endangered, that its ability to meet public responsibilities has become limited, and that it is in jeopardy of liability under the anti-trust laws;

Be It Resolved: That there be established a committee, to be appointed by the Board of Directors, to study the desirability of dividing General Motors Corporation into two or more separate and independent corporations having due regard for the value of shareholder investment and the interest of employees, consumers and the general public. The committee shall report their findings and recommendations to the directors and shareholders in time for consideration at the next annual meeting.

Proposal I—Supporting statement

Anti-trust law prevents General Motors from competing for a larger share of the market. Shareholder ability to obtain per share growth of capital and income is limited by the inability of the company to continue real expansion. An efficiently managed company should be permitted to grow to the extent of its capacity. Therefore, the company should consider dividing itself into several companies and distributing the stock to its shareholders in order to compete more effectively for the automobile market. American consumers and the public in general, as well as the shareholders, will benefit from such study.

Proposal II—Public Policy Committee

Whereas the Public Policy Committee was formed to "Inquire into all phases of General Motors' operations that relate to matters of public policy and recommend actions to the full Board," and

Whereas the manner of inquiry and the recommendations of the Committee are the proper concern of the shareholders;

Be it Resolved: That Section 40 of the By-laws be amended by adding the following paragraphs:

The Public Policy Committee shall hold at least four meetings each year that are open to the public. The locations for the meetings shall be rotated among various sections of the country. Notice of the meetings shall be published in the Corporation's annual and quarterly reports and in national media, and shall include a reasonably detailed agenda and a pronouncement that such meetings are open to the public. Members of the public shall be permitted to participate at such meetings in accordance with the procedures determined by the Committee. Transcripts of such meetings shall be taken and made available upon request, at cost.

The Committee shall submit a report to the Board that shall be included in, or accompany the annual report. The report shall summarize the committee's activities during the preceding year and shall include a reasonably detailed description of the Committee's inquiries, a reasonably detailed accounting of expenditures of money and man-hours spent on the Committee's activities, and a reasonably detailed description of recommendations submitted to the Board and the actions, if any, taken by the Board on them.

Proposal II—Supporting statement

The Public Policy Committee, as presently constituted, and under its present procedures, is little more than a public relations gesture. It does not effectively expose the Corporation to fresh viewpoints nor does it contribute significantly to causing the company to meet its public obligations. This amendment is a very modest step that would improve the procedures of the Committee in a way that might produce new voices in the otherwise closed company councils. Notice of activities and recommendations is a bare minimum that stockholders can expect of the Committee, and this would now be required for the first time.

PROPOSALS SUBMITTED TO FORD AND CHRYSLER

Proposal I—Board expansion

Be it resolved: That the Board of Directors take appropriate steps to broaden its composition by nominating as proposed directors of the Company, to fill vacancies as they occur and for election at the next annual shareholders' meeting, women and representatives of employee organizations, consumers and minority groups.

Proposal I—Supporting statement

This proposal calls for the corporation to include representatives of the public to sit on the Board of Directors. The proponents of this proposal believe that adding representatives of the public to the Board is one method to insure that the Corporation will consider the impact of its decisions on important public issues, including auto safety, pollution, repairs, mass transportation and equal employment opportunities.

Proposal II—Disclosure

Be it resolved: That the Corporation shall publish in its annual report each year:

1. Reasonably detailed descriptions of specific new techniques in automotive air-pollution control and motor-vehicle safety, developed by the Corporation, that have been proposed to the appropriate federal agency for adoption as federal motor vehicle emission standards or federal motor vehicle safety standards during the previous fiscal year.

2. The employment data which shows the proportion of Blacks, Orientals, American Indians, Spanish-surnamed Americans, and Women employed by the Corporation in each of the following job categories: officials and managers; professionals, technicians; sales workers; office and clerical; skilled craftsmen; semi-skilled operatives; unskilled laborers; and service workers.

3. A reasonably detailed accounting of the amounts of money the Corporation has spent during the previous fiscal year and the number of employees working on programs specifically aimed at: (a) developing mass producible low- or non-polluting motor vehicle engines; (b) developing mass producible vehicle safety devices or systems; and (c) training and recruiting minority-group members for employment by the Corporation and increasing the number of minority-owned dealerships.

4. Notwithstanding the foregoing, specific items of information requested by this proposal may be omitted from the annual report if (a) the Board of Directors makes a reasonable determination that the disclosure of such information would result in a competitive disadvantage to the Corporation and (b) the annual report recites the categories of information which were omitted, and the reasons therefor. In determining whether the information should be disclosed, the Board should presume that disclosure is required unless clear and compelling reasons for secrecy are demonstrated.

Proposal II—Supporting statement

Shareholders have both the right and the responsibility to be concerned about the policies of the Corporation which affect the community. Shareholders require information about the Corporation's activities and its policies of the Corporation which affect the community would require management to furnish to the shareholders in the annual report the minimum information needed in three key areas of concern to the Corporation and its shareholders: minority-hiring, pollution and safety. Unless this information is furnished, the shareholders would be prevented from carrying out their proper role as owners.

PROPOSALS SUBMITTED TO DRUG COMPANIES*

Proposal I—Foreign labeling

Whereas it is the policy of the corporation to market drugs that are safe and contain fully adequate warnings of dangerous side effects;

Whereas there are some highly toxic drugs that the American Medical Association and the Food and Drug Administration require be used only in rare occasions and bear adequate warnings of side effects;

Whereas such warning and labeling requirements of the Food and Drug Administration have not been applied to foreign marketing practices;

Be it resolved: That it shall be the policy of this corporation and its subsidiaries, in its advertising for and labeling of its pharmaceutical products marketed outside the United States, to disclose all warnings required by the Food and Drug Administration for domestic marketing of the equivalent products, unless specifically prohibited by foreign law.

Proposal I—Supporting statement

Neither the United States nor the company should be in the position of wantonly peddling dangerous drugs abroad. Some drugs can be lethal for children; others are particularly dangerous for the elderly, and many drugs that contain strict warnings in this country are advertised without those warnings when sold abroad.

In the interest of humanity, and mindful of the responsibilities of international corporate citizenship, we urge this company, when marketing its drugs abroad, to provide physicians and the consuming public with the same information that the Food and Drug Administration requires be provided to doctors and the public in the United States.

*Eli Lilly, Bristol-Myers, American Cyanamid, Smith Kline and French, Warner-Lambert, and Merck.

Proposal II—Drug abuse

Whereas the company's role in the manufacture, sale, promotion and distribution of amphetamines, barbiturates and other "mood-altering" drugs is becoming a matter of increasing public concern;

Be it resolved: That the Board of Directors form a committee, of which some members are not directors or officers of the corporation, for the purpose of making a comprehensive and objective study and issuing a report to shareholders on the extent to which the corporation's advertising, promotional, and marketing practices have contributed to the abuse and overuse of barbiturates, amphetamines, and other mood-altering drugs. This report shall be submitted to the shareholders in time for consideration at the next annual meeting. It shall include recommendations on what the corporation can do to limit the abuse and overuse of such drugs. In the course of its study, the committee shall consider among other things:

1. The extent to which the corporation's advertising for over-the-counter and prescription drugs creates an artificially high demand, unrelated to medical needs, for amphetamines, barbiturates, and other mood-altering drugs.

2. The extent to which the corporation's advertising for over the counter and prescription drugs leads to the abuse and overuse of all forms of drugs including illegally obtained drugs.

3. The extent to which the corporation's marketing and distribution practices make use of all available methods to control the illegal distribution of amphetamines, barbiturates and other mood-altering drugs.

4. The extent to which the corporation's promotional materials and sales personnel adequately warn physicians against dangerous side effects and improper uses of amphetamines, barbiturates and other mood-altering drugs.

Proposal II—Supporting statement

Drug abuse is becoming an increasing problem in the United States. In 1970 an estimated 3,715,000,000 amphetamine pills were distributed. Many of these pills were put to illegal and dangerous uses. The shareholders have an obligation to be formed about the corporation's practice in such an important area of drug abuse.

This proposal is intended to allow the corporation to anticipate future needs for drugs and new regulations that will have a bearing on the corporation's future.

CONGRESSMAN WILLIAM F. RYAN'S STATEMENT FOR PROJECT ON CORPORATE RESPONSIBILITY, PRESS CONFERENCE ANNOUNCING ITS NEW INVESTIGATIONS OF A.T. & T. AND OTHER COMPANIES, FEBRUARY 3, 1972

The Project on Corporate Responsibility's announcement today that it will broaden the scope of its activities to include not only General Motors but the other major auto manufacturers as well as five large drug firms and AT&T marks a very important step with respect to the problem of dealing with corporate power in America. The Project's imaginative tactics in dealing with GM in recent years have focused the public spotlight on the abuses of that corporation—its failure to respond to environmental problems, its investment policies, its lack of accountability to its shareholders. So it is very gratifying that the Project will expand its role to address these same questions regarding other major companies.

I am especially gratified that the Project will turn its attention to AT&T. As you know, last Thursday, January 27, the FCC did an about-face, set aside its own order of December 23, which had dismissed its major hearings on what goes into the rate base of AT&T and reinstated those hearings. This

reversal was the result of public pressure, including the introduction by Senator Harris and myself of legislation authorizing \$2,000,000 for the FCC to carry out this study.

Thus, undoubtedly one of the useful tasks the Project can perform is to monitor how well the Commission in fact makes good on its promise to carry out this extremely important study concerning the financial structure of AT&T and its relationship to its subsidiaries. Particular matters that deserve attention include such questions as whether AT&T is inflating its rate base by virtue of its internal pricing structure with its subsidiary Western Electric, whether AT&T drains excessive money in profits out of its subsidiary New York Telephone, thus necessitating large rate increases for New York customers, and whether or not AT&T's operating expenses are reasonable. Perhaps the public attention the Project can bring to these problems will help to improve the scandalously deficient state of the FCC's regulation of the country's largest corporation.

BUSINESS' STRANGE NEW SILENCE

Mr. HARRIS. Mr. President, I believe future historians will find it extraordinary that save for a few isolated voices the Congress is passing and the country accepting without real discussion the most far-reaching economic decisions in our peacetime history.

To date, most newspapers have carried only the most superficial discussions of the implications of the President's phase II proposals. And in the Congress, efforts to engage in serious debate about the merits of the President's program were dismissed in the rush to adjourn. It is as though everyone is determined not to understand what is being done.

The Wall Street Journal, December 8, contains an informative article by James P. Gannon entitled "Business' Strange New Silence" which examines this phenomenon. Mr. Gannon points out that although businessmen have reacted violently in some cases to criticisms made by reformers like Ralph Nader, the fundamental reordering of the Nation's economic system by President Nixon has been accomplished with an "amazing lack of dissent from business." He notes:

In contrast to the emotional, vitriolic reaction to the likes of Mr. Nader, who is portrayed as a threat to the free-enterprise system, there is scarcely a murmur raised against the Nixon Administration's actual restructuring of that same system. Whatever reforms Mr. Nader and his ilk are likely to force upon business, they will pale in comparison with the all-embracing federal controls that the business establishment has accepted so placidly.

To Mr. Gannon it is also ironic that the main voice of dissent to the new economic controls has been that of organized labor, which he believes has "raised questions worth examining carefully, such as the sacredness of signed contracts." I would suggest that here we may have an explanation for the administration's persistent attacks on the labor movement and AFL-CIO President George Meany. The administration is attacking one of its more meaningful and intelligent critics.

Other Senators will find Mr. Gannon's article of interest. They will wonder with the author if phase II marks a permanent change or a passing phase in the American economy and whether one or

the other why in any event American business has suddenly "lost its voice."

Mr. President, I ask unanimous consent that Mr. Gannon's article be printed in the RECORD.

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

BUSINESS' STRANGE NEW SILENCE (By James P. Gannon)

"Business seems to have lost its voice just when it needs it most."—John D. Harper, chairman, Aluminum Co. of America.

That quote is from a speech entitled "Default by Silence" delivered in Pittsburgh Sept. 27 by the top executive of the nation's largest aluminum company. It is a remarkable speech, illustrative of a current phenomenon in executive rhetoric. In both style and substance, something new is emanating from the mouths of many businessmen these days.

But even more surprising is that these executives are muted, if not mum, on the one message that might be most expected from them.

A RHETORICAL RELISH

A perusal of a handful of recent executive speeches turns up a stunning similarity in what top businessmen are choosing to say these days, and how they are choosing to say it. In brief, they believe it's time for business to start hitting back hard at its critics, and they are sallying into the task with a rhetorical relish reminiscent to Spiro T. Agnew.

C. William Verity Jr., president of Armco Steel Corp., said in an address Nov. 9: "We've been swamped in a barrage of talk about what's wrong with America, harangued by negative Nellies and nearsighted Neros who seem always ready to fiddle or talk but seldom ready to offer their country more than a match." Critics of the nation and business have convinced businessmen that "we must take the offensive" to use "every means possible to show Americans" that what they have been getting from the disaster lobby is a mixture of fiction and exaggeration" on every subject from environmental problems to consumer-product quality.

Edwin H. Gott, chairman of U.S. Steel Corp., in a Nov. 18 speech entitled "The Disloyal Opposition": "From the halls of Congress to the campus lecture circuit and the television talk-show, every type of platform is being used to convince the American public that private business is a sinister influence on our society. . . . In too many cases, these self-appointed saviors of society are more interested in capitalizing on our social, economic and environmental problems than they are in helping to solve them. . . ."

Lumping Ralph Nader, Democratic Sens. Hart, Harris and Proxmire and assorted others into the "disloyal opposition," Mr. Gott found them "selling the American people a fraudulent bill of goods and it is time that those of us in business management labeled it for what it is."

Mr. Harper in his Sept. 27 talk: "Our society and our system are for a fact threatened from within as never before. . . ." by "aggressively articulate masters of verbal violence. . . ." Business must respond to the "idiotic and noneconomic nonsense put forth by our nation's self-appointed saviors. They presume on the authority of their professions. Though they are nuclear physicists, they preach about nutrition. Though they are lawyers, they discourse on automotive engineering. Though they are sociology professors, they speak about chemical engineering. But, sad to tell, the public spreads their ersatz expertise and thus dignifies their babble no matter the subject."

The right, even duty, of businessmen to respond to critics isn't at question here. Indeed, some of the management responses to critics' charges contained in these same

speeches do shed light and lend perspective to complex subjects, such as pollution control, even though it's regrettable that the corporate leaders sometimes embrace the same excessive rhetoric they condemn in their critics.

Agnewism aside, the substance of what's being said is less important than what's not being said in these executive statements.

These speeches, and many others, have been delivered during a period in which the American free-enterprise system has been suddenly subjugated to governmental controls. Executive decision-making powers have been substantially curbed by federal clamps on prices, wages and even profit margins.

This fundamental reordering of the nation's economic system has been accomplished with an amazing lack of dissent from business. In contrast to the emotional, vitriolic reaction to the likes of Mr. Nader, who is portrayed as a threat to the free-enterprise "system," there is scarcely a murmur raised against the Nixon administration's actual restructuring of that same system. Whatever reforms Mr. Nader and his ilk are likely to force upon business, they will pale in comparison with the all-embracing federal controls that the business establishment has accepted so placidly.

AN ALTERED SYSTEM

The Aug. 15 wage-price freeze imposed by President Nixon and the follow-on Phase 2 controls have drawn little but praise from the business world. In his Nov. 9 speech, Armco's Mr. Verity took satisfaction that "in his Aug. 15 message (President Nixon) has lighted the way for us as businessmen and has turned all Americans away from despair and ding-alingism to hope and renewed dedication to our system." No mention here that the renewed dedication is to a fundamentally altered system, not the old one.

Mr. Harper of Alcoa chose not to discuss the new economic program in his speech, yet in answering critics of the profit motive he asserted: "There is no such thing as excess profits, and there is no justification to limiting profits by any means other than the free-market mechanism." Curious, then, that Mr. Harper hasn't felt compelled to mention misgivings or objections to the new profit-margin controls. Is this "default by silence?"

Mr. Gott, it's true, did devote two paragraphs of his 13-page speech recently to a rather pro-forma recognition of the key issue. "I realize that even temporary wage and price controls represent an interference with our economic system," he conceded. "But it is a question of having to take the bad with the good." He also expressed a hope that if Nixonomics work, "we can get back to living and working and selling in a free-market economy."

But contrast the mildness of those remarks, tempered by praise for the "constructive approach" to economic problems in the new Nixon controls, to the vehemence with which Mr. Gott denounces the "self-appointed saviors."

"Silence may be golden," Mr. Gott said, "but unless we begin to answer the disloyal opposition, the life of that golden goose, our private enterprise system, may well be lost." The Golden goose has been clamped in a government-constructed cage and told the size of the eggs it may legally lay, yet that reality is perceived as less threatening than the assorted foxes and chicken hawks prowling on the perimeter.

It is quite likely that some executives have expressed misgivings about the economic controls in speeches or statements that haven't come to the attention of this writer. Even so, it is probably fair to say that the overall response of the corporate world to this massive shake-up of the economic system has been a combination of relief, joy and renewed hope. Whatever misgivings linger down deep in capitalist hearts remain largely repressed.

It's ironic also that the main voice of dissent to the new economic controls has been that of organized labor. AFL-CIO President George Meany has raised questions worth examining carefully, such as the sacredness of signed contracts that are the products of free collective bargaining. One would expect that thoughtful businessmen also would see some fundamental principles being compromised in the name of stopping inflation, but there is scant public evidence that they are worried.

ONLY A PASSING PHASE

Only time will tell whether the new controls turn out to be a passing phase or a permanent change for the American economy. But it would certainly appear to be a question that those dedicated to the free-enterprise system would be thoughtfully examining in public discussion. For if the current Phase 2 program fails, leaving inflation and unemployment as persisting problems, is it not likely to be followed by an even more regimented program of tighter controls? And if the Phase 2 plans work, restoring price stability and full employment, won't the politicians in power be tempted to continue the successful controls rather than risk a renewal of the economic crisis the controls were designed to resolve?

Future historians will decide whether Aug. 15, 1971, was a great watershed for American free-enterprise capitalism or a point of no return on the path to a managed economy. Either way, they may wonder why American business seemed to lose its voice just when it needed it most.

CONSISTENT POSITION ON INDIAN-PAKISTANI DISPUTE

Mr. HARRIS. Mr. President, on December 9 an editorial in the Wall Street Journal accused several Senators including myself of favoring intervention in the Indian-Pakistani dispute. It was not clear what the editorial writers meant by this but since they placed the position of these Senators in the context of U.S. military intervention in Southeast Asia, the reader gained the impression, totally false, that some or all of these Senators favored U.S. military intervention on the subcontinent.

On January 25, the distinguished Senator from Colorado (Mr. DOMINICK) placed this editorial in the RECORD and appeared to accept this inaccurate description of my position and the position of others regarding Pakistan.

To allow fellow Senators to make up their own minds, I ask unanimous consent that a reply which I sent to the editors of the Journal on this matter be inserted in the RECORD at this point along with the original editorial. I believe a fair reading of these two documents will reveal that the Journal, like this administration, never really understood the fundamental issues involved in our disastrous policy toward the subcontinent over the past year.

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

FOREIGN POLICY

As an example of how American liberals think on foreign policy, consider a range of reactions to the India-Pakistan tragedy:

Senator Harris arises to deplore President Nixon and "the tragic setback for our nation and world peace which his administration's neglect of the India-Pakistani crisis has brought about." He offers a letter also signed by Senators Mondale, Packwood, Bayh, etc.,

etc., giving historical perspective: "The root cause of the conflict between India and Pakistan is the continued suppression of popular will in East Pakistan." Their solution to what Mr. Nixon has "brought about": Take it all to the U.N.

The editors of the Washington Post tell us that India is indeed trying to use the refugee crisis for the "dismemberment of Pakistan," but after all India is the larger and more important of the two, and the President should put aside "largely sentimental considerations" in favor of "cold calculations of power politics."

Columnist Joseph Kraft writes that the administration mishandled the "Indo-Pak crisis" because it failed to pressure Pakistan into negotiating with Bangla Desh leader Sheikh Mujibur Rahman "even after Prime Minister Indira Gandhi of India visited Washington and named that as a price of peace."

Senator Church cautions us that "if India has intervened in the civil war of her neighbor, let's remember that we did the same in Vietnam with far less provocation." Senators Kennedy and Muskie charge that the administration was too slow in cutting off military aid to Pakistan, and too quick to brand India as the aggressor and to cut off its economic aid, and therefore its policy in not neutral but pro-Pakistan.

These are the same people, remember (as if they will let you forget), who condemn the U.S. for playing "world policeman," who elevate non-intervention to the highest principle in the case of Vietnam, who think we should lay aside power politics in favor of moral judgment in relations with Greece or Rhodesia, who are at the same time the most enthusiastic about closer relations with the People's Republic of China.

How from this stew does one distill a coherent theme? The only connecting tissue we can discern is that whatever argument is available is used to support the cause, or at least forgive the sins, of the left-most party in any international dispute.

Actually, there is another: a persistent belief that the problems of the world can be solved by the correct action on the part of the U.S. government. If the problem happens to be one where the U.S. has intervened, then the solution is for the U.S. to withdraw. If the problem happens to be one where the U.S. has abstained, then the solution is for the U.S. to intervene.

A more realistic and sensible view of the world, it seems to us, would stress the painful frequency with which tragedies will be tragedies. Never was this more true than in the case of India and Pakistan. The root causes are religious differences dating back, as our Mr. Keatley noted the other day, to 1526. In the present difficulties, as in the past ones, there is plenty of blame for both sides. When Pakistan was unable to resolve its internal regional and racial problems, it resorted to bloody repression of its dissidents. For its own narrow purposes, India fished in these troubled waters, finally provoking the war it wanted.

Yes, Pakistan was beastly in its internal policies. But it was India that resorted to force to settle an international quarrel, indeed for something very close to territorial aggrandizement. Yes, the U.S. has an interest in retaining what ties it can with India. But it also has a definite interest in maintaining what stigma it can for aggression. Yes, the U.S. has an interest in restraining Pakistan. But it also has a need to maintain some tie in order to do so. Above all, it has no power to change human nature or national history in ways that would make the Pakistanis less harsh or the Indians less hypocritical.

Now, we find it difficult to conceive that all would have been happy if only American aid to Pakistan had been cut off three months earlier or aid to India continued three

months more. All the same, there is always room for debate over whether American policy was 100% correct; the second guessers are entitled to their day.

Somehow, though, we would be happier about the usefulness of that debate if the second-guessers were neither so blissfully unaware of their own contradictions nor so blissfully oblivious to the true complexity and tragedy of the situation.

DECEMBER 13, 1971.

EDITORS,
Wall Street Journal,
New York, N.Y.

GENTLEMEN: Your December 9 editorial accuses certain Senators—myself, Mondale, Packwood, Bayh, Church, Kennedy, and others—as well as the *Washington Post* and columnist Joe Kraft of being inconsistent. These same people, you point out, have called for an end to U.S. intervention in Southeast Asia. Yet now, according to your account, they demand U.S. intervention in the war between India and Pakistan.

To my knowledge all of these people do indeed oppose further U.S. military intervention in Indochina. Also to my knowledge not a single one of them is calling for this in South Asia.

Your editorial, in effect, makes a rather unusual assumption. It assumes that a demand by several Senators that the U.S. government abandon its pro-Pakistani stance in the South Asian war is in some way equivalent to the dispatch of 500,000 U.S. troops to South Vietnam. It contends that both acts constitute "interference", and then argues that for this reason the two acts can be compared.

A more relevant line of inquiry for your editorial writer, I believe, should have been, Did the U.S., in fact, not "interfer" in the war between India and Pakistan when it labelled India *primarily* responsible for the outbreak of hostilities. Was it not "interfering" when in the face of violent Indian protests it continued to send military supplies and economic assistance to the Government of Pakistan then in the process of slaughtering literally hundreds of thousands in East Pakistan?

Answers to these questions, in my opinion lead to one conclusion. It is the critics of our policy, and not Administration officials, who are urging that we reduce the degree of U.S. interference in the conflict. It is they, and not Administration officials, who want a more neutral U.S. posture in the dispute. And they do this not because they are so enamoured with Indian conduct in recent months but because they fear that the Administration's policy is gravely threatening long run American interests in the area.

Sincerely,

FRED R. HARRIS,
U.S. Senate.

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 bills, in which it requested the concurrence of the Senate:

H.R. 7987. An act to provide for the striking of medals in commemoration of the bicentennial of the American Revolution; and

H.R. 11394. An act to provide for the appointment of additional district judgeships, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 7987. An act to provide for the striking of medals in commemoration of the bi-

centennial of the American Revolution; to the Committee on Banking, Housing and Urban Affairs.

H.R. 11394. An act to provide for the appointment of additional district judgeships, and for other purposes; to the Committee on the Judiciary.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. (Mr. HUGHES). At this time there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

QUORUM CALL

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

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

NEED FOR SOLID SUPPORT OF PRESIDENT NIXON'S PEACE PROPOSAL

Mr. GRIFFIN. Mr. President, perhaps it was too much to expect that there would be solid support within the United States for President Nixon's Vietnam peace proposal when it was revealed in his television address.

However, now that there has been movement in its position by the other side in response to the President's proposal, the prospects for settlement look a bit brighter.

I suggest that the outlook for peace could be more encouraging if there were a moratorium on partisan sniping here in this country. If ever there were a time when some semblance of unity among us is needed, that time is now.

Instead of forcing this President of the United States—or any President—to negotiate with his critics, we should give him an opportunity to negotiate with the enemy.

To be sure, Americans understand the importance of political aspirations. But at a time like this, aspirations for peace should come first.

QUORUM CALL

Mr. GRIFFIN. 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. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR STEVENSON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, the distinguished Senator from Illinois (Mr. STEVENSON) be recognized for not to exceed 15 minutes.

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

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the unanimous-consent order recognizing Senators tomorrow, there be a period for the transaction of routine business of not to exceed 30 minutes, with statements limited therein to 3 minutes.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. 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 the nominations on the Executive Calendar beginning with New Reports.

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

DEPARTMENT OF JUSTICE

The legislative clerk proceeded to read sundry nominations to the Department of Justice.

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

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF DEFENSE

The legislative clerk read the nominations of Kenneth Rush, of New York to be Deputy Secretary of Defense and Eberhardt Rechtin, of Maryland to be an Assistant Secretary of Defense.

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

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. COOPER. Mr. President, I am pleased President Nixon has nominated, the Armed Services Committee has approved unanimously, and now the Senate has confirmed the nomination of Mr. Kenneth Rush to be Deputy Secretary of Defense.

Since 1969 Mr. Rush has served with ability and distinction as our Ambassador to Germany. A large part of the credit for the agreement reached last year involving France, Great Britain, the Soviet Union, and the United States with respect to Berlin boundaries was due to Ambassador Rush's exceptional skill as a negotiator.

Mr. Rush received his A.B. degree from the University of Tennessee in 1930, and was graduated from Yale Law School in 1932. In 1932 he became associated with a prominent New York law firm in the practice of law. In 1936 and 1937 he was a professor of law at Duke University Law School. In 1937, he began his association with the Union Carbide Corp., rising to the presidency in the period of 1966-69, the position he held prior to his appointment as Ambassador to Germany. I should note that the Union Carbide Corp. is one of the largest chemical companies in the world, and ranks 20th according to size of assets of all industrial corporations in the United States—and this indicates his managerial ability.

Mr. Rush brings to his new position, as Deputy Secretary of Defense, a broad understanding and wide knowledge of industry and industrial problems, and the management experience required to make the Department of Defense efficient in the employment of the Department's large military funds and resources.

It has been my opportunity to know him for over 30 years and to appreciate his large abilities, judgment, and integrity.

President Nixon is to be commended for his selection of Mr. Rush for this most important position.

Mr. President, I ask unanimous consent that a brief biographical sketch of Mr. Rush be included in the RECORD at this point.

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

KENNETH RUSH

(Lawyer; U.S. Ambassador)

Home Address: North Manursing Island, Rye, New York.

Business Address: 270 Park Avenue, New York City, New York 20017.

Born: January 17, 1910, Walla Walla, Washington.

Marital Status: Married to Jane Gilbert Smith, June 12, 1937.

Children: George Gilbert (deceased), David (deceased), Malcolm. Cynthia Shepherd, John Randall, Kenneth.

Education: A.B., University of Tennessee, 1930, LL.B., Yale, 1932, LL.D., Tusculum College, 1961.

Employment: Associate, Chadbourne, Stanchfield & Levy (now Chadbourne, Parke, Whiteside & Wolfe) law firm, 1932-1936; Assistant Professor, Duke University Law School, 1936-1937; With Union Carbide Corporation, 1936, 1937-1969; Vice President, 1949-1961; Executive Vice President, 1961-1966; President, 1966-1969; Director, 1958-1969.

Director: Bankers Trust Company; American Sugar Company; Bakers Trust N.Y. Corporation.

Ambassador to West Germany, 1969—.

Member: Industries Advisory Committee; The Advertising Council; U.S. Advisory Committee U.S. Trade Policy; Development Council, University of Tennessee, 1963—; President's Council School of Business of N.Y.U.; Advisory Council 4-H Foundation; Board of Directors Institute International Education; Secretary-treasurer and trustee Grand Central Art Galleries; Trustee Taft School, 1957-1962; International Chamber of Commerce; Yale Law School Association (Executive Committee 1952-1962); Foreign Policy Association; Council Foreign Relations; American Bar Association.

Clubs: Apawamis, Manuring Island (Rye, N.Y.); University, Pinnacle (N.Y.C.).

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

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

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

U.S. CONTRIBUTIONS TO THE FUND FOR SPECIAL OPERATIONS OF THE INTER-AMERICAN DEVELOPMENT BANK; U.S. CONTRIBUTIONS TO THE SPECIAL FUNDS OF THE ASIAN DEVELOPMENT BANK; U.S. PARTICIPATION IN THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate messages from the House of Representatives on the following bills: S. 748, to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank; S. 749, to authorize U.S. contributions to the Special Fund of the Asian Development Bank; and S. 2010, to provide for increased participation by the United States in the International Development Association.

The PRESIDING OFFICER (Mr. HUGHES) laid before the Senate the amendments of the House of Representatives to the bill (S. 748) to authorize payment and appropriation of the second and third installments of the United States contributions to the Fund for Special Operations of the Inter-American Development Bank which were, on page 2, line 18, strike out "Directors." and insert:

"Sec. 21. The Secretary of the Treasury shall instruct the United States Executive

Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned; or

"(4) seized a vessel of the United States on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States and a fine, license fee, registration fee or any other direct charge has been paid in order to secure the prompt release of the vessel and crew;

unless the Secretary of the Treasury determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

On page 2, after line 18, insert:

Sec. 2. The Inter-American Development Bank Act is amended by adding at the end thereof the following new section:

"Sec. 22. The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances."

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 749) to authorize U.S. contributions to the Special Funds of the Asian Development Bank, which were, on page 5, line 3, strike out "expended." and insert:

"Sec. 18. The Secretary of the Treasury shall instruct the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country which has—

"(1) nationalized or expropriated or seized

ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the Secretary of the Treasury determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

On page 5, after line 3, insert:

Sec. 2. The Asian Development Bank Act is amended by adding at the end thereof the following new section:

"Sec. 19. The Secretary of the Treasury shall instruct the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances."

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill S. (2010) to provide for increased participation by the United States in the International Development Association, which were, on page 1, line 5, strike out "section" and insert "sections".

On page 2, line 5, strike out "Association." and insert:

"Sec. 12. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development of the International Development Association to vote against any loan or other utilization of the funds of the Bank and the Association for the benefit of any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation,

partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the Secretary of the Treasury determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) that parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

On page 2, after line 5, insert:

SEC. 2. The International Development Association Act is amended by adding at the end thereof the following new section:

"Sec. 13. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development of the International Development Association to vote against any loan or other utilization of the funds of the Bank and the Association for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate disagree to the amendments of the House of Representatives to these three bills en bloc, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

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

The PRESIDING OFFICER appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. AIKEN, and Mr. CASE conferees on the part of the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON EXPERIMENTAL, DEVELOPMENT, TEST, AND RESEARCH PROCUREMENT ACTION

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report entitled "Semiannual Experimental, Development, Test, and Research Procurement Action Report," for the 6-month period ended December 31, 1971 (with an accompanying report); to the Committee on Armed Services.

REPORT OF DEPARTMENT OF TRANSPORTATION

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report of that Department (with an accompanying report); to the Committee on Commerce.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Problems in the Khmer Republic (Cambodia) Concerning War Victims, Civilian Health, and War-Related Casualties," Department of State, dated February 2, 1972 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE OZARKS REGIONAL COMMISSION

A letter from the State cochairman, and Federal cochairman, the Ozarks Regional Commission, Little Rock, Ark., transmitting, pursuant to law, a report of that Commission, for the year 1971 (with an accompanying report); to the Committee on Public Works.

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. 3115. A bill to provide financial and other aid to enable the United States to assist Jewish refugees to emigrate from the Soviet Union to Israel or the country of their choice. Referred to the Committee on Foreign Relations.

By Mr. TALMADGE:

S. 3116. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful. Referred to the Committee on the Judiciary.

By Mr. JACKSON:

S. 3117. A bill to amend section 3(f) of the Federal Property and Administrative Services Act of 1949, with respect to Guam. Referred to the Committee on Government Operations.

By Mr. HRUSKA (by request):

S. 3118. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances. Referred to the Committee on the Judiciary.

By Mr. CHILES:

S. 3119. A bill to designate certain lands in the Cedar Keys National Wildlife Refuge in Florida as wilderness; and

S. 3120. A bill to designate certain lands in the National Key Deer Refuge, Great White Heron National Wildlife Refuge, and the Key West National Wildlife Refuge, Monroe County, Fla., as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. HART (for himself, Mr. SCOTT,

Mr. BAYH, Mr. HARRIS, Mr. KENNEDY, Mr. HUMPHREY, Mr. JACKSON, Mr. MUSKIE, Mr. MCGEE, Mr. NELSON, Mr. RIBICOFF, Mr. RANDOLPH, Mr. STEVENSON, Mr. TUNNEY, Mr. WILLIAMS, Mr. BOGGS, Mr. PERCY, Mr. JAVITS, Mr. MATHIAS, Mr. GRIFFIN, Mr. STAFFORD, Mr. DOMINICK, Mr. SCHWEIKER, Mr. COOK, Mr. STEVENS, Mr. HRUSKA, and Mr. PELL):

S. 3121. A bill to extend the Commission on Civil Rights for 5 years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for

other purposes. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH, from the Committee on Public Works:

S. 3122. A bill to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972. Considered and passed.

By Mr. MCINTYRE:

S.J. Res. 194. A joint resolution authorizing and requesting the President to proclaim November 11 of each year as "World War I Veterans Day." Referred to the Committee on the Judiciary.

By Mr. HARRIS:

S.J. Res. 195. A joint resolution relative to a "Health Bill of Rights." Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JACKSON:

S. 3115. A bill to provide financial and other aid to enable the United States to assist Jewish refugees to emigrate from the Soviet Union to Israel or the country of their choice. Referred to the Committee on Foreign Relations.

SOVIET JEWISH REFUGEE RELIEF ACT OF 1972

Mr. JACKSON. Mr. President, I wish to introduce at this time a bill to authorize a 2-year, \$250 million program to enable the United States to assist Israel in receiving and resettling the persecuted Jews of the Soviet Union. This program calls for the appropriation of \$100 million in fiscal year 1972 and \$150 million in fiscal year 1973. Called the "Soviet Jewish Refugee Relief Act of 1972," my measure would authorize and direct the President to establish a program of financial aid and other assistance to Israel and other countries for the movement of Jewish refugees from the Soviet Union and for the resettlement and support of such refugees.

A new bill is needed if we are to move effectively to help relieve the inhuman suffering of the Russian Jews. Amending existing legislation just will not do the job. With the passage of this measure, we will be creating and authorizing funding for a new and dramatic humanitarian program.

The right to free emigration is basic and fundamental to human liberty. Without this right national borders become prison walls. At a time when the brave Soviet Jews have been risking their lives in pursuit of freedom, the least we can do is offer material aid to assist in their resettlement.

By Mr. JACKSON:

S. 3117. A bill to amend section 3(f) of the Federal Property and Administrative Services Act of 1949, with respect to Guam. Referred to the Committee on Government Operations.

ELIGIBILITY OF GUAM FOR PARTICIPATION IN THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

Mr. JACKSON. Mr. President, I send to the desk for appropriate reference a bill to do equity to the 100,000 American citizens of Guam and make them eligible, as are the citizens of the other offshore areas of the United States, for participation in the benefits of the excess property provisions of the Federal

Property and Administrative Services Act.

My proposed amendment would accomplish this purpose by amending the definition of "foreign excess property" found in section 3(f) of the act to include Guam as one of the areas which is excluded from the foreign excess property provisions. Section 3(f) of the definitions in the Federal Property Act now read:

(f) The term "foreign excess property" means any excess property located outside the States of the Union, the District of Columbia, Puerto Rico, and the Virgin Islands."

Thus, those areas are under the provisions applying to domestic excess property, while Guam, by being excluded, is subject to the limitation of the provisions applying to foreign excess property.

Such a discrimination against Guam is manifestly inequitable. Guam was constituted an unincorporated territory of the United States by section 3 of the act of August 1, 1950 (64 Stat. 384; 48 U.S.C. 1421a), popularly known as the "Guam Organic Act," and full American citizenship extended to its people.

However, that was in 1950, while the definition in the Federal Property Act was written in 1949, when Guam was a mere possession under the administration of the Navy and without established legal status. At that time both Puerto Rico and the Virgin Islands were territories. Puerto Rico now has become a Commonwealth, and the Virgin Islands continues as an unincorporated territory. Since 1950, Guam has had precisely the same legal status as the Virgin Islands.

Mr. President, there is absolutely no reason in law or in equity why this difference, this discrimination, with respect to the provisions of the Federal Property Act should continue. My bill would place both our statutorily constituted territories in an equal position.

For Guam, the change in status would mean that, in general, disposition of surplus property would be under the control of the Administrator of the General Services Administration, and the territory would be eligible to receive surplus property for education, public health, civil defense, and for parks and outdoor recreation.

The island gravely needs such property and facilities because the Federal Government now owns some 39 percent of Guam's very limited land area, which is only about 210 square miles. Of this 39-percent Federal ownership, 37 percent is in the hands of the military, and a land use study of those areas is now being conducted by the Navy under the President's Executive Order No. 11508. A report on this study will be made to the President through the White House Property Review Board established by the order.

Of such vital importance to Guam is the availability of more of its very limited land area for public purposes and for the growth of its economy that I ask unanimous consent, Mr. President, that the text of Executive Order 11508 be printed in the RECORD at the conclusion of my re-

marks. Also, Mr. President, I ask unanimous consent that the text of a letter written by the Assistant Administrator of the General Services Administration to the Honorable A. B. Won Pat, Guam's elected Representative in Washington, dated December 7, 1971, be also printed in the RECORD following the Executive order. This letter sets forth clearly and unequivocally the need for the legislation I am introducing.

I urge prompt action by the Congress on my proposed amendment to do equity to the people of Guam, the westernmost bastion of American democracy.

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

EXECUTIVE ORDER 11508, PROVIDING FOR THE IDENTIFICATION OF UNNEEDED FEDERAL REAL PROPERTY

Whereas proper management and use of the Nation's resources require a continuing and critical review of real property held by the Federal government in order to insure that each such property is promptly released by the agency concerned for appropriate disposition whenever changing program requirements of the agency, or other considerations, obviate the need of the agency for such property; and

Whereas existing law, including the Federal Property and Administrative Services Act of 1949, as amended (hereinafter referred to as "the Act"), authorizes the President to prescribe property utilization and disposal policies consistent with and deemed necessary to effectuate its provisions; and

Whereas I have determined that it would be in the public interest to enunciate a uniform policy for the Executive branch of the Government with respect to the identification of excess real property holdings, and to establish uniform procedures with respect thereto, in order to insure the prompt identification and release by executive agencies of real property holdings that are no longer essential to their activities and responsibilities:

Now, therefore, by virtue of the authority vested in me by section 205(a) of the Act (40 U.S.C. 486(a)), and as President of the United States, I is hereby ordered as follows:

SECTION 1. In conformity with sections 202 (b) and (c) of the Act (40 U.S.C. 483(b) and (c)), the head of each executive agency, consistent with the policies set forth in Bureau of the Budget Circular No. A-2, Revised, shall:

(1) institute immediately a vigorous and complete survey of all real property under his control; and

(2) make a report to the Administrator of General Services within sixty days of the date of this order, listing any such property or portion thereof, and state whether it is not utilized, is underutilized, or is not being put to its optimum use.

SEC. 2. The Administrator of General Services shall:

(1) within sixty days of the date of this order, and in implementation of the policies set forth in Bureau of the Budget Circular No. A-2, Revised, establish uniform standards and procedures for the identification of real property that is not utilized, is underutilized, or is not being put to its optimum use, and the heads of other executive agencies shall thereafter conform their policies, regulations, and practices to the provisions of such standards and procedures;

(2) within sixty days of the date of this order, institute, and thereafter conduct on a continuing basis, a survey of the real property holdings of all executive agencies to identify properties which in his judgment are not

utilized, are underutilized, or are not being put to their optimum use; and

(3) make reports to the President, listing any property or portion thereof (identified either by Executive agencies or as a result of the Administrator's survey) which has not been reported excess and which in the Administrator's judgment is either not utilized, is underutilized, or is not being put to its optimum use, and which in his judgment should be reported as excess property.

SEC. 3. (a) The reports required of the Administrator of General Services by section 2 of this order shall be made to the President through a Property Review Board, which is hereby established.

(b) The members of the Property Review Board shall be the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality, the Administrator of General Services, and such other officers or employees of the Executive branch as the President may from time to time designate. One of the members of the Board shall be designated by the President as Chairman. The Board shall have an Executive Secretary, who shall be appointed by the President.

(c) The Property Review Board shall review the reports made by the Administrator of General Services pursuant to section 2 of this order, as well as other reports to the President making recommendations for the use or disposition of specific parcels of real property, with particular attention to conflicting claims on, and alternative uses for, any property listed in such reports. The Board shall then make such recommendations to the President as it deems advisable regarding the use or disposal of such property.

SEC. 4. As used in this order:

(1) the term "executive agency" means "executive agency" as defined in section 3 (a) of the Act (40 U.S.C. 472(a));

(2) the term "property", however modified, means real property, or an interest therein, which is covered by the definition of "property" set forth in section 3(d) of the Act (40 U.S.C. 472(d)), and also lands withdrawn or reserved from the public domain which are utilized by executive agencies for purposes other than national forests or national parks; and

(3) the term "excess property" means "excess property" as defined in section 3(a) of the Act (40 U.S.C. 472(e)).

RICHARD NIXON.

THE WHITE HOUSE, February 10, 1970.

[F.R. Doc. 70-1857; Filed, Feb. 10, 1970; 3:51 p.m.]

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., December 9, 1971.

MR. A. B. WON PAT,
Representative in Washington,
Territory of Guam, Washington, D.C.

DEAR MR. WON PAT: On October 27, I wrote to you to tell you that we would investigate the procedures whereby the territory of Guam might be able to acquire beach property currently held by the Department of Defense (DOD).

We have considered our jurisdiction in this case as prescribed by the Federal Property and Administrative Services Act of 1949. Foreign excess property as defined in section 3 (f) is "any excess property located outside the States of the Union, the District of Columbia, Puerto Rico, and the Virgin Islands." Therefore, excess property in Guam is clearly foreign excess property and as such does not come under our disposal authority. Under Title IV of the Act, the authority to dispose of such property is vested in the holding agency, which in this instance is DOD.

We understand the Property Review Board has requested that DOD conduct real prop-

erty utilization surveys of their landholdings in Guam similar to the surveys made by GSA under Executive Order 11508. We are sending a copy of this letter to Mr. Berry J. Shillito, Assistant Secretary of Defense, (Installations and Logistics), Department of Defense, Washington, D.C. 20301, and suggest that you contact him directly.

We regret that we cannot be of more assistance to you in obtaining access to the beaches on Guam. Nevertheless, we would like to be apprised of your progress and would be pleased to be of whatever service we can in this matter.

Sincerely,

HAROLD S. TRIMMER, JR.,
Assistant Administrator.

By Mr. HRUSKA (by request):

S. 3118. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances. Referred to the Committee on the Judiciary.

PSYCHOTROPIC SUBSTANCES ACT OF 1972

Mr. HRUSKA. Mr. President, on behalf of the administration I send to the desk a bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to discharge obligations under the Convention on Psychotropic Substances, entitled the "Psychotropic Substances Act of 1972." I ask that this bill be appropriately referred, and further request that the letter of transmittal from the Attorney General and the text of the bill be printed in full at the conclusion of my remarks.

Last June the President asked the Senate to ratify the Convention on Psychotropic Substances. Today, on behalf of the administration, I am introducing legislation which would make those changes in our laws which are necessary for this country to comply with the terms of that convention. I hope that we will soon have the opportunity to endorse this international effort, and to enact this measure to make our participation effective.

In recent months reports from the Bureau of Narcotics and Dangerous Drugs, and from others alert to the changing patterns of drug abuse, have made us increasingly aware that the mind-altering drugs present a danger to our society which may equal, or even exceed, that of heroin. Just last fall, in an effort to alleviate the problem of abuse in this area, amphetamines were placed under more stringent controls when they were transferred by the Attorney General from schedule III to schedule II of the Controlled Substances Act pursuant to the terms of that law.

The American Medical Association has, by resolution, supported this action which should lead to a decrease in the widespread use of amphetamines as an aid in weight reduction. As Director of the BNDD John Ingersoll has stated, through the injudicious prescribing of medication, the obese patient may find he has gained a habit while attempting to lose weight.

But, however, successful our efforts to impose domestic controls on these and other psychotropic substances, the ab-

sence of international cooperation could mean a failure to fully accomplish our objective—the safety of our citizens. The purpose of this convention, and of this legislation to implement it, is to achieve such cooperation.

Presently, psychotropic substances are not included under any of the narcotic drug treaties. Our becoming a party to this convention would be a meaningful step in our development of a comprehensive attack on drug abuse and the international illicit drug traffic.

An analysis of the bill which I introduce today is contained in the letter of transmittal from the Attorney General submitting this legislative proposal, which will be set forth following these remarks.

I am hopeful that we may have early action on both the convention, now before the Foreign Affairs Committee, and this proposal which would make the technical changes necessary to accommodate our law to this agreement.

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

S. 3118

A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Psychotropic Substances Act of 1972".

SEC. 2. Subsection (d) of Section 201 of the Controlled Substances Act (21 U.S.C. 811 (d)) is amended by adding "(1)" after "(d)" and inserting the following new paragraphs at the end thereof:

"(2) If control is required by United States obligations under the original schedules of the Convention on Psychotropic Substances, signed at Vienna, February 21, 1971, the Attorney General shall issue an order controlling the drug or other substance under the least restrictive schedule meeting such obligations, without regard to the findings required by subsection (a) of this section or section 202(b) and without regard to the procedures prescribed by subsections (a) and (b) of this section.

"(3) (A) When the United States receives notification pursuant to Article 2 of the Convention on Psychotropic Substances that a drug or other substance has been added or transferred to the schedule specified in the notification, the Attorney General shall, unless such drug or other substance is already subject to legal controls which meet the requirements of the schedule specified in the notification, initiate proceedings for control in accordance with subsections (a) and (b) of this section.

"(B) If the Attorney General determines, in view of exceptional circumstances, that the United States will not be in a position to give effect to all of the provisions of the Convention on Psychotropic Substances applicable to that drug or substance, he shall transmit notice of his determination and the reasons therefor to the Secretary of State for transmittal to the Secretary General of the United Nations within the time required by the Convention. Concurrently with the transmittal of such notice, the Attorney General shall, unless the drug or substance is already controlled under this title or unless the proceedings for control are completed, issue an order controlling the drug or sub-

stance under Schedule IV or V, whichever is most appropriate to carry out the United States obligations under Article 2, paragraph 7 of the Convention, without regard to the findings required by subsection (a) of this section or section 202(b) and without regard to the procedures prescribed by subsections (a) and (b) of this section. As a part of such order, the Attorney General shall by regulation except such drug or substance from the application of any provisions of Part C of this title which he finds is not required to carry out the United States obligations under Article 2, paragraph 7, of the Convention.

"(C) Upon completion of proceedings for control in accordance with subsections (a) and (b) of this section, the Attorney General shall issue a final order controlling the drug or substance under the appropriate schedule as determined by such proceedings: *Provided*, That if the Secretary recommends that such drug or substance not be controlled the Attorney General shall continue control of the drug or substance under Schedule IV or V in accordance with paragraph (3)(B) of this subsection."

SEC. 3. Subsection (d) of Section 202 of the Controlled Substances Act (21 U.S.C. 812(d)) is amended by adding the following before the period at the end thereof: ", and (3) such exception does not conflict with United States obligations under the Convention on Psychotropic Substances, signed at Vienna, February 21, 1971."

SEC. 4. Subsection (d) of section 307 of the Controlled Substances Act (21 U.S.C. 827 (d)) is amended by adding "(1)" after "(d)" the first time it appears, and adding the following at the end of the subsection:

"(2) Every manufacturer registered under section 303 shall, at such time or times and in such form as the Attorney General may require, make periodic reports to the Attorney General with respect to nonnarcotic controlled substances which are psychotropic substances subject to the Convention on Psychotropic Substances, signed in Vienna, February 21, 1971. These reports shall include the quantities used in the manufacture of substances either not listed in any schedule or listed in a schedule but excepted from certain controls under section 201(d)(3)(B) or section 202(d), and the stocks of these controlled substances held by the manufacturer."

SEC. 5. Part of the Controlled Substances Act is amended by adding the following new section:

"Sec. 310. The Attorney General may, by regulation, prescribe restrictions on the advertising to the general public concerning any controlled substance which is a psychotropic substance subject to the Convention on Psychotropic Substances, signed at Vienna, February 21, 1971."

SEC. 6. Subsection (a) of Section 402 of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(a) by striking out "or" at the end of paragraph (7);

(b) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; or"; and

(c) by adding the following new paragraph: "(9) to advertise to the general public any controlled substance in violation of regulations issued pursuant to Section 310."

SEC. 7. Subsection (b) of section 1002 of the Controlled Substance Import and Export Act (21 U.S.C. 952) is amended by adding the following sentence to paragraph (2): "*Provided*, however, that if a nonnarcotic controlled substance is also listed in Schedule I or II of the Convention on Psychotropic Substances it shall be imported pursuant to such import permit requirements as the Attorney General may by regulation prescribe."

SEC. 8. Subsection (e) of Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953) is amended—

(a) by striking out ", and" at the end of paragraph (2) and inserting in lieu thereof ",";

(b) by striking out the period at the end of paragraph (3) and inserting in lieu thereof " and"; and

(c) by adding the following new paragraph:

"(4) In any case when a nonnarcotic substance in Schedule III, IV or V is also listed in Schedule I or II of the Convention on Psychotropic Substances, it is exported pursuant to such export permit requirements as the Attorney General may by regulation prescribe, instead of the invoice required by subparagraphs (e) (2) and (e) (3) above."

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., February 2, 1972.
The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970, 84 Stat. 1242, 21 U.S.C. 801, to permit the United States Government to comply with the provisions of the Convention on Psychotropic Substances signed at Vienna on February 21, 1971.

On June 29, 1971, the President transmitted to the Senate, for its advice and consent to ratification, the Convention on Psychotropic Substances. This Convention has as its purpose the international control of substances that are not included under any of the existing multilateral opium and other narcotic drug treaties. The Convention governs the so-called psychotropic (or mind-altering) substances: the hallucinogens (such as LSD and mescaline), the amphetamines, the barbiturates, and the tranquilizers. The Convention will come into force 90 days after 40 countries have ratified it.

The aim of the Convention is to limit to medical and scientific purposes the manufacture, distribution and use of psychotropic substances. The structure of the Convention is similar to that of the Comprehensive Drug Abuse Prevention and Control Act of 1970. It lists 32 substances in four schedules depending on the extent of their abuse, their potential for abuse and their therapeutic usefulness. The Convention contains a procedure for adding new substances to schedules, moving them among schedules and deleting them from the schedules. Like the Comprehensive Drug Abuse Prevention and Control Act, the Convention provides gradations of controls, with the most stringent controls applied to Schedule I substances (such as LSD, mescaline and the tetrahydrocannabinols) and lesser restrictions on substances in Schedules II, III, and IV. Most of the control provisions are similar to the control of narcotic drugs by other treaties, such as the Single Convention on Narcotic Drugs, 1961.

The specific control measures which the Convention requires each Party to implement are largely satisfied by the provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and the Food, Drug, and Cosmetic Act. For example, under the Convention, each Party must license manufacturers and distributors of psychotropic substances; Sections 301 to 304 of the 1970 Act provide for registration of these persons. Each Party must restrict the use of Schedule I (hallucinogenic) substances to scientific and very limited medical purposes; Section 303 of the Controlled Substances Act (Title II of the Comprehensive Act) limits access to such substances to qualified researchers. Psychotropic substances must be dispensed only upon a physician's prescription; all are subject to prescription requirements under the Federal Food, Drug, and Cosmetic Act. Each Party must require all handlers of psychotropic substances to keep records of all drugs

manufactured, distributed or dispensed; Section 307 of the Act already imposes such recordkeeping requirements. Importation and exportation of psychotropic substances must be controlled in a manner similar to the requirements imposed by the Controlled Substances Import and Export Act, which is Title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

In addition to controlling domestic commercial and medical activity, Parties must make certain reports to the International Narcotic Control Board, take actions against illicit traffic and apply penal provisions, and, where possible, establish programs of drug abuse prevention, treatment, and rehabilitation.

Although the Controlled Substances Act and the Controlled Substances Import and Export Act provide most of the mechanisms to fulfill United States obligations under the Convention on Psychotropic Substances, new legislation will be required to satisfy all commitments under the Convention. For this purpose, the enclosed legislative proposal is submitted.

Section 2 of the proposed bill would amend Section 201 of the Controlled Substances Act (21 U.S.C. 811) to authorize and direct the Attorney General to take steps to control substances which the Convention obligates the United States to control. The Convention procedure for bringing a new substance under control requires certain medical and scientific findings by the World Health Organization, additional findings and a decision to control by the Commission on Narcotic Drugs, and notification of the Parties by the Secretary-General of the United Nations. Upon such notification, each Party is required to impose national control mechanisms on the substance within 180 days. The United States delegation sought and obtained the right of each Party to utilize its own procedures for imposing national controls, such as are provided in the Controlled Substances Act, on the condition that certain minimum national controls be imposed regardless of the outcome of the nation's internal efforts to require control. Thus, in the event that a substance cannot, within the 180-day period, be included in any schedule of the Controlled Substances Act through the normal procedures set forth in Section 201 (because of delays in administrative hearings or court proceedings provided for in the law), the United States will still have to require such controls as registration of manufacturers and wholesalers, import and export restrictions and recordkeeping requirements. Section 2 proposes the amendment of Subsection 201 in light of the requirements of the Convention. This preserves the important role assigned to the Secretary of Health, Education, and Welfare in scheduling decisions as well as all legal rights of manufacturers, handlers, and users of the substance within the United States. But, secondly, the new provisions authorize the Attorney General to impose all controls required by our treaty obligations if the regular scheduling procedures are not completed within the 180 days, and immediately on those in the original schedules of the Convention. Thirdly, the proposal permits the Attorney General to withhold any controls under the law which he does not find required by American obligations under the Convention on Psychotropic Substances.

Section 3 of the enclosed legislation would amend Section 202(d) of the Controlled Substances Act (21 U.S.C. 812(d)) to create a third condition to be satisfied before a nonnarcotic substance contained in a combination product could be exempted from regulatory control. Article 2 of the Convention on Psychotropic Substances imposes restrictions on any Party's right to grant exceptions from control for combination products. Section 2 makes this requirement fully operative in our law.

Section 4 of the proposal adds new author-

ity to the Attorney General to gather information by amending Section 307(d) of the Controlled Substances Act (21 U.S.C. 827(d)). Each Party to the Convention is required under Article 16 to submit certain statistical data on psychotropic drugs regarding inventories, quantities manufactured, quantities imported and exported, and quantities used in manufacture of other substances. The Attorney General can acquire much of this information directly through existing authority under the Act; he cannot, however, directly obtain data on quantities manufactured or on inventories. Manufacturing data is currently submitted to the Food and Drug Administration on psychotropic (and other) drugs having a new drug application on file with that agency; this information is not in a form readily usable by the Attorney General, however, and does not cover certain psychotropic drugs not subject to new drug application requirement. Section 4 will make certain that the Attorney General can obtain all data necessary to prepare the United States reports to the Commission on Narcotic Drugs under the Convention.

Sections 5 and 6 of the proposed bill are necessary if the United States is to comply with Article 10 of the Convention on Psychotropic Substances, which requires each Party to prohibit, with due regard to the Party's constitutional provisions, the advertisement of psychotropic substances to the general public. Section 5 creates a new section, numbered Section 830, in the Controlled Substances Act, authorizing the Attorney General to issue regulations restricting the advertising of psychotropic substances. Section 6 establishes civil and criminal penalties for violations of the restrictions on advertising.

Sections 7 and 8 of the proposed legislation would amend the Controlled Substances Import and Export Act to permit full compliance with any possible obligation under the Convention on Psychotropic Substances. The Convention obligates each Party to require prior government authorization for importation or exportation of any substance listed in Schedules I or II of the Convention; the existing United States law requires such authorization before importing or exporting a nonnarcotic substance listed in Schedules I or II of the Act. Therefore, the possibility exists that a substance listed in Schedules I or II under the Convention could be listed in Schedules II, IV or V of the Act, thereby preventing imposition of the prior authorization system. Section 7 is an amendment to Section 1002 of the Controlled Substances Import and Export Act (21 U.S.C. 952), and Section 8 proposes to amend Section 1003 of that Act (21 U.S.C. 953). The effect of these suggested changes would be to permit the Attorney General to impose the Schedule II import and export controls on any Schedule III, IV or V substances without rescheduling the substance and thereby subjecting it to other unnecessary controls.

We urge the early consideration of this legislation and the Convention so that we may become Parties to this international effort in the near future.

The Office of Management and Budget has advised that the submission of this recommendation is in accord with the Program of the President.

Sincerely,

JOHN MITCHELL,
Attorney General.

By Mr. CHILES:

S. 3119. A bill to designate certain lands in the Cedar Keys National Wildlife Refuge in Florida as wilderness; and

S. 3120. A bill to designate certain lands in the National Key Deer Refuge, Great White Heron National Wildlife Refuge, and the Key West National Wildlife Refuge, Monroe County, Fla., as

wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. CHILES. Mr. President, the Wilderness Act of 1964 declared it to be the policy of the Congress to secure for the present and future generations of Americans the benefits of a lasting resource of wilderness, and for that same purpose the act established a National Wilderness Preservation System. The act directs the Secretary of the Interior to review every roadless area of 5,000 contiguous acres or more and every roadless island within the National Wildlife Refuge System, to determine whether or not the area ought to be included in the National Wildlife Refuge System. Inclusion in the System assures preservation of the undeveloped area to serve as a permanent, living lesson of human interdependence with the natural environment. I am delighted this morning to introduce two bills designating certain lands as such wilderness areas. The first bill is a companion to Congressman FASCELL's bill, H.R. 10667 which would designate certain lands in the National Key Deer Refuge, Great White Heron National Wildlife Refuge, and the Key West National Wildlife Refuge, in Monroe County, Fla. The second measure is a companion to Congressman FUQUA's H.R. 736, which would designate certain lands in the Cedar Keys National Wildlife Refuge in Florida.

In judging the suitability of land to be included in the wilderness system an area must meet certain criteria: First, it must be reasonably compact; second, it must be undeveloped; third, it must possess the general characteristics of wilderness; and fourth, it must have no improved roads suitable for public travel by automobile.

Certain lands in the National Key Deer Refuge, Great White Heron National Wildlife Refuge, and the Key West National Wildlife Refuge, have met these necessary criteria.

The Florida Keys are perhaps best known as the home of the Key deer. This small version of the white-tailed deer can be seen only in this area and even here only a few keys within the Key Deer Refuge have the proper habitat and sufficient fresh water vital to the animal's survival. And there are a large variety of rare and beautiful species within the refuge, dependent upon its peacefulness, its completely natural environment—these include the southern bald eagle, the eastern brown pelican, the American alligator and crocodile, as well as the loggerhead sea turtle.

I think it is important to point out that no additional land acquisition will be necessary to enact these two proposals. There are no water bottoms or State and private lands within the boundaries of the refuges included in the proposals.

Certain lands in the Cedar Keys National Wildlife Refuge in Florida also fully qualify under the same Wilderness Act of 1964 to be designated a wilderness area. The Cedar Keys National Wildlife Refuge consists of four islands: Seahorse, Snake, Bird, and North Keys—all of which are 2 to 3 miles offshore from the town of Cedar Keys, in the Gulf of

Mexico. This 378-acre area has long been an important nesting ground for the white ibis, common egret, snowy egret, the Louisiana heron, and great blue heron. The place offers ideal atmosphere for resting and feeding of the birds. Including this area in the wilderness system assures that islands will remain unimpaired for future use and enjoyment as wilderness. The measures I am introducing here today provide that there will be no commercial enterprise, permanent roads, use of motorized equipment or structure within the designated area.

If enacted, both these proposals will secure a rare bargain for the American people. All the land is already under Federal ownership. Experts are agreed the land is appropriate for preservation in its present undeveloped state. Agreement exists as to the value of the land as a nesting, feeding, and breeding place for a number of endangered, rare and beautiful species of wildlife. All that remains then is that we turn our good intentions and well-designed plans into the law of the land. I strongly urge the Senate to insure the preservation of these primitive areas. Because they are capable of providing a place where man can reflect on the past while at the same time gain valuable insight into the meaning of the natural ecosystem where plants and wildlife share the environment with him and because the designation of these areas will assure permanent safeguarding from future development and will accommodate recreational, scientific, educational, conservation, scenic, as well as historical uses, I feel the proposals have great merit. The refuges deserve the additional protection afforded areas included in the National Wilderness Protection System. The bills designating their inclusion deserve prompt and favorable action.

By Mr. HART (for himself, Mr. SCOTT, Mr. BAYH, Mr. HARRIS, Mr. KENNEDY, Mr. HUMPHREY, Mr. JACKSON, Mr. MUSKIE, Mr. MCGEE, Mr. NELSON, Mr. RIBICOFF, Mr. RANDOLPH, Mr. STEVENSON, Mr. TUNNEY, Mr. WILLIAMS, Mr. BOGGS, Mr. PERCY, Mr. JAVITS, Mr. MATHIAS, Mr. GRIFFIN, Mr. STAFFORD, Mr. DOMINICK, Mr. SCHWEIKER, Mr. COOK, Mr. STEVENS, Mr. HRUSKA, and Mr. PELL):

S. 3121. A bill to extend the Commission on Civil Rights for 5 years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes. Referred to the Committee on the Judiciary.

CIVIL RIGHTS COMMISSION ACT OF 1972

Mr. HART. Mr. President, today I introduce for the senior Senator from Pennsylvania, myself and 25 of our colleagues the Civil Rights Commission Act of 1972, a bill that would extend the life of the Commission on Civil Rights and expand its jurisdiction to include discrimination because of sex. In addition, the bill would remove the ceiling on the Commission's authorization for appropriations and make other administrative change to strengthen the Commission.

For 14 years, the Commission on Civil Rights has served this Nation well. I think it is a tribute to the Commission that it has been far more successful than even its original sponsors could have ever imagined.

The Commission is a unique agency. It reports to both the President and the Congress, thus assuring its independence from both branches. Its members are selected on a bipartisan basis. It is an agency with no enforcement authority and no specific programs to administer, thus relieving the Commission of any potential vested interests in such activities.

Under the strong leadership of its chairman, John A. Hannah and Father Theodore M. Hesburgh, the Commission has played a vital role since its inception. Commission reports and recommendations have provided the basis for important legislation, executive action, and judicial opinions dealing with the sensitive and all-important field of civil rights.

Many of us have taken for granted the contributions made by the Commission on Civil Rights to the enactment of the landmark civil rights legislation of the 1960's. Commission studies and reports in the fields of education and employment provided, in large measure, the basis and justification for portions of the Civil Rights Act of 1964. Civil Rights Commission documentation of widespread denials of voting rights helped lay the foundation for the historic Voting Rights Act of 1965. Five years later, the Commission presented evidence that convinced Congress of the necessity to extend that act. And Commission investigations into the availability of equal housing opportunities helped produce title VIII of the Civil Rights Act of 1968.

Despite these successes, it is evident that full equality for all Americans has not been achieved and that the work of the Commission is far from complete. Much more important work remains to be done. And to a great extent, the work remaining will be more difficult and crucial than the work that has been completed. Yet the Commission is scheduled to expire next January. Unless its life is extended, it will be unable to continue its invaluable contributions.

Civil rights problems today are far more subtle and complex, and therefore more difficult to deal with, than the relatively straightforward issues of the 1960's. Take, for example, the critical and deeply complicated problems of our deteriorating metropolitan areas and the resulting impact on minority Americans. Our urban areas are increasingly being polarized along racial lines. Our suburbs are becoming more white and affluent while the urban minorities are left behind to inherit the decay and poverty of the inner-city areas. These developments have tremendous consequences for equal housing, employment and educational opportunities for minorities and bear directly on the future of our Nation as a united society.

Until recently the focus of those in civil rights has been principally on the problems of blacks. The Commission on Civil Rights, however, has undertaken studies of Indians, Mexican Americans,

Puerto Ricans, and others. But again, much more must be done. Current Commission studies in these fields must be completed and many more must be initiated.

In addition, this bill seeks to capitalize upon the Commission's expertise and experience in analyzing discriminatory practices by conferring jurisdiction over sex discrimination as well. If we are going to make good on our professed intentions to eliminate sexual discrimination in America, we will need all the avenues of attack that can be taken against this pervasive inequity in our society.

Finally, this legislation improves the procedures of the Commission in several respects which bring it into parity with other Federal commissions and which will enable it to perform more effectively its assigned tasks.

Mr. President, this is an important piece of legislation for the cause of civil rights, for the cause of women's rights—for the cause of human rights. I urge its prompt consideration and enactment by the Senate.

Mr. President, I ask unanimous consent that at the conclusion of my remarks and the remarks of Senator Scott the bill be printed along with a section-by-section analysis, an explanatory memorandum, and a letter from Mr. Wilfred Rommel, in the Executive Office of the President, to the Commission Staff Director, Mr. John Buggs, indicating that the legislation is in accord with the President's program in civil rights enforcement.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered. (See exhibits 1, 2, 3, and 4.)

Mr. SCOTT. Mr. President, I am delighted to join with the Senator from Michigan (Mr. HART) in introducing legislation to extend the life of the Commission on Civil Rights for 5 years and to expand the jurisdiction of the Commission to include discrimination because of sex.

The contributions of the Commission on Civil Rights to the advancement of human rights and human dignity are well known. The Commission has been the conscience of the Nation in matters of racial equality since its creation in 1957. It contributed significantly to the enactment of the landmark civil rights legislation of the 1960's. Commission reports and recommendations have formed the basis for other important legislation, executive action and judicial opinions dealing with civil rights.

While significant strides have been taken toward securing individual civil rights since the Commission was established in 1957, there is a continuing need for this type of independent agency. The Commission has been increasingly active in focusing attention and Federal action on the problems faced by Mexican Americans, American Indians and other minority groups. Its vital work must continue.

To date, the Commission's work has been limited to issues of discrimination because of race, color, religion, and national origin. Studies have indicated, however, that widespread discrimination because of sex exists in our Nation.

The bill which I am introducing today would meet this denial of equal rights by authorizing the Commission on Civil Rights to deal with discrimination because of sex. This provision of the bill would implement an important recommendation of the 1970 report of the President's Task Force on the Rights and Responsibilities of Women and is in accord with the President's civil rights program.

Limited studies in the area of discrimination because of sex document some of the discrimination suffered by women. For example, working women with college degrees earn, on the average, \$7,000 a year, while male college graduates earn \$12,000. Other examples of discrimination are found in "protective" labor legislation, domestic relations law, criminal law and higher education.

We are progressing toward full equality, but the gap is still wide. In 1968, women held 1.03 percent of all Federal jobs paying \$30,000 or more a year. In 1971, the figure had barely increased to 1.04 percent. In 1955, the median salary of all female workers was 64 percent of that for all male workers, while in 1969 the figure had decreased to 58 percent.

Although some Federal agencies and laws encompass discrimination because of sex, these laws are generally limited to discrimination in the area of employment. Studies of the full range of issues, in addition to more extensive studies of discrimination in employment, are necessary. As has been demonstrated so cogently by the Commission's record, studies and recommendations firmly grounded on authoritative facts are an essential prerequisite to legislation and other remedial relief. Further, it is important that a Federal agency be empowered to appraise the Federal performance in this area and provide a focal point for the development of affirmative action programs within the Federal Government.

The structure and work of the Commission on Civil Rights are well suited to these needs. I believe that it is both logical and necessary that the jurisdiction of the Commission be expanded to include discrimination because of sex.

I would like to stress that this program has the full backing and support of the President of the United States. In his state of the Union message, the President requested that the Commission be extended for another 5-year term. In addition, the President called for the expansion of the Commission's jurisdiction to include discrimination because of sex.

I hope that the Senate will recognize the importance of this measure and give it its full and sympathetic support. I urge its early adoption.

EXHIBIT 1
S. 3121

A bill to extend the Commission on Civil Rights for five years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes

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

Sec. 2. Section 102(j) of the Civil Rights Act of 1957 (42 U.S.C. 1975a(j); 71 Stat. 634), as amended, is further amended by

striking therefrom the first and second sentences and substituting therefor the following: "A witness attending any session of the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States."

Sec. 3. Section 103(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(a); 71 Stat. 635), as amended, is further amended by striking therefrom "the sum of \$100 per day for each day spent in the work of the Commission," and substituting therefor "a sum equivalent to the compensation paid at Level IV of the Federal Executive Salary Schedule, pursuant to section 5315 of Title 5, U.S.C., prorated on a daily basis for each day spent in the work of the Commission."

Sec. 4. Paragraph (1) of subsection (a) of section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a); 71 Stat. 635), as amended, is further amended by inserting immediately after "religion," the following: "sex," and paragraphs (2), (3), and (4) of subsection (a) of such section 104 are each amended by inserting immediately after "religion," the following: "sex".

Sec. 5. Section 104(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(b); 71 Stat. 635), as amended, is further amended by striking therefrom "January 31, 1973" and substituting therefor: "the last day of fiscal year 1978."

Sec. 6. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. 1975d; 71 Stat. 636), as amended, is further amended as follows:

In section 105(a) by striking out in the last sentence thereof "as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates for individuals not in excess of \$100 per diem," and substituting therefor "as authorized by section 3109 of Title 5, U.S.C., but at rates for individuals not in excess of the daily equivalent paid for positions at the maximum rate for GS-15 of the General Schedule under section 5332 of Title 5, U.S.C."

Sec. 7. Section 106 of the Civil Rights Act of 1957 (42 U.S.C. 1975e; 71 Stat. 636), as amended, is further amended to read as follows:

"Sec. 106. There are hereby authorized to be appropriated, such sums as are necessary to carry out the provisions of this Act."

EXHIBIT 2

SECTION-BY-SECTION ANALYSIS OF S. 3121

Section 2 would provide for paying witnesses at Commission hearings at the same rate paid by Federal courts. Witness fees would be raised from \$6 a day to \$20, and expenses would be raised from \$10 to \$16. Commission witnesses thus would be paid at the same rate paid by many other boards and commissions, in addition to the Federal courts.

Section 3 would adjust the daily compensation for commissioners. Instead of \$100 for each day spent in the work of the Commission, commissioners would be compensated at the daily rate paid at Level IV of the Federal Executive Salary Schedule. The present payment is at a level below the salaries of the staff director and other senior Commission officials who are responsible to the commissioners. Many other boards, commissions, and authorities are compensated at Executive Level IV.

Section 4 would expand the Commission's jurisdiction to include discrimination on account of sex. Present law governing the operation of the Commission would be amended to add sex discrimination to the forms of discrimination presently within the Commission's jurisdiction: color, race, religion, and national origin. The Commission would be empowered, regarding sex discrimination, to study and collect information, appraise Federal laws and policies, and serve as a clearinghouse of information.

Section 5 would extend the life of the

Commission five years. Instead of expiring in early 1973, the Commission would continue until the end of Fiscal 1978.

Section 6(a) would authorize the Commission to pay consultants up to a daily rate equivalent to the maximum for Federal employees at the GS-15 level. This would enable the Commission to pay, under the current General Schedule, up to \$127.92 per day instead of the \$100 currently allowed. This procedure for relating the maximum pay for consultants to the General Schedule is in accordance with OMB recommendations.

Section 7 would authorize the appropriation of such sums as are necessary for the work of the Commission. The present authorization is \$4,000,000.

EXHIBIT 3

MEMORANDUM OF EXPLANATION, S. 3121

INCREASE OF ATTENDANCE FEE AND PER DIEM ALLOWANCE FOR WITNESSES AT COMMISSION HEARINGS

Section 2

Sec. 2. Section 102(j) of the Civil Rights Act of 1957 (42 U.S.C. 1975a(j); 71 Stat. 634), as amended, is further amended by striking therefrom the first and second sentences and substituting therefor the following: "A witness attending any session of the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States."

It seems appropriate to pay persons appearing as witnesses before the Commission at the same rate paid witnesses appearing in Federal Court. This approach is followed, pursuant to statutory language identical to that proposed above, by the following major Federal agencies with subpoena power: Civil Aeronautics Board (49 U.S.C. 1484(b)); National Labor Relations Board (29 U.S.C. 161 (4)); Federal Maritime Commission (46 U.S.C. 1124(a)); Federal Power Commission (16 U.S.C. 825(b)); Securities and Exchange Commission (SEC Rule 14(c)); Federal Trade Commission (15 U.S.C. 49); Federal Communications Commission (47 U.S.C. 409(e)).

The adjustments incurred by the above language would increase the witness fees for each day's attendance of a Commission hearing from \$6.00 to \$20.00 and would increase reimbursement for subsistence expense from \$10.00 per day to \$16.00 per day, the higher figures reflecting the amounts currently provided witnesses in Federal Court proceedings pursuant to 28 U.S.C. 1821. Future amendment of 28 U.S.C. 1821 altering those fees or altering mileage fees (currently set at 10 cents per mile) payable to Federal Court witnesses would automatically be subsumed under Section 102(j) of the Civil Rights Commission's statute.

It is estimated that the enactment of this legislation will result in an annual increase of cost to the government of approximately fifteen hundred dollars.

ESTABLISHMENT OF A NEW SALARY LEVEL FOR COMMISSIONERS

Section 3

Sec. 3. Section 103(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(a); 71 Stat. 635), as amended, is further amended by striking therefrom "the sum of \$100 per day for each day spent in the work of the Commission," and substituting therefor "a sum equivalent to the compensation paid at Level IV of the Federal Executive Salary Schedule, pursuant to section 5315 of Title 5, U.S.C., prorated on a daily basis for each day spent in the work of the Commission."

This amendment would provide for payment to Commissioners at the Executive IV level.

Under the existing provisions of Section 103(a), Commissioners not otherwise in the service of the Government are to be paid at a rate of one hundred dollars per day for each day spent in the work of the Commission. The

rate of one hundred dollars per day is insufficient to compensate Commissioners for the time which they must devote to Commission business. Moreover, under 5 U.S.C. 5316, the Staff Director of the Commission on Civil Rights is paid at the rate of Executive Level V. In addition, other senior level employees of the Commission are paid at GS-16 level and above. The Commissioners, to whom the Staff Director is subordinate, however, are paid at a rate somewhat below the top of the GS-15 level. Thus, the top policy-making officials in the agency are paid at a rate substantially lower than senior level employees of the agency. Should further Federal pay raises occur, the situation may become even more inequitable. To adequately compensate the Commissioners for their time and to eliminate this inconsistency in pay scales, it is proposed that Commissioners be paid, for each day spent in the work of the Commission, at a rate equivalent to Executive Level IV, computed on a pro rata daily basis.

The following list indicates other commissions and similar agencies whose members are paid at Executive Level IV:

- Federal Maritime Commission.
- Civil Service Commission.
- Tennessee Valley Authority.
- Securities and Exchange Commission.
- Federal Trade Commission.
- Interstate Commerce Commission.
- Federal Deposit Insurance Corporation.
- Postal Rate Commission.
- Civil Aeronautics Board.
- Occupational Safety and Health Review Commission.

It is estimated that the enactment of this legislation will result in an annual increase of cost to the government of approximately six thousand dollars.

SEX DISCRIMINATION JURISDICTION

Section 4

Sec. 4. Paragraph (1) of subsection (a) of Section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a); 71 Stat. 635), as amended, is further amended by inserting immediately after "religion," the following: "sex," and paragraphs (2), (3), and (4) of subsection (a) of such section 104 are each amended by inserting immediately after "religion," the following: "sex".

An important recommendation of the 1970 Report of the President's Task Force on the Rights and Responsibilities of Women was to extend the jurisdiction of the U.S. Commission on Civil Rights to cover discrimination on account of sex. In addition, there have been a number of proposals in Congress during the last two years to add discrimination on account of sex to the jurisdiction of the Commission on Civil Rights.

Many Federal equal opportunity requirements today, such as Title VII of the Civil Rights Act of 1964 and Executive Order 11246, as amended, cover discrimination on account of sex, as well as discrimination against minorities. Extending the Commission's jurisdiction would provide the Commission comparable jurisdiction to that held by two major Federal civil rights programs.

While several Federal agencies are concerned with the status of women, all are limited in that none are empowered to examine and make recommendations regarding the full range of women's issues. Furthermore, none are empowered to appraise Federal performance in this area. The Commission's Federal monitoring responsibility is now limited in that it cannot examine an area which represented, for example, 19 percent of the Equal Employment Opportunity Commission's caseload in 1970. Thus, the Civil Rights Commission would provide a focal point in the Federal Government regarding women's issues and fill a void which now exists.

While there are some differences, many parallels exist between race and sex discrimination. Institutional policies and prac-

tices reinforce both, and minority women, in particular, are the recipients of double discrimination.

Additional fact-finding with regard to the status of women is needed. Although more information than ever before seems available regarding the role and status of women in American society, on close examination, much of the information is meager, revealing blatant male-female disparities only for several traditional indicators of status. The information which is available, however, indicates the depth and severity of the problem.

The Commission is prepared to undertake a significant program in the area of sex discrimination. Among the issues proposed for study are ones dealing with women and the administration of justice, including correctional institutions, women and the job market, the legal status of women, political participation of women, sex discrimination in housing programs and in education. In addition, the Commission would prepare and publish appropriate clearinghouse publications on women's rights, monitor sex discrimination in Federal programs and handle complaints of sex discrimination. It is estimated that the cost to the Federal Government of adding sex discrimination to the mandate and jurisdiction of the Commission would be one million dollars.

EXTENSION OF THE TERM OF THE COMMISSION ON CIVIL RIGHTS

Section 5

Sec. 5. Section 104(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(b); 71 Stat. 635), as amended, is further amended by striking therefrom "January 31, 1973" and substituting therefor, "the last day of fiscal year 1978."

Unless extended by Congress the Commission will cease to exist sixty days after submission of its final report, on January 31, 1973.

This amendment would extend the life of the Commission for a period of five years coterminous with the end of the fiscal year in calendar year 1978.

The Commission's principal function remains to find facts. During the life of the Commission several Federal civil rights laws have been enacted and major changes in Federal, State and local policies concerning civil rights have taken place. The problems that led to the creation of the Commission in 1957, however, continue to exist and deserve further attention by the Commission. There is a continuing need for an independent agency in the Executive Branch whose main function is to appraise the changing status of civil rights, both to point out the progress that has been made and to point out the areas where discrimination persists.

There is also a continuing need for an independent agency to examine the impact of the Federal laws and policies on civil rights problems. As the Commission recently found, new laws and policies are not enough. A clear, strong commitment backed up by adequate enforcement machinery is needed to make real progress in the civil rights field. The Commission has yet to see that high a degree of commitment or strong enforcement machinery.

During the last four years the Commission has turned more and more attention to the problems of minority groups other than blacks. During the last few years, the Commission has issued several reports dealing exclusively with the problems of Mexican Americans and has focused attention on this particular minority group through the hearing process and various State Advisory Committee activities. At the present time, the Commission is preparing for a major hearing dealing exclusively with the problems of Puerto Ricans in the Northeastern United States. The Commission has also devoted

more of its resources to the problems of American Indians and will soon be publishing a Handbook on Indian Rights.

Despite the Commission's increasing focus on the problems of various minorities that have previously been ignored by the Federal Government there is a great deal more to be done in these areas. Because of its long-standing experience and expertise in the civil rights area, the Commission is best suited to deal with these problems.

During the past 14 years there have been many significant accomplishments in civil rights. Among these are the enormous increase in the numbers of franchised black citizens, the substantial progress made in the desegregation of schools, and improved employment opportunities which have resulted from meaningful government action to attack the problem of denials of equal employment opportunity. Despite these gains, today there exists more segregation in housing than existed in 1957. This continues to complicate the desegregation of schools and the accessibility by minority groups to job opportunities in suburban areas. The trilogy of segregated housing, poor schooling and lack of job opportunity lead to the continued racial and ethnic polarization of the Nation. Antipathies and conflicts between law enforcement officers and the black, Puerto Rican, Mexican American and Indian citizens of the Nation are disturbing indicators of continued difficulties in urban areas. Riots in prisons raise serious questions concerning the administration of justice behind prison walls. After 14 years of legislative progress, it is not yet time for the Federal Government to abandon the necessary process of monitoring compliance with civil rights laws and policies and of designing and implementing new and improved policies to meet new problems and changing conditions.

In 1967 Congress extended the Commission for a term of five years until January 1973. As a result, the Commission was able to undertake studies on a variety of issues that would not have otherwise been possible. It has been able to plan for longer range projects and to carry out a more comprehensive agency program. For example, it has been possible to undertake a long-range study of Mexican American educational opportunities in the Southwest and issue a series of reports on various aspects of that issue (the project is still underway).

It is believed that if the Commission continues, it should be extended for a period of time sufficient to enable it to carry out its functions on a sound and efficient basis. An extension for five years would best provide that opportunity.

ESTABLISHMENT OF NEW MAXIMUM PAY FOR CONSULTANTS

Section 6

Sec. 6. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. 1975d; 71 Stat. 636), as amended, is further amended as follows:

(a) In section 105(a) by striking out in the last sentence thereof "as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates for individuals not in excess of \$100 per diem," and substituting therefor "as authorized by section 3109 of Title 5, U.S.C., but at rates for individuals not in excess of the daily equivalent paid for positions at the maximum rate for GS-15 of the General Schedule under section 5332 of Title 5, U.S.C."

Under present limitations, the Commission may pay experts and consultants a maximum of one hundred dollars per day.

This amendment would provide a new maximum pay level for experts and consultants.

Under existing legislation, a separate congressional enactment is necessary to enable the Commission to increase the compensation of experts and consultants to reflect higher living costs and higher pay rates for both

public and private employment. The Commission has been severely handicapped by this limitation in its ability to retain qualified experts and consultants.

This problem is currently more acute since many other Federal agencies now are authorized to compensate experts and consultants at rates greater than one hundred dollars per day. In addition, limitations on compensation which may be paid by other agencies are often stated in terms of the general pay schedule for Federal employees, permitting increases in consultant pay pursuant to increases in the general schedule. In order to compete with other Federal agencies and with private employers for the services of experts and consultants, the Commission must be able to pay a rate of compensation which can keep pace with future economic developments, and with pay scales of other agencies. This amendment would permit the Commission to do so by setting step 10 of GS-15 as the maximum rate of compensation for experts and consultants.

The following is a partial list of other Federal agencies, and their limitations on consultants' pay, including a computation of the current daily rate:

Agency, Limitation, and Computed Daily Rate

Department of Commerce, GS-18,	\$138.48
per day.	
General Services Administration, GS-15,	
step 10; \$127.92 per day.	
National Labor Relations Board, GS-15,	
step 10; \$127.92 per day.	
Department of Justice, GS-15, step 10;	
\$127.92 per day.	
Equal Employment Opportunity Commission,	
GS-15, step 10; \$127.92 per day.	
Cabinet Committee on Opportunities for	
Spanish Speaking People, GS-18, \$138.48	
per day.	

It is estimated that the enactment of this legislation will result in an annual increase of cost to the government of approximately twenty five hundred dollars.

ELIMINATION OF THE LIMITATION ON ANNUAL APPROPRIATIONS

Section 7

Sec. 7. Section 106 of the Civil Rights Act of 1957 (42 U.S.C. 1975e; 71 Stat. 636), as amended, is further amended to read as follows:

"Sec. 106. There are hereby authorized to be appropriated, such sums as are necessary to carry out the provisions of this Act."

There are two important reasons for removing the statutory ceiling on the Commission's annual appropriation. First, such a ceiling is the exception rather than the rule; most Federal agency operating budgets, as opposed to grant programs, have open-ended appropriations provisions. As a practical matter, every annual appropriation request is subjected to a thorough review by the Office of Management and Budget and by the Congress. Under the existing legislation, however, in order to increase the Commission's annual appropriation, the Congress must first go through the complicated and time-consuming process of amending the Commission statute. Removal of the ceiling would permit the Office of Management and Budget and Congress to determine the Commission's financial needs on the basis of an annual review of the agency's work in light of the country's needs, without the hindrances and delay imposed by the necessity to seek new authorization legislation.

Second, the maximum amount set by the ceiling is arbitrary and has created a situation where at times the Commission's operating budget has had to absorb various cost increases. The maximum amount of the limitation has been raised three times since it was first passed in 1967 in order to cover increased costs and to provide for a small increase in the "real" budget of the Commission. Despite these increases, there has

not been any appreciable increase in permanent staff positions or in the Commission's program. Costs, such as salary increases for Federal employees, travel, mailings, etc., however, are continuing to rise and in a short time the latest increase in the appropriation ceiling to \$4 million will be insufficient to fund the Commission at even its present operating level. Complete removal of the appropriations ceiling would permit the funding of Commission activities in a manner which allows for increasing costs without forcing a reduction in operations. If the Commission is to be an effective agency, it must be free, as are other Federal departments and agencies, to seek the funds it needs on an annual basis without an arbitrary limit on its appropriation.

EXHIBIT 4

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., January 25, 1972.

HON. JOHN A. BOGGS,
Staff Director-designate,
Commission on Civil Rights,
Washington, D.C.

Attention: Mr. Jonathan W. Fleming, Room
500, 1121 Vermont Avenue N.W.

DEAR MR. STAFF DIRECTOR: This is in response to your letter of January 18, 1972, requesting advice on a draft bill, "To extend the Commission on Civil Rights for five years, to expand the jurisdiction of the Commission to include discrimination because of sex, to remove the limitation on Commission appropriations, and for other purposes."

Subject to the deletion of subsection 6(b), as agreed upon by our respective staffs, there is no objection to the presentation of this legislative proposal to the Congress and its enactment would be in accord with the program of the President.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for
Legislative Reference.

Mr. BOGGS. Mr. President, I am pleased to join today in introducing legislation to extend and expand the work of the U.S. Commission on Civil Rights.

Since it was established as a temporary agency in 1957, the Commission has worked tirelessly to investigate and report civil rights violations. Its duties and importance have grown with the body of civil rights legislation passed during the past decade. It has served as the Federal Government's watchdog on civil rights matters, drawing attention to areas of noncompliance and serving as a clearinghouse for civil rights information. This work is valuable and it should, I believe, be continued for 5 years beyond its expiration in January of 1972.

The Civil Rights Commission is currently authorized to investigate cases of discrimination on the basis of race, religion and national origin only. The legislation that is being introduced today would open the way for the Commission to investigate cases of sex discrimination as well. This is an area of discrimination that has been neglected for far too long, and I strongly favor bringing the resources of the Civil Rights Commission to bear on it.

Mr. SCHWEIKER. Mr. President, I am pleased to join Senators SCOTT and HART as a cosponsor of the legislation to extend and expand the authorization of the U.S. Commission on Civil Rights.

This legislation was requested by the President in his state of the Union message.

It will do several things: First, extend

the Commission on Civil Rights for a period of 5 years beyond its current expiration date of January 30, 1972; second, expand the Commission's jurisdiction to include discrimination on account of sex; third, remove the limitation on the authorization for appropriations for the Commission; and fourth, improve the operating procedures of the Commission to bring it into parity with other Federal commissions and agencies.

I am particularly pleased that this legislation extends the jurisdiction of the Commission to cover discrimination on account of sex. Doing so will permit this Agency to make recommendations for Federal action in this area, and will provide a central location for Federal consideration of sex discrimination.

By Mr. McINTYRE:

S.J. Res. 194. A joint resolution authorizing and requesting the President to proclaim November 11 of each year as "World War I Veterans Day." Referred to the Committee on the Judiciary.

WORLD WAR I VETERANS DAY

Mr. McINTYRE. Mr. President, I send to the desk for appropriate reference a resolution to establish November 11 as "World War I Veterans Day."

This resolution would acknowledge the observance of November 11 as an integral part of our American heritage. It authorizes the President of the United States to issue annually a proclamation designating November 11 as "World War I Veterans Day."

Mr. President, I know that all across this land millions of individuals will rejoice at the renewed recognition of the armistice that ended World War I.

Now veterans groups, churches, historical societies and affiliated organizations can conduct their commemorative events on November 11 with the knowledge that Congress does remember the sacrifices of thousands of American soldiers who entered the fighting in France and Germany in 1917 and 1918. We remember their sacrifice and we continue to be grateful for it.

I have received so many letters and telegrams from interested citizens who are dismayed at the seeming insensitivity of the Federal Government for changing the celebration of a day that is so meaningful to them. Now Congress has the opportunity to preserve the memory of those who fought and gave their lives in the First World War.

Mr. President, although more than a half century has passed since the Armistice was signed, the day is no less significant today than it was on November 11, 1918.

This bill to restore November 11 as "World War I Veterans Day" will restore the honor of this important day that it deserves. We will have the gratitude of countless Americans, both veteran and nonveteran, for recognizing that November 11 is not just another day—it is a day celebrating peace—and that is a day to be remembered.

By Mr. HARRIS:

S.J. Res. 195. A joint resolution relative to a "health bill of rights." Referred

to the Committee on Labor and Public Welfare.

Mr. HARRIS. Mr. President, the health care crisis in America grows more acute with each passing day. The failure of our health delivery system has been evident for years and yet we have not found the time to institute the comprehensive overhaul so vitally needed. I am hopeful that we can meet head-on the challenge of health care and health insurance reform during this year. There are various proposals now before the Congress, differing profoundly in their scope and effect. I am confident that careful evaluation by the Congress will conclude that the system is in need of comprehensive change, not patchwork reforms. In January of 1971 I cosponsored S. 3, the Health Security Act of 1971, in the belief that that proposal can best solve our health care organization and delivery crisis. I strongly urge the Congress to act on that bill during this session.

The comparison between the United States and other major industrial nations of the world in the field of health is shocking. Our rates of sickness and mortality lag far behind many countries. In infant mortality, the United States ranks 20th among industrial powers. We are 18th in life expectancy for males and 11th in life expectancy for females.

In the United States, the health of nonwhite citizens is in many categories twice as bad as that of white citizens. The poor, minorities and the aging become the commonest victims of our failing health care system. Doctors are maldistributed, creating a situation where large areas of rural America and many inner-city neighborhoods have no access to a family doctor. The cost of drugs, physician, and hospital fees, and inpatient and outpatient care is skyrocketing, and a major Federal study made in 1971 forecasts that medical expenses will rise 50 percent in the first half of this decade. Certainly the time to act is now.

Mr. President, I am introducing today a "health bill of rights" setting forth 10 fundamental points protecting the rights of patients. I am hopeful that this joint resolution will pass the Senate and that its provisions will be incorporated into any health insurance program that passes the Congress.

I think we need to focus on the reason for any comprehensive reform—that the system be primarily for the benefit of the patient and not for the exclusive benefit of those who provide health care services. Too often Members of both Houses tend to think of new programs in terms of administration and more efficient reimbursement to doctors and hospitals. While that is an important element of any legislation, the primary element should be the benefit conferred on those receiving health care services.

I believe it is fundamental that any law establishing a system of national health insurance must carry a clear statement of the rights and protections such a system will provide for all citizens in America. Just a glance at the past 5 years of medicare and medicaid administration should be proof enough of that need. We have seen the shuttling of patients from private hospitals to over-

crowded public facilities. We have seen conditions in nursing homes reach the point of unimaginable horror for our aged and sick citizens. The abuses in the system would fill several pages. Surely, the Congress never intended that medicare become an instrument of abuse, but we know that that is what has happened in many instances. The simple safeguards of human dignity and justice incorporated into the "Health Bill of Rights" were never a part of medicare legislation. I believe that the past 5 years of experience should be a lesson to us that any new legislation should contain fundamental safeguards for those primary beneficiaries of health care—all our citizens. I urge my colleagues to join me in support of this fundamental principle.

Mr. President, Representative PARREN MITCHELL of Maryland has introduced a companion resolution in the House of Representatives. He has summarized effectively and succinctly the 10 major provisions in the "Health Bill of Rights." I ask unanimous consent that his remarks be inserted in the Record after a copy of the joint resolution.

There being no objection, the joint resolution and remarks were ordered to be printed in the Record, as follows:

S.J. RES. 195

Resolved, That every resident of the United States has a right to the best health care available without regard to his or her race, religion, color, national origin, geographical location, or ability to pay. This right to health care shall be protected under the "due process" and "equal protection" clauses of the fifth and fourteenth amendments to the Constitution.

Neither a patient's age nor sex shall be used for discriminatory purposes in the provision of care, nor shall certain age or sex groups be used for experimentation without full medical justification and informed consent.

Health care, including medical assistance, shall in no way violate the constitutional guarantees of privacy and of protection against self-incrimination; these rights shall prevail during examination, diagnosis, and treatment and shall govern the maintenance of all health records, verbal or recorded.

Except under emergency circumstances, each patient must be informed of the treatment he is to receive, of the persons who will provide that treatment, of the nature of the treatment (whether it is generally accepted procedure or experimental), and of the anticipated risks and benefits of such treatment to the extent they are known. The patient has the right to give or to withhold consent to treatment.

Where an individual patient cannot give informed consent to recommended treatment because of medical disability, language barrier, or condition of confinement, such consent must be sought from next of kin, guardians, or others who would assume responsibility for the patient's legal and moral rights. Should no one come forth or be discovered, the physician or institution providing care shall thereupon assume such responsibility.

The relationship between the patient and the provider of care shall be free of any representatives of enforcement, investigative, financial, religious, or social agencies except as specifically requested or approved by the informed patient and without duress.

No person in need of medical assistance may be turned away or otherwise abandoned by any individual or organization, public or private, capable of providing such assistance.

This shall not be construed to be in conflict with the principle of informed consent.

All persons have the right to advocate and work for change in the provision of health care; such activity shall not be used to deny any person access to care at any time of need or the protections of all rights and guarantees.

Every person has a right to all information of a public nature which indicates the adequacy, efficacy, and economy of health care provided directly or through third parties by local, county, State, regional, and national agencies.

Health care in the United States is and shall be organized to benefit the general public; hence, all policymaking bodies of institutions, organizations, or agencies devoted to health care and which draw support in any form from public revenues shall have a majority representation from the general public.

REMARKS OF REPRESENTATIVE PAREN J. MITCHELL (D. Md.) BEFORE THE HOUSE WAYS AND MEANS COMMITTEE, NOVEMBER 19, 1971

At this time, Mr. Chairman, I would like to present to this Committee the 10 brief points in the proposed "Health Bill of Rights" that I introduced on November 1st. It is known as H. Res. 879.

I. Every resident of the United States has a right to the best health care available without regard to his or her race, religion, color, national origin, or ability to pay.

This is a categorical statement wholly consistent with the Civil Rights Act of 1964, with the decisions of the U.S. Supreme Court in desegregation and welfare cases, and would be covered by the "due process" and "equal protection" clauses of the Fifth and Fourteenth Amendments to the U.S. Constitution.

I might note, Mr. Chairman, that President Nixon himself has said he thinks health is a right—one of the few times we both seem to agree. I would assume that the "strict constructionists" he has nominated to the High Court would keep this in mind as health rights cases come their way in the years ahead.

II. Neither a patient's age nor sex shall be used for discriminatory purposes in the provision of care, nor shall certain age or sex groups be used for experimentation without full medical justification and informed consent.

For years we have exploited the aged, the mentally retarded, Blacks and other minorities, the poor, and those in detention centers for experimentation. Puerto Rican, Chicano, and Black women on welfare were the first guinea pigs for oral contraceptives 10 and 15 years ago. Only last year, the U.S. Food and Drug Administration had to put out new, stronger regulations to insure the getting of informed consent from patients being used by drug companies for a variety of dangerous tests.

Now, with the aged getting increased attention, a whole new frontier of drugs and devices for old people is opening up. We must make sure that such research and experimentation is carried out with the patients' rights fully protected rather than circumvented under a loose national health insurance system.

III. Health care, including medical assistance, shall in no way violate the Constitutional guaranty of privacy and of protection against self-incrimination; these rights shall prevail during examination, diagnosis, and treatment and shall govern the maintenance of all health records, verbal or recorded.

Privacy is as important to a poor child from a welfare family as it is to a wealthy youngster. If they are to be poked and probed by a doctor, let it be done with the curtains drawn. Unfortunately, this simple courtesy—which can be translated into a human right—is less available to the poor and the middle-class and most available to the rich.

But I must call your attention to a more basic issue. If everyone is to be entitled to health care, then theoretically there can be a health record on every citizen—his heartbeat, drinking habits, sex life, blood type, rate of metabolism, and so forth. We must make plain to everyone that this is *private, privileged information that belongs to the patient.*

A system of national health insurance that does not have safeguards against invasions of privacy and self-incrimination will be considered yet another hoax by the people of America. That must never happen. And let Congress say so.

IV. Except under emergency circumstances, each patient must be informed of the treatment he is to receive, of the persons who will provide that treatment, of the nature of the treatment (whether it is generally accepted procedure or experimental), and the anticipated risks and benefits of such treatment to the extent they are shown. The patient has the right to give or to withhold consent to treatment.

On the one hand, this is a re-statement of what our Nation already agreed to at Nuremberg and Helsinki following World War II. We vowed, along with all other civilized States in the world, that the horrors of Nazi "experimental medicine" would never again take place. A sick person must have the right to know what is going to happen to him—and who will be responsible for it—and he must retain the right to say "No".

But I am proposing this particular section because I think American doctors handle patients the way Nazi doctors handled concentration camp internees. What this statement recognizes is that, under national health insurance, everyone benefits, everyone pays, and everyone participates.

In America today, the average person has better than a high school education. That means our citizens—even under the stress of illness—can understand many details of sickness and treatment that might have been beyond the imagination of our fathers and mothers. So I think it is worth stating that patients—those who receive health care—have a right to participate as fully as possible in the delivery of that care. I offer this not as dim ideal but as a practical, immediate reality.

V. Where an individual patient cannot give informed consent to recommended treatment because of medical disability, language barrier, or condition of confinement, such consent must be sought from next of kin, guardians, or others who would assume responsibility for the patient's legal and moral rights.

Universal entitlement means the gathering in of everyone and the government being responsible for everyone. We know that such a proposition is almost impossible to realize. However, it is not impossible—in fact, it is quite necessary—that government at least indicate to all citizens that their rights will be protected, regardless of the circumstances.

Such a statement, promulgated by the U.S. Congress, would be the signal to the ultimate administering agency of national health insurance to get its machinery moving on responsibility. We must affirm that no man is an island, nor will any man become an island as a result of a national health insurance plan.

I would remind this Committee that no fewer than one of every 10 Americans speaks, Spanish, Italian, Jewish, or a variety of Indian languages as a mother tongue. Yet all of them, along with the English-speaking Americans, would have a right to health care. Let's make sure—as we did not with Medicare and Medicaid—that neither language nor illness nor locality nor anything else will prevent a patient from maintaining his right to information.

VI. The relationship between the patient and the provider of care shall be free of any representatives of enforcement, investigative, financial, religious, or social agen-

cies, except as specifically requested or approved by the informed patient and without duress.

If we are concerned with the health of the individual citizen and intend to cover his every health need, then we had better make sure these needs are not interfered with by persons who have other business in mind. We must let doctors and hospitals know that their primary duty under national health insurance would be to take care of the health problems of our citizens. And we must get police, insurance investigators, private detectives, shakedown artists, collection agencies, and the welfare department out of the way unless or until the patient himself allows them in.

VII. No person in need of medical assistance may be turned away or otherwise abandoned by any individual or organization, public or private, capable of providing such assistance. This shall not be construed to be in conflict with the principle of informed consent.

Here we would try to set the record straight for both the patient and the doctor. To the patient we say: "Look here, universal health insurance means just that: wherever you may be, in whatever condition, someone with medical knowledge will take care of you. You will receive whatever care is possible and needed, within the context of all your rights." And to the doctor we say: "Don't shrink from exercising your best medical judgment whenever it's needed. Do your job as best you can as a real professional and don't worry about 'getting involved.' We want you involved."

This provision would extend the so-called "Good Samaritan" law and free doctors and hospitals from the threat of suits where no such law now exists.

We cannot have a contradictory standard: national health coverage along with an abandonment loophole. Today, even under Medicare and Medicaid, no aged or poor person is guaranteed health service; a doctor or hospital may opt out of the plan and all their patients left to drift. I would hope this never happens under national health insurance.

VIII. All persons have the right to advocate and work for change in the provision of health care: such activity shall not be used to deny any person access to care at any time of need or the protections of all rights and guarantees.

This Committee knows far better than I the degree to which health is becoming a vast, complicated, growing industry. As such, it is suffering all the growing pains of a full-fledged industry: labor organizing, consumer pressures, nurses' strikes, intern protests, community action, and so on. And that's the way it's going to be for a long time to come, whether we like it or not. With the advent of national health insurance, the pressures for change will grow faster and stronger.

Today as in the past, hospitals can shut out union organizers, militant nurses and young doctors, community activists poverty lawyers and others. I am told that some hospitals will refuse to treat or provide any care for such "troublemakers."

Maybe that sort of thing can exist when public health service is divided between public and private institutions. But with the advent of national health insurance, our health system will be *national and public*. Everyone will have a stake in it and—being Americans—some people may turn to militance. But they—even these "troublemakers"—must still be given the right of access to health care. They *cannot* and *must not* be abandoned by the health industry.

IX. Every person has a right to all information of a public nature which indicates the adequacy, efficacy, and economy of health care provided directly or through third parties by local, county, and state, regional, and national agencies.

Earlier in my testimony, Mr. Chairman, I

noted that the people of this country are asking all public servants to be more accountable for their actions. The principle of "open books" is strongly rooted in America. I believe we must reaffirm this principle at the very time we enunciate a system of national health coverage.

For the past two years, committees of the Congress have heard witnesses from insurance companies, hospitals, and medical associations try to cover up their lack of information, indicate they just didn't know the facts about important aspects of health care and costs, and confess to not knowing things they promised the Congress they would know.

The disease of misinformation and no-information has infected the Social Security Administration and most State health agencies as well. With your permission, Mr. Chairman, I would like to submit for the record an article from the Washington Post, written by a medical reporter, Mr. Mal Schechter, and his experience with the secrecy of the Social Security Administration.

We cannot tolerate this sort of thing with present government health plans. Think how much worse off we will be if citizens do not have access to public information telling them how well—or how badly—the national health insurance plan is working. And think how much worse off the Congress will be if this ninth provision in our "Health Bill of Rights" is omitted from the overall legislation.

X. Health care in the United States is and shall be organized to benefit the general public; hence, all policy-making bodies of institutions, organizations, or agencies devoted to health care and which draw support in any form from public revenues shall have a majority representation from the general public.

This may be the most controversial of the ten provisions and, hence, has been kept to the last. However, as this Committee knows, the Congress and the Executive Branch have already acceded to the principle of majority representation for consumers on health planning boards set up under the so-called "Partnership for Health" Act, Public Law 89-749. Neighborhood health centers set up by the Office of Economic Opportunity and continued under HEW have also had majority policy control by consumers. So the idea is not new. However, what would be new is the universal application of that idea to all agencies in a national health insurance system.

I think it is unnecessary now to go into particulars as to how this would be done. There are many models in the fields of education, urban planning, agricultural cooperatives, and housing to help the responsible agency work out details applicable to national health insurance. But now is the time for Congress to again enunciate the principle of public control of health delivery.

Mr. Chairman, these ten provisions of a proposed "Health Bill of Rights" were brought to my attention by their sponsor, the American Patients Association. However, I would like to add that responsible organizations representing organized medicine have also seen the need to lay out the rights of the patient.

With your permission, Mr. Chairman, I would submit for the record a very fine statement issued by the Joint Commission on Accreditation of Hospitals. The JCAH is composed of members representing the American Medical Association, the American Hospital Association, the American College of Physicians, the American College of Surgeons, the American Association of Homes for the Aging, and the American Nursing Home Association.

While this is an excellent statement, the JCAH can apply it to only about half the hospitals of the U.S.; the remainder are not JCAH-accredited. Further, the JCAH has no

enforcement mechanism to make sure the ideas in this preamble are actually carried forward by accredited hospitals.

Therefore, Mr. Chairman, it is up to the Congress to come forward with a clear statement of patient rights at the very time we build a national health insurance system. Such a statement would not protect any one special group—the poor, the rich, doctors, or hospitals. A "Health Bill of Rights" is needed by all Americans, wherever they appear in the health delivery system. It is a basic statement of trust and justice, a recognition of the dignity of the individual regardless of the misfortune he may endure in illness. It will let every American know that his government is as concerned about human rights as about medical bills. Above all, it is a clear statement of shared responsibility, shared commitment, and shared trust between patient and provider.

Mr. Chairman, I again wish to thank you and this Committee for the chance to introduce the concept and language of a "Health Bill of Rights" into your deliberations on National Health Insurance.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2198

At the request of Mr. TUNNEY, the Senator from Idaho (Mr. JORDAN) was added as a cosponsor of S. 2198, a bill to authorize a summer youth sports program.

S. 2223

At the request of Mr. TALMADGE, the Senator from Arkansas (Mr. FULBRIGHT) was added as a cosponsor of S. 2223, a bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes.

S. 2579

At the request of Mr. HARRIS, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 2579, the ocean mammals bill.

S. 2812

At the request of Mr. NELSON, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 2812, a bill to amend the Federal Food, Drug, and Cosmetic Act.

S. 2946

At the request of Mr. NELSON, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 2946, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for remedies of defects without charge, and for other purposes.

S. 3036

At the request of Mr. TOWER, the Senator from Nebraska (Mr. CURTIS) was added as a cosponsor of S. 3036, a bill to repeal the Davis-Bacon Act and the Contract Work Hours Standards Act, and related provisions of law.

S. 3058

At the request of Mr. PROXMIER, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 3058, the Solid Waste Management Act.

SENATE JOINT RESOLUTION 67

At the request of Mr. HART, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of Senate Joint Resolution 67, to authorize the President to issue a proclamation designating the last full calendar week in April of each year as "National Secretaries Week."

SENATE JOINT RESOLUTION 189

At the request of Mr. BROCK, the Senator from South Carolina (Mr. HOLLINGS), the Senator from Rhode Island (Mr. PELL), the Senator from Mississippi (Mr. EASTLAND), the Senator from Utah (Mr. BENNETT), the Senator from Virginia (Mr. SPONG), the Senator from New Hampshire (Mr. COTTON), and the Senator from Nebraska (Mr. HRUSKA) were added as cosponsors of Senate Joint Resolution 189, to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War, Missing in Action," and to designate Sunday, March 26, 1972, as a national day of prayer for these Americans.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 145

At the request of Mr. TUNNEY, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of Senate Resolution 145, urging the Voice of America to broadcast in the Yiddish language to the Soviet Union.

SENATE RESOLUTION 232

At the request of Mr. CHILES, the Senator from Texas (Mr. BENTSEN), the Senator from Illinois (Mr. STEVENSON), and the Senator from Arkansas (Mr. FULBRIGHT) were added as cosponsors of Senate Resolution 232, expressing the sense of the Senate that the remainder of the amount appropriated for the rural electrification program for fiscal 1972 be immediately released by the Office of Management and Budget.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 858, 859, 860, AND 862

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

Mr. ERVIN (for himself and Mr. ALLEN) submitted four amendments intended to be proposed by them jointly to the bill (S. 2515) to further promote equal employment opportunities for American workers.

AMENDMENTS NOS. 863 AND 864

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

Mr. HRUSKA submitted two amendments intended to be proposed by him to the bill (S. 2515), supra.

ENVIRONMENTAL PACKAGING ACT OF 1972—AMENDMENT

AMENDMENT NO. 861

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. NELSON, Mr. President, there is no doubt in my mind that there should be an environmental accounting for all goods which enter our national commerce so that the price of all goods reflects not only the costs of production of the product, but also the costs of disposal of the product after use, including any degradation of the environment or squandering of our valuable resources. At present, this is certainly not the case.

In fact, we have very little applied experience with this type of accounting system. I think it is time to introduce environmental accounting into the marketplace.

Today, I am introducing legislation in the form of an amendment to S. 1377, a bill dealing with no-deposit, no-return soft drink and beer containers, which would begin to introduce environmental accounting into the market price of consumer goods. The scope of this amendment's application of environmental accounting is intentionally limited to packaging. As a potential model for all solid waste, it would provide a coordinated system of economic incentives and regulatory mechanisms to encourage the design, development, production and use in interstate commerce of packaging which conserves natural resources, which minimizes the adverse economic and environmental impact when discarded, and which is returned, reused, or recycled into the economy.

First of all, this amendment provides economic incentives for environmentally sound packaging through the imposition of a schedule of national packaging charges on all packaging manufactured or imported into the United States, charges which would become effective not later than June 30, 1973. This environmental accounting in the market price of commercial packaging would merely be an accurate reflection of the total social costs that are presently hidden and being paid by the public on the long-term installment plan.

Several factors are to be considered in determining the direct and indirect social costs of packaging and the charge to be applied to a particular package. These factors are the amount of recycled materials contained in such packaging, the quantity of solid wastes which result from such packaging in terms of weight and volume, the burden on solid waste disposal systems, the disposability of such packaging, and the toxicity and health effects of the disposal of such packaging. With the proper and accurate accounting of all these factors in the market price of a package, normal economic competition and consumer decisions should operate in favor of the environmentally superior package.

The amendment to S. 1377 provides that the funds collected each fiscal year as a result of these packaging charges shall be returned to local government agencies for the planning, improvement, and construction of resource recovery and solid waste disposal facilities. In light of the tremendous financial burdens on local governments, and the need to apply advanced resource recovery and recycling techniques on the municipal and regional level, these funds are badly needed just to meet existing problems. Furthermore, as environmentally sound packaging is introduced into commerce, the funds derived from the packaging charges would diminish, thus making this financial mechanism for local governments self-limiting and elastic to the scope of the problem.

Two years after the packaging charges are put into effect, the amendment would require the publication of quantitative and qualitative national packaging

standards. These standards would be put into effect 1 year later. This regulatory mechanism would build on 2 years of marketplace experience with environmental accounting and economic incentives for sound packaging and would be complementary and consistent with the charge mechanism and economic incentives. Specifically, the standards would include: First, minimum percentages of recycled materials which shall be contained by such packaging; second, maximum permissible quantities of materials which produce adverse environmental effects when such packaging is discarded; and third, specific packaging practices which shall be prohibited whenever the Administrator has found that the specific practice places an unreasonable burden on solid waste management systems or the environment, or that such practice prevents the effective return, reuse, or recycling of such packaging.

Such a coordinated system of accurate environmental accounting in the marketplace, and national packaging standards to set limits for recycled materials and for practices which unreasonably inhibit recycling, should be advocated for all consumer goods which become part of the solid waste stream. These systems, however, need a firm base of experience and must be applied so that environmental integrity remains the primary goal, rather than mere simplicity of administration or revenue generation.

Because of the dearth of experience in the area of environmental accounting, and the number of factors which should be considered in determining the proper charge for a particular consumer product, this proposal and the mechanisms it suggests are focused upon consumer packaging. The ancient medical aphorism "primum non nocere" or "first of all do no harm" applies in the case of instituting a form of environmental accounting. In applying this procedure, we must make sure the remedy is no worse than the disease.

In making this system work with packaging, we will be able to do more than apply accurate economic marketplace incentives for the use of environmentally sound packaging. While relieving a particularly egregious form of solid waste and misapplication of resources, we will also be perfecting a mechanism that can be applied to a broader spectrum of consumer goods.

Mr. President, there is a growing recognition throughout the country that this society's affluence and unprecedented capacity to transform natural materials and energy into consumer goods is not without waste and enormous environmental and economic costs. In the immediate glut and fervor of commercial production and consumption, however, we have attempted to sweep the discarded commercial wastes under the rug, to ignore an inevitable portion of the total costs of these commercial activities and to defer the eventual public payment for the environmental results of the imperfect production and consumption of consumer goods.

This attitude can no longer be tolerated. The residues of our disposable

society are now physically piling up in front of us, degrading our environment, misusing our limited natural resources and exacting an unacceptable claim on the public pocketbook for inadequate solid waste management systems.

Let us look at the environmental and economic impact of this Nation's mounting solid waste problem. Each year we attempt to throw away 8 million automobiles, 30 million tons of paper, 48 billion cans, and 26 billion bottles—enough to make a 400 billion pound heap of municipal trash each year. And the 5½ pounds of trash each one of us discards today will become 8 pounds of daily discards per person by 1980. With the per capita production of trash growing at the same time that the Nation's population is growing, the Nation's throwaways are mounting in a geometrical progression.

This quantitative increase in total solid waste is putting an added burden on our present municipal solid waste systems. These systems are generally recognized as atavistic and presently are unable to dispose of waste material without jeopardizing public health, degrading the environment and squandering vast amounts of natural and public resources in the process.

Each year our municipalities must spend \$4.5 billion to collect and attempt to dispose of solid waste. As much as 40 million tons of the paper and paperboard manufactured in this country in a single year are destroyed after a single use—burned, left to rot in dumps, or left to litter highways, waterways, beaches, or tumble in the blowing winds. Each ton of waste paper that is not recycled or reused has been publicly equated with the destruction of 17 trees. Of course, this would obviously vary with the type of tree, but if this accepted figure is used, our disposable society wipes out 600 million trees a year with its affluent arrogance and throwaway attitudes. If we reuse only half of our waste paper each year we will reduce the drain on our wood resources by over 30 million cords, or the equivalent production of a million acres of forest land.

In addition to paper and wood fibers in our country's trashcans, ordinary municipal wastes collected annually contain 10 million tons of iron, 1 million tons of nonferrous metals, and 15 million tons of glass—valuable resources estimated to be worth \$1 billion. A recent Battelle Laboratories report placed the amount of unrecovered resources from municipal wastes at \$5 to \$6 billion. And this accounting does not include materials with recovery potential such as rubber, glass, or plastics.

Not only does the nonrecovery of a valuable metal such as aluminum represent the loss of some \$200 per ton to the economy, but the replacement of that ton of aluminum requires the importation of another 4 tons of bauxite ore, the generation of 16,000 KWH of electric power to convert the bauxite to aluminum, and the attempt at disposal of 3 tons of byproduct mineral wastes without degradation of the environment.

This country's compulsive obsession with convenience items and elaborate

packaging has also wasted an enormous amount of our natural and economic resources. It has been estimated that the use of throwaway cans and nonreturnable bottles costs the American public \$1.4 billion in added purchase costs alone. This investment is tossed out the window along with the cans and bottles which must then be collected and disposed of, adding another expense. Considering all packaging that is thrown away after single usage, over \$15 billion is spent each year for the production, one-time use, discard, collection, and disposal of packaging materials.

It is becoming apparent to the public that we are going to have to change both our attitude and our actions regarding the solid wastes which are an inevitable part of our present commercial processes. Instead of treating discarded goods as wastes, we must regard them as "resources out of place" and return, reuse or recycle them into the economy of this Nation rather than relegating them to the trash heap.

We must begin to implement a philosophy of conservation in production and consumption of consumer goods. Conservation in this sense means a more rational and economic use of our natural resources—materials and energy—as well as the preservation of environmental quality.

Environment considerations must become an important factor at each point of decision in the manufacture, sale, use, and eventual discard of commercial goods. In addition, the complete environmental and economic costs to society represented by commercial products should not be hidden or disguised, but should be accurately reflected in the commercial market price of these goods so that the consumer can exercise an informed choice.

Market price should reflect the environmental and economic impact of consumer goods after they have been discarded. If the market price accurately reflects all the public social and environmental costs associated with a consumer product, economic incentives should be operative to encourage the development and use of more environmentally sound consumer goods, and act to accelerate more economical husbandry of resources and environment through the return, reuse, and recycling of materials in consumer goods.

HOUSING CONSOLIDATION AND SIMPLIFICATION ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 866 AND 867

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

Mr. PACKWOOD submitted two amendments intended to be proposed by him to the bill (S. 2049) to consolidate, simplify, and improve laws relative to housing and housing assistance.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 820

At the request of Mr. RIBICOFF, the Senator from Minnesota (Mr. MONDALE)

and the Senator from Michigan (Mr. HART) were added as cosponsors of Amendment No. 820, intended to be proposed to H.R. 1, the Social Security Amendments of 1971.

At the request of Mr. TOWER, the Senator from Mississippi (Mr. EASTLAND) was added as a cosponsor of Amendment No. 804, intended to be proposed to the bill (H.R. 7117), a bill to amend the Fishermen's Protection Act of 1967.

NOTICE OF HEARINGS ON THE BUDGET

Mr. MCGEE. Mr. President, I wish to announce that the Senate Appropriations Subcommittee on Agriculture, Environmental and Consumer Protection will commence hearings on the budget for fiscal year 1973 on March 6. This date was set after consultation with the ranking minority member of the subcommittee, Senator HRUSKA.

As usual, the Secretary of Agriculture will be the first witness and we will hear Secretary Butz at 10 o'clock on the morning of March 6. Following the Secretary, we will hear witnesses from the various agencies and departments which are funded in this appropriation bill. We plan on hearing all of the Federal agencies and witnesses prior to the Easter recess.

As soon as possible following the short Easter recess, we will receive testimony from Members of the Senate and House of Representatives to be followed by non-Federal witnesses. I am making this general schedule known at this time so that all who are interested in this bill will be advised and may plan accordingly.

Anyone wishing to appear before or submit testimony to the subcommittee should contact the subcommittee clerk, Dudley Miles, room 1324, New Senate Office Building, telephone 225-7272.

ADDITIONAL STATEMENTS

PEACEFUL SETTLEMENT OF VIETNAM WAR

Mr. TOWER. Mr. President, much has been said recently about the President's revelation of his concerted efforts to negotiate a peaceful settlement of the Vietnam war. On January 28, the Dallas Morning News published a column written by Mr. Robert E. Baskin which presents a most cogent analysis of the President's speech. In his column, Mr. Baskin rightly concludes that the President has indeed "gone the extra mile" in order to seek a reasonable settlement. In order that Senators may have the column available, 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:

NIXON DISCLOSURE SHOWS ABSURD STANCE OF CRITICS

(By Robert E. Baskin)

WASHINGTON.—President Nixon, in his dramatic Tuesday night address to the nation, has made it apparent how ridiculous the militant peace advocates of the left have been.

His revelation of months of secret negotiations with Hanoi representatives and the

substantive peace plan offered the North Vietnamese last October show that the harshest accusations thrown at him on Southeast Asia by domestic critics have only parroted the Communist propaganda line.

DATE LONG DEMANDED

For several years these critics have demanded a date certain for withdrawal of all American and allied military forces in Vietnam. Nixon disclosed that once an agreement with Hanoi was reached all such forces would be removed within six months. Since then it has been revealed that the U.S. offered a withdrawal by next Aug. 1.

The fomenters against his policy have rallied consistently against South Vietnamese President Nguyen Van Thieu and demanded that the United States throw him out of office. Nixon's peace plan, to which Thieu has agreed, calls for Thieu to step down while new elections are held under international supervision.

These are just two of the points on which Nixon gave the lie to his critics.

His speech left little doubt in the minds of observers here that it has been Hanoi that has been intransigent on coming to terms on a settlement—not the United States.

The 12 visits to Paris by Dr. Henry Kissinger for secret talks with top North Vietnamese officials indicate how far the president was going in his efforts to get some sense of reason into the fruitless negotiations that had been going on.

The results, in the October plan, were concessions of a significant nature that Hanoi, if it wanted to be sensible could readily agree upon.

The North Vietnamese acted as if nothing had happened and only sharpened their propaganda attack and proceeded to step up their military efforts in South Vietnam.

The gullible in this country—and they are quite a noisy lot—bought the Hanoi propaganda hook, line and sinker. Now they are beginning to be recognized for what they are.

Some of them will not accept the words of the president against those of Hanoi, however.

Sen. George McGovern of South Dakota, who imagines himself to be a contender for the Democratic presidential nomination, reacted to the Nixon speech with a new demand for unilateral concessions by the United States.

This theme was echoed by Sen. Edward M. Kennedy, D-Mass., and others who seem to think truth and good intentions rest only with the North Vietnamese.

The record of Nixon in scaling down the war, and ultimately ending U.S. involvement in Vietnam, speaks for itself.

SCALING DOWN WAR

When he took office there were 549,000 American troops in Vietnam. By May 1 the number will be down to 89,000 and a further troop reduction will probably be announced on that date.

It is hardly conceivable how a faster withdrawal of forces in Vietnam could have been accomplished. The end of our commitment to the Vietnam operation is clearly foreseeable if only Hanoi will release American prisoners, agree to the plan for new elections and abide by a cease-fire.

But Hanoi continues to breathe out propaganda which is clearly refuted by the President's disclosure of our intensive efforts to obtain a sensible peace. It is unfortunate that so many Americans, some in high places, continue to listen to this nonsense.

YALE MEDICAL PROFESSOR EQUATES EQUAL RIGHTS AMENDMENT TO TONKIN GULF RESOLUTION

Mr. ERVIN. Mr. President, in a letter to the editor of the New York Times an

outstanding professor of neurology at the Yale University School of Medicine, Dr. Jonathan H. Pincus, asked the following question:

Is the Equal Rights amendment to be the Tonkin Gulf Resolution of the American social structure?

Dr. Pincus, who is certainly an expert on emotional and psychological matters, states in his letter that:

A solid happy family life is the foundation of mental health and happiness.

Dr. Pincus then goes on to state that:

The Equal Rights amendment will be damaging to the family relationships because it involves the removal of legal responsibility from a man for supporting a family . . .

Dr. Pincus predicts that:

The Equal Rights amendment and many of the other goals of its proponents will bring social disruption, unhappiness and increasing rates of divorce and desertion.

Whether or not one agrees with the predictions of Dr. Pincus, I believe he is asking very genuine questions which should be discussed before the Constitution is amended. Before we begin tinkering with the very subtle mechanisms of family relationships and social responsibilities, should we not consider that we might in fact be passing a Tonkin Gulf Resolution of the American social structure?

Mr. President, I ask unanimous consent that the letter from Dr. Pincus which was printed in the October 24, 1971 issue of the New York Times be printed at this point in the RECORD.

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

RIGHTS AMENDMENT: IS IT CONSTRUCTIVE?

To the EDITOR:

If family stability plays an important role in the well-being of our nation, it is hard to envision the Equal Rights amendment just passed by the House of Representatives as a constructive act. The bill seems not to have been discussed adequately or maturely but rather shouted through under pressure from a relatively small band of zealots. It seems to me that the removal of legal responsibility from a man for supporting a family, giving the family a name and protecting his daughters from the sort of influences the U.S. Army might have in store for them before marriage is likely to have some effect on the manner in which men relate to their wives and children and vice versa; those traditional ties will be weakened.

One must agree with women's liberation groups that the liberating effect of Equal Rights will apply to men as well as to women. What they are both being liberated from is nothing less than the restrictions of traditional roles in a family structure. One has the right, indeed the duty, to ask, "Is this good?" Marriage has received some rather bad publicity of late; it is considered a breeding ground of neurosis, a prelude to divorce in more than 30 of 100 cases and a burden to the free spirit seeking self-fulfillment. Day care, communal living arrangements and release of women and men from domestic duties are the modern vogue.

Despite this, and supported by my observations as a physician, I am convinced that that solid, happy family life is the foundation of mental health and happiness. Basic to a healthy family is the concept of role: husband and father, wife and mother, son or daughter. With the restrictions and discipline which stem from these roles, allow-

ing for individual variations, one has the cement which binds a family for life.

Perhaps I am unduly cynical about the ability of people liberated from their responsibilities to make wise choices concerning the path to happiness and contentment; but I would predict that the Equal Rights amendment and many of the other goals of its proponents will bring social disruption, unhappiness and increasing rates of divorce and desertion. Wakening of family ties may also lead to increased rates of alcoholism, suicide and, possibly, sexual deviation. Conceivably this is merely a theoretical parade of horrors. There are genuine questions which should be asked and discussed before our Constitution is amended for the purpose of producing social change. There is no evidence that such deliberations have been made or planned. Is the Equal Rights amendment to be the Tonkin Gulf Resolution of the American social structure?

JONATHAN H. PINCUS,

Associate Professor, Neurology,
Yale University School of Medicine.
NEW HAVEN, CONN., October 14, 1971.

THE KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. ALLOTT. Mr. President, evidence continues to mount that the Kennedy Center for the Performing Arts is a disastrous waste of taxpayers' money. The latest piece of evidence that the Kennedy Center is playing with the taxpayers' money concerns the outrageous news that stagehands there are being paid as much as \$1,500 a week and \$50,000 a year earnings the commonplace. This would be perplexing enough even if the public were not being called upon to bail out the Kennedy Center. But such wages as these under current financial conditions are outrageous.

The Kennedy Center has made it perfectly clear that it is virtually bankrupt, but seems to think that does not matter and that it has an inalienable right to a perpetual draw on the taxpayers' money.

When a National Center for the Performing Arts was first conceived, the plan was for the Federal Government to give the necessary land—and that would be all. Of course it did not work out that way. By now the Federal Government has been involved to the extent of nearly \$50 million of aid in various forms. And there is no end in sight to the apparent desire and ability of the Kennedy Center to sop public funds.

Some who support the idea that the Kennedy Center has a "right" to an eternal supper at the public trough argue that the Center is a national memorial to the late President Kennedy. That is patently untrue; it is nothing of the sort and never was intended.

In fact, the attempt to represent it as that is now coming to appear as an almost cynical attempt to exploit the late President's memory in order to spare the Center the consequences of a lack of any apparent sense of fiscal responsibility.

It is time to make two elementary points:

First. A commercial venture should pay its own way. If the operation of the Kennedy Center—and it was conceived to be a financially solvent enterprise—cannot be paid for by the revenues, then the Kennedy Center should cut its expenses, or raise the price of its service;

Second. We hear much about "reorder-

ing" priorities. Since when is subsidized entertainment for an elite an urgent priority? The prices presently charged at the Center are certainly not designated to attract those of low to moderate incomes.

Mr. President, let me make it clear that my disapproval of a public dole for the Kennedy Center does not denote disrespect for the arts. Obviously the arts are good things. What is not a good thing is the fallacious doctrine that all good things deserve a public subsidy.

Mr. President, I strongly urge that we owe it to the American people to get a full and detailed report on what public money has thus far purchased.

I hope the persons charged with administering the Kennedy Center will soon provide us with a thorough explanation of the financial status of every aspect of the Center. I hope this report will include, for example, the profit picture of the various restaurants and entertainment operations.

And I hope the report will include the Center's official justification for paying stagehands, or anyone else, as much as \$1,500 a week. That amounts to \$78,000 per year. And it just will not do for the Center to say that "union demands" make such payments inevitable. The fact is—and I hope this will dawn on the Center—that there is nothing "inevitable" about the Federal Government bailing the Center out of its commitments.

It appears very likely that the Center is an extravagance: extravagant in its conception, extravagant in its operating habits, extravagant in its expectations for a perpetual public dole, extravagant in its estimation of its own importance and indispensability.

I think I speak for a substantial number of Senators when I say I detect a faint trace of political coercion in the recent history of the Center. It is familiar enough a pattern: a project asks for a little Federal help "just to get started"; then, having drastically underestimated its real costs, and having wildly overestimated the public demand for its service, it comes to the Federal Government claiming that only the Government can "save it for the Nation."

I ask unanimous consent for the Washington Star report of the Kennedy Center wage rates for stagehands to be printed in the RECORD.

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

STAGEHAND'S BONANZA

(By Christopher Lydon)

Stagehands at the Kennedy Center are making as much as \$1,500 a week under a union contract—evidently the richest in the American theater—that has become the center management's biggest embarrassment and headache.

For approximately 125 local members of the International Association of Theatrical and Stage Employees there are at least four basic elements in the Kennedy Center bonanza:

1. Hourly rates that are the highest on average, in the country; \$7.70 for the head electrician, carpenter and property man in each three theaters, down to a minimum \$6.60 for their subordinates. The comparable hourly wages in Los Angeles are \$6.25 and \$4.35. On Broadway, department heads get \$8.65 an hour, but their more numerous as-

sists get \$5.85, or 75 cents less than their counterparts in Washington.

2. A rule requiring four hours' pay for each assignment or "call." At the Kennedy Center—particularly in the frantically busy, multipurpose concert hall—there may easily be four or five calls a day. Stagehands get a full four hours' pay for each of the first two calls and time and a half, or six hours' pay, for each one thereafter.

3. A minimum complement of three department heads during each use of each theater—even for a piano recital—and a "fly man" to handle scenery in the opera house and Eisenhower Theater.

4. An apparent shortage of stagehands to work Washington's booming schedule of performing arts, so that by mid-week the available help has clocked its 40 hours and continues at time and a half or double time.

Kennedy Center officials, trying anxiously but hopefully to renegotiate the stagehands' contract, offer this example of how paychecks get fattened up:

The day's first assignment in the concert hall, a four-hour "call" to set up the platforms and chairs on stage for the National Symphony Orchestra, might start at 9 a.m. and be completed by 10:30 a.m. Another four-hour call for heads of the three stagehands departments might be for a one-hour children's concert at mid-morning. At noon there could be a third call for a two-hour National Symphony rehearsal, and at 2:30 p.m. there could be a fourth to rehearse the next day's jazz show for an hour and a half. In the evening, of course, there is a separate call for the National Symphony's concert, which lasts perhaps two hours.

At the end of a day that had spanned 13 hours and included eight hours' work, each department head would have had five calls—three at overtime—and would have been paid over \$200, and more if he had already worked 40 hours that week before the day began.

OVERTIME CITED

The fact that three theaters are clustered together in the single Kennedy Center works to the stagehands' advantage in the overlapping calculation of overtime.

A man who puts in 40 hours during the week in the concert hall starts any weekend work in the opera house at time and a half, even though he is working in a different theater for a different producer on a different show.

Thus, the local sponsors of the Ballet Folklórico of Mexico had no choice last weekend but to pay 16 stagehands time and a half and double time for moving the show in and out of the Center for an unprofitable two performances.

The stagehands negotiated their contracts only weeks before the Kennedy Center's September opening, when tickets to performances already had been sold. They were in a strong bargaining position at the start and appear to have pressed their advantage ever since.

One afternoon during the American Ballet Theatre's first visit in September, for example, as stagehands worked on the lighting, dancers came onstage for a workout. The union insisted on being paid for a "rehearsal," charging the Kennedy Center for eight hours lighting and a four-hour rehearsal call, at overtime.

In New York, the American Ballet Theatre dancers are allowed to use the City Center stage while stagehands are out to lunch. But at the Kennedy Center, stagehands returning from lunch found dancers on stage and billed the center for another four-hour call.

There have been other bitter fights about what constitutes a rehearsal, but the union seems always to win. Last October when Gary Graffman, the piano soloist, walked onstage before a concert with the National Symphony, ran his fingers up and down the piano and was promptly billed for the services of three

department heads at a full four-hour rehearsal call. The Kennedy Center protested but then paid.

Patrick Hayes, managing director of the Washington performing arts society, speaks hopefully of a new contract in which in rehearsals would be redefined to exclude warm-ups and the calculation of overtime hours could not overlap from one show to another.

But Rogers Stevens, chairman of the Kennedy Center, says he is probably stuck with the contract, though he wishes he never signed it. The stagehands' contract has clearly cut the occasional profits and increased the typical losses on Kennedy Center shows, but there is no evidence yet that it has actually driven attractions away.

PILOT PROGRAMS FOR THE WORKING POOR

Mr. RIBICOFF. Mr. President, the administration's announcement this morning that the President has agreed to test out the working poor portion of his welfare reform proposal represents a substantial step forward in our battle for prompt enactment of this legislation.

We are still working out the details but the plan is to start substantial pilot programs as soon as possible. The full working poor program would be implemented after the results of these pilots have been assessed unless the Congress objects.

This procedure will help remove many of the doubts a number of Senators have had about this new program and will therefore generate increased support for passage of adequate welfare reform legislation this year.

CLEAR CUTTING OF TIMBER

Mr. MCGEE. Mr. President, the recent administration action to kill an executive order which would have curtailed the practice of clear cutting in the national forests gave rise to some very serious ramifications.

In this afternoon's edition of the Washington Evening Star, an editorial appeared questioning the administration's backpedaling on the clear-cutting question. The editorial accused the administration of caving in on the clear-cutting question to the timber interests. As the editorial writer pointed out: "The public forests are there for use, including commercial use, but only at a level that will never result in their being used up. The Forest Service, and eventually the White House, bears the burden of protecting those lands for the benefit of all Americans." I ask unanimous consent that the Evening Star editorial be printed in the RECORD.

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

CLEAR-CUT CAVE-IN

Let us all hope that the latest White House decision on clear-cutting U.S. forest lands does not truly represent the administration's courage under fire in the arena of environmental protection. Otherwise, the nation is in for a bad time.

The issue is one that has been building up for years. The timber industry has found that it can maximize production and profits through clear-cutting, which means cutting down all the trees in an area rather than selectively cutting only the trees that have

matured. Gradually, the U.S. Forest Service has acceded to the practice. And it continues to lean toward industry's position despite the accumulation of public protest and plenty of evidence of abuse—widespread devastation of forest land with consequent bad effects on wildlife, soil stability and scenery.

The President's Council on Environmental Quality had drafted a set of restraints in the form of an executive order it hoped President Nixon would include in his 1972 environment message. But the timber industry's lobbyists reacted quickly. After meeting with CEQ Chairman Train, Agriculture Secretary Butz (the Forest Service is part of Agriculture), and Interior Secretary Morton, they got their way. The executive order was shelved.

Although the administration now is arguing that Agriculture and Interior have adequate safeguards coming along, what happened seems fairly clear. The administration caved in primarily because of the political influence the timber companies can bring to bear in the states of the Far West. This is, if nothing else, a very political year.

In saying all this, we do not put ourselves on the side of the wilderness purists who would lock the forest industry out of the public forests. Logging these forests is essential if the nation's needs for wood products, largely in the home building industry, are to be met. Moreover, in some kinds of forests, notably the Douglas fir, there is even a case to be made for judicious clear-cutting.

At the same time, the timber industry's constant cry of timber famine would go down a lot better if it did not also insist on exporting its products or if it had not compiled such a dreary record of mismanagement in so many public and private forests, down through the years.

The public forests are there for use, including commercial use, but only at a level that will never result in their being used up. The Forest Service, and eventually the White House, bear the burden of protecting those lands for the benefit of all Americans. At this point, it appears they could use more backbone.

SENATOR COTTON COMPLETES 25 YEARS IN CONGRESS

Mr. HATFIELD. Mr. President, I read in the RECORD of yesterday's proceedings that Senator GRIFFIN noted the passing of the 25th year that our distinguished colleague from New Hampshire (Mr. COTTON) has served the people of his State and the country as a Member of Congress. Senator GRIFFIN also inserted into the RECORD the warm testimonial of the distinguished minority leader (Mr. SCOTT).

I want merely to add my good wishes and congratulations to Senator COTTON as he passes this milestone. As my colleagues here today are aware, I became a member of the Commerce Committee just a year ago. Senator COTTON serves as the ranking Republican on this committee, and I have benefited greatly from his wise counsel on any number of matters before the committee. More than that, however, I have enjoyed getting to know Senator COTTON better personally, and I remember many times when his quick wit has added humor to executive sessions of the committee, and also to discussion sessions in the cloakroom.

In addition, I want to note the fine staff that Senator COTTON has assembled to assist him on Commerce Committee matters. Not only do they furnish all of

us on the committee with their expertise on the committee affairs, but I know they work well with the stable of staff members of the majority—an equally talented group under the direction of the distinguished committee chairman (Mr. MAGNUSON).

I am sure I speak for all Members of this body when I offer my congratulations to the Senator from New Hampshire. As a member of the Commerce Committee, I have benefited from his counsel; the people of New Hampshire have profited from his attention to the daily affairs affecting his State; the Nation has been served by his dedication to the legislation before his committees; and all of us in the Senate have enjoyed his wit and humor.

THE NATIONAL SCIENCE FOUNDATION

Mr. KENNEDY. Mr. President, on February 1, Dr. William D. McElroy became chancellor of the University of California at San Diego. For the past 2½ years he has served with distinction as the Director of the National Science Foundation. Those of us who were privileged to work with him in guiding the NSF programs through the Congress were greatly impressed with his dedication and statesmanlike grasp of the Nation's science-policy issues. Under his leadership the National Science Foundation made a start toward assuming its rightful role in the resolution of the Nation's social problems. His absence will be keenly felt by all of us in the Congress concerned with science-policy issues, although we will undoubtedly continue to call on him for counsel over the coming years.

Shortly before he left the National Science Foundation he wrote an editorial in Science magazine entitled "NSF: A Look Ahead." The farsighted views expressed in this editorial are highly relevant to the concerns which Congress and the NSF must face in the coming months, as we proceed with the annual authorization and appropriation process. I ask unanimous consent that this editorial be printed in the RECORD.

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

[From the Science magazine, Jan. 28, 1972]
NSF: A LOOK AHEAD
(By William D. McElroy)

One cannot long occupy the director's chair at the National Science Foundation without being struck by the fact that creative science in the United States is in a state of transition. And much of the feedback associated with this fermentation is focused on NSF, which in this country is often equated with creative science and scientists.

Science, as one of man's highest and greatest achievements, has had a pervasive and protracted influence on man, his way of life, and his environment. And nowhere has its power for change been so dramatic as in the United States. Most scientists hold that the destructive forces let loose by science can be properly focused and wisely used. Accomplishing these ends necessitates a major effort on the part of science and scientists—an effort dedicated to serving all of society and all of man. And while few can agree on the exact details, all concerned believe that science is indispensable for a future in which

man is in reasonable harmony with his physical and social environment.

Historically, the National Science Foundation has devoted a large proportion of its resources to the pursuit of disciplinary science—research and science education motivated solely by the intrinsic needs of a discipline or the creative needs of individual scientists. This kind of programming has been highly successful and must continue, for it is the bedrock of all scientific enterprise. However, there must also be a heightened awareness of the requirements placed on all science, and for this reason a significant share of the total resources available to NSF in the future must be devoted to the social and technological needs of the nation. This, however, does not mean that the Foundation should be diverted from its earlier and historical purpose; in fact, this diversification should be construed as a means of strengthening that purpose.

To ensure success, this additional objective must have the cooperation of academic scientists, because a large number of the more creative scientists reside in academic institutions, and also because society and the nation have great need of broadly trained scientists who are highly motivated and capable of pursuing careers associated with the public interest.

To bring the best of science to bear on the social and technological problems of society requires at least three steps. A larger number of the most creative members of the scientific community must be encouraged to associate themselves with the great problems of man and society; for even though not all of the world's ills have a scientific or technological base, the thought patterns of science and its intellectual-material accomplishments are proof that science has much to offer society. The research and training institutions associated with creative science and the mechanisms used to support science must be more clearly focused and receptive to both the immediate and long-term interests of man and society. The National Science Foundation, as one of the most important federal institutions to promote the progress of science, must focus a larger portion of its resources on all of science—not just on academic science.

The social milieu within which the NSF finds itself has changed so markedly and so rapidly that we must not fail to accept the challenges offered by these new and pressing opportunities. We should recognize that, although science is one of the great cultural accomplishments of man, public support on the scale required for man's survival can be justified only as the needs of the larger society are recognized.

TRIBUTE TO THE LATE SENATOR CARL HAYDEN

Mr. FONG. Mr. President, I was extremely saddened by the passing of a great man, a good friend, and a person whose service to our Nation is hard to match—Senator Carl Hayden, who was a Member of Congress continuously for 56 years.

Carl Hayden attained a record which no other Senator has yet equaled. Before his retirement he was the most senior Senator, the man with the longest continuous service in Congress, the body's oldest Member—all this is known to those of us who today express our tribute and gratitude.

I will at this time, however, underscore a point about this dedicated public servant, Carl Hayden, which greatly enhanced our admiration for him—his human kindness. Others have said, and I will repeat, that Carl Hayden was one of

the rare persons of this world in that he did not have a single enemy.

During my first term in the Senate, I was privileged to meet and be photographed with Senator Hayden and with the senior Senator from Alaska (Mr. BARTLETT). The three of us shared an unusual distinction—each of us had served continuously in Congress since each of our States was admitted to the Union, though, of course, Carl Hayden's State came in a half century before ours.

I cherish our association and I treasure the photograph.

When Carl Hayden announced his retirement he was venerable in years but certainly young in mind.

To me it was a measure of his greatness that he said there are times, when a house is built "for the foundation, another for the walls, the roof, and so on" and that since he had laid the foundation, he was stepping aside because "it's time for the building crew to report. Contemporary events need contemporary men."

The U.S. Senate is not quite the same since Carl Hayden retired; the world is less because of his passing.

THE PRESIDENT'S RURAL DEVELOPMENT MESSAGE

Mr. FULBRIGHT. Mr. President, I have read with considerable interest President Nixon's message to Congress on rural development and his plans for a rural development credit program.

I welcome the President's interest in this area, although I find it somewhat belated.

I also cannot help but note the irony involved. After months of what I might charitably refer to as studied inattention to problems of rural development, suddenly it is 1972 and just as suddenly the President comes forward with a program which he says will promote rural development.

For some years I have been a strong supporter of the Farmers Home Administration rural water and waste disposal grants. I believe that it is important that we aid the development of our smaller communities, making them attractive and livable and helping to diminish the flow to our crowded urban-suburban areas. Modern and adequate water and sewer facilities are vital to the development of these smaller communities.

Even though Congress has not gone as far as I would like, particularly in relation to the massive expenditures for military and space programs, we have appropriated \$100 million for water and sewer grants in each of the last 2 years.

These appropriations have been made, I might add, with no encouragement from the Nixon administration. Not only has the President given no encouragement to this kind of program, he has consistently refused to spend the money appropriated by Congress.

Of the \$100 million appropriated by Congress for rural water and sewer grants in fiscal 1971, only \$44 million was allocated. In the current fiscal year, only \$42 million of the \$100 million has been allocated by the administration, with the remaining \$58 million "impounded" ac-

ording to a recent report of the Office of Management and Budget.

It is hardly a case of there being no demand for the funds. There are an estimated 1,800 applications for such assistance, totaling over \$148 million. In Arkansas alone we have 133 unfunded applications for \$9 million in grants and \$12 million in loans.

According to the fiscal 1973 budget, the President is asking no new funds for water and sewer grants, proposing only to carry over the \$58 million he has impounded this year. I understand that this \$58 million is part of more than \$12 billion appropriated by Congress which President Nixon has either impounded or "placed in reserve." In addition to the rural water and sewer funds, the administration has impounded an estimated \$500 million in water and sewer funds for the Department of Housing and Urban Development.

I might interject here, Mr. President, that if the intent of Congress that these funds be expended was not clear enough when they were appropriated, a provision contained in the foreign aid authorization bill, now awaiting the President's signature, should make this clear. This provision would require the President to release impounded funds for the Departments of Agriculture, Housing and Urban Development, and Health, Education, and Welfare, by April 30, 1972. If this stipulation is not met, the administration would be barred from further spending on foreign aid.

I hope that this provision will not have to be enforced and that the administration will utilize these appropriated funds.

The Senator from Florida (Mr. CHILES) recently brought to the Senate's attention the fact that the administration is withholding \$107 million of the \$545 million appropriated for the Rural Electrification Administration. This action, combined with the administration's attitude toward the rural water and sewer grants, would not lead one to the conclusion that the administration is greatly concerned about rural development.

Perhaps the President's message marks a turning point, although past performance certainly tempers any optimism on my part. I am pleased that the President is at least giving some attention to the subject, even if it is long overdue.

I would note with some disappointment, however, that the President places emphasis almost exclusively on loan guarantees. Loans are important and necessary for rural development, but I am convinced that we must also provide direct assistance through grant programs if we are truly to stimulate development. The amount of money required is relatively small in comparison with numerous other Government programs, but the return would be much greater and long lasting. If the President is truly committed to rural development, I urge him to take advantage of the funds and programs already available.

FOREIGN INVOLVEMENTS AND DOMESTIC PROBLEMS

Mr. ALLOTT. Mr. President, there are some members of the other party who

are anxious for the United States to get involved in the Ulster tragedy.

According to these gentlemen, when North Vietnam invades South Vietnam, that is a civil war, and we should not intervene, in spite of our treaty commitments to South Vietnam. But when Catholics and Protestants fight each other in the streets of their Ulster communities, the United States should get involved.

It is not clear to me why the gentlemen of the other party have such a passion for intervening in the domestic affairs of the United Kingdom. I sometimes doubt that those same gentlemen would want the United Kingdom to intervene, say, in the domestic affairs of Massachusetts.

But never mind. Might I make just one suggestion? Could we Republicans interest these gentlemen of the other party in intervening in the domestic affairs of the United States?

We in the United States are suffering from yet another costly and intolerable west coast dock strike. Might it be possible to interest these gentlemen of the other party in joining with the administration in ending that dock strike? This would not take long, and then they could return to their jobs as surrogate members of the British House of Commons.

I know that offering unsolicited advice to Prime Minister Edward Heath is jolly sport, particularly because the American givers of advice are in no danger of being held responsible for anything they say or do.

And I know that dealing with a dock strike is mundane business. But would it be rude of me to suggest that when the Congress of the United States attends to the business of the United States, that is called governing; and when the Congress of the United States attends to the business of the British Parliament, that is called meddling?

TRIBUTE TO THE LATE SENATOR SPESSARD LINDSEY HOLLAND

Mr. FONG. Mr. President, I was extremely shocked and saddened by the sudden passing late last year of my friend and former colleague in this distinguished body, Senator Spessard Lindsey Holland of Florida.

It was a great privilege and honor to have served with Senator Holland. His passing is a loss to his State, our Nation, and to Americans everywhere.

In Florida and in the Nation as a whole, Spessard Holland will be remembered for his record of accomplishments during nearly a quarter of a century of outstanding service in the U.S. Senate.

For the people of Hawaii Senator Holland and his record have special meaning. Though our State is geographically far removed from Florida, we from Hawaii feel extra warmth for him.

Spessard Holland was the first Southern Senator to espouse statehood for Hawaii. He cast his vote for the statehood bill that made our islands a full member of the Union, the 50th State.

Spessard Holland also played a sig-

nificant role in the continued development of Hawaii.

He topped his interest in our State with assistance for our agricultural research programs, conservation, and other vital projects we needed so badly.

For me the loss is very personal.

It was my privilege to have served with him on the Senate Appropriations Subcommittee on Agriculture, of which he was chairman.

There, as well as on the Senate floor and in our other meetings, I observed the qualities which made him truly great—courage, integrity, tenacity, knowledge, and a penetrating intellect.

Mr. President, to Spessard Holland's wife, Mary, and to the other members of the family, my wife Ellyn and I extend our deepest sympathies and our most sorrowful aloha.

DOCK STRIKE CAUSING MARKET LOSS

Mr. BELLMON. Mr. President, in the message he sent to the Congress yesterday, President Nixon acted with every justification in appealing for emergency action to bring an end to the west coast dock strike and to take steps to prevent future disruptive transportation industry disputes.

The detrimental effect of this prolonged tieup was underscored this week by a report on Japanese grain purchases. Against its regular tender this week, the Japanese Food Agency purchased approximately 102,000 tons of wheat, only 28,500 tons of which was from the United States. This follows weeks of reduced purchases from the United States, which last year had over 50 percent of the Japanese market. The Japanese are reported also to be looking to mainland China as a source for increased purchases of grain in the future, in part to reduce Japan's dependence on the United States as a grain supplier. They recently discussed with mainland China the purchase of from 100,000 to 150,000 tons of corn but actually purchased only 50,000 tons.

Mr. President, the responsibility for solving the crisis to our agricultural economy brought on by the dock strike rests squarely with the Congress. As the President noted, the executive branch has exhausted all available remedies.

After months of inaction, the Senate Labor and Public Welfare Committee has begun hearings on at least one piece of legislation designed to achieve a settlement of the strike, Senate Joint Resolution 187. As a cosponsor of the resolution, and as author of other legislation aimed at assuring our overseas grain customers of continued shipments of commodities for both human and animal consumption, I strongly urge that the highest priority be placed on passage of such legislation as may be necessary to bring a satisfactory end to this long and costly work stoppage.

THE SCHOOL FINANCING CHALLENGE

Mr. FANNIN. Mr. President, the New York Times in its annual education review published on Sunday, January 10, discussed public school financing and

the challenges which that system is currently facing as a result of a number of significant court decisions. There is no question that as a result of these decisions we are on the threshold of a new approach to financing our public schools. In advance of what could be rather important decisions, these articles provide some insights and perspectives which may prove helpful in our deliberations on this issue. Mr. President, I ask unanimous consent to have printed in the RECORD these articles from the New York Times.

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

A CHALLENGE FOR EDUCATION: MAKING ENDS MEET—FAIRLY—JOHN SERRANO, JR., AND OTHERS, AND SCHOOL TAX EQUALITY

(By Robert Reinhold)

LOS ANGELES.—About this time five years ago, John Serrano, Jr. was called in by the principal of the school in the Mexican-American barrio of East Los Angeles where his two young sons were in first and second grades. "You've got a couple of very bright kids—get them out of East L.A. schools if you want to give them a chance," the principal told him bluntly.

The words stunned Mr. Serrano, a psychiatric social worker for the city who had been active in Chicago community affairs. "What was all that stuff you've been giving us about how good the schools here really were?" he demanded of the principal. But the import of the educator's candid advice struck home, and within months the family had abandoned the teeming barrio in which both Mr. Serrano and his wife, Rori, had been reared, and moved 10 miles out into a white stucco house in the middle-class suburb of Whittier, Calif.

That, however, was not the last Los Angeles was to hear of John Serrano.

Soon after moving he signed his name, along with the parents of 26 other Los Angeles County schoolchildren, to what he thought then was a pretty hopeless court complaint. Today, four years later, that complaint has sent tremors to the very foundations of public education in every state from Alaska to Florida and from Maine to California. And much to the amazement of the strapping 34-year-old social worker, his name—actually that of his 11-year-old son John A. (for Anthony) Serrano—has become familiar to thousands of educators, legal scholars, judges, Government officials, tax experts and legislators all over the country.

Last Aug. 30, the Supreme Court of California, by a vote of 6 to 1, upheld the Serrano complaint. In so doing, it found that the state's system of financing public education, by which each community largely supports its own schools through taxation of local property, "invidiously discriminates" against the poor because it makes the quality of a child's education dependent on the wealth of the district he happens to live in. This method, paralleling that used in every state except Hawaii, was held to violate the 14th Amendment of the United States Constitution, which forbids a state to "deny to any person within its jurisdiction the equal protection of the laws."

In the court's words: "By our decision today we further the cherished idea of American education that in a democratic society free public schools shall make available to all children equally the abundant gifts of learning. This was the credo of Horace Mann, which has been the heritage and the inspiration of this country."

While few would argue with such a proposition, it is becoming apparent that much more is involved. The issue is one that transcends the classroom, because fundamental reform of the tax structure is likely to alter

residential and social patterns, as well as industrial development. Further, there is a growing fear among some that the cherished American concept of local school control will be lost and that fiscal equalization will reduce all schools to a level of common mediocrity. Moreover, it is not fully clear that the poor will gain from this decision in all cases.

Although years of judicial, legislative and political hurdles probably stand between the decision and its implementation, the ruling in the case of John Serrano Jr., et al., v. Ivy Baker Priest, as Treasurer of the State of California, already has achieved landmark status. Now known widely as Serrano v. Priest, the case has paved the way for similar assaults on school financing in a score or more states.

Already Minnesota's system has been upset by a Federal court. And on Christmas Eve a three-judge Federal panel in San Antonio adopted the Serrano principle to strike down the Texas system in response to a class action suit brought by a group of Mexican-Americans. Because a direct appeal to the Supreme Court of the United States is permitted from such a panel, the stage was thus set in Texas for a national ruling.

John Serrano never dreamed it would come to this when at a dinner party in 1968 he ran into Derrick A. Bell Jr. and Charles E. Jones, two black lawyers then with the federally supported Western Center of Law and Poverty, an arm of the Office of Economic Opportunity, in Los Angeles. The center, along with a coterie of private lawyers and legal scholars in the area, had been kicking around the idea of challenging the property tax, and Mr. Serrano was recruited as a plaintiff.

REALLY A LAWYER'S CASE

He readily concedes that the wide publicity he received is unearned, partly because his name happened to be first on a long list of plaintiffs, but mostly because it was really a "lawyer's case" from the outset. He was discussing his role the other day in the cluttered living room of his Whittier house when the family trooped in. There was John Anthony, collegebound with straight A's; David, 10, a big athlete; Amber, an 8-year-old with big dark eyes who has her own cat, Pinky; and Taffy, the family dachshund.

"I have to admit it's nice to have my name on a landmark decision," said Mr. Serrano, son of a Mexican shoemaker, "but the attorneys and professors and all those heavy people did the work. They just kept us apprised every time it got thrown out of court."

Indeed, it was a long and rocky road. Earlier suits had been turned back in other states, and nobody was overly optimistic. "Visionary, crazy" were the words used by colleagues of Sidney M. Wolinsky, then a partner in a prestigious Beverly Hills law firm, who argued the case as a volunteer for the Western Center. What was worse, Mr. Wolinsky, a bearded expatriate New Jerseyan, later observed with a wry smile, it might win; one of his partners had just bought an expensive house in Beverly Hills to get his children into that city's superior schools.

The complaint was drafted with the help of the "house intellectual," Prof. Harold W. Horowitz of the University of California, an authority on equal protection. It was thrashed out amid great piles of law books and statistics in Mr. Horowitz' cubicle at the U.C.L.A. Law School and a 17-page complaint was filed on Aug. 23, 1968 in Superior Court, County of Los Angeles.

That document contended that the "plaintiff parents are required to pay a higher tax rate than taxpayers in many other school districts in order to receive for their children the same or lesser educational opportunities as are afforded to children in these other school districts."

In entering its demurrer, or motion to dismiss, the state did not dispute this contention but argued, in effect, that there was

nothing illegal about it. Both the Superior Court and later the Court of Appeal agreed, and twice the case was dismissed. But to everyone's surprise, the State Supreme Court agreed to hear an appeal by the plaintiffs.

By this time, early 1971, the Serrano lawyers had refined the case considerably. The key tactic was to avoid asking the court to dictate how educational dollars should be allocated. Two previous cases, in Illinois and Virginia, had foundered because the judges were asked to affirm that each child has a right to spending in accord with his "needs"—a concept the courts found judicially unmanageable.

"FISCAL NEUTRALITY"

All the California court was asked to do was to establish the principle of "fiscal neutrality"—that is to declare that whatever method is used to support schools it may not constitutionally be a function of wealth, other than the wealth of the state as a whole.

"The major strategy was to ask for a very restrained principle," said Mr. Wolinsky, now a public interest lawyer in San Francisco, "We avoided concepts like 'need' and 'educational opportunity'—all those garbage terms that education has become overburdened with."

"We said we were not asking for compensation, only equality. All the court was asked to do was foreclose one of thousands of alternatives open to the Legislature. They could have vouchers, or could even give extra money to good school districts for special programs—as long as a rational choice is made in an educational sense."

This tactic worked. The court said: "Recognizing as we must that the right to an education in our public schools is a fundamental interest which cannot be conditioned on wealth, we can discern no compelling state purpose necessitating the present method of financing."

The kinds of disparities the court was talking about are well illustrated by the two Los Angeles suburbs of Beverly Hills and Baldwin Park. Similar, often greater, disparities can be found in almost every other state, including New York.

TWO DIFFERENT WORLDS

It's only a 25-minute ride on the San Bernardino Freeway from Beverly Hills to Baldwin Park, but the two cities might as well be in different worlds. With its lush streets lined with stately eucalyptus trees, rolling lawns and not a few Rolls-Royces, Beverly Hills has few homes worth less than \$50,000.

It is the home of movie stars, doctors, businessmen and lawyers whose children get an education heavily subsidized by taxes from the banks and insurance companies that rise along Wilshire Boulevard. There is even an oil well pumping away beside the high school playing field. For each of its 5,732 pupils, the community spent \$1,638 last year.

Baldwin Park is the other face of California. A drab area of closely spaced one-story stucco homes relieved only by a colorful profusion of acacia, liquid amber and avocados, it is populated mostly by blue-collar workers, about a third Chicano. To them a \$15,000 house is expensive. The district spent only \$690 on each of its 12,809 pupils last year. It's not that the people there cared less. In fact, to get what they did for schools, they had to tax themselves at nearly twice the rate of Beverly Hills.

For example, the school tax on a modest \$16,000 house in Baldwin Park comes to about \$230 a year, while that on a \$40,000 home in Beverly Hills is only \$295. What is more, Baldwin Park was incorporated only 15 years ago, so its hard-pressed residents are also staggering under other local taxes needed for streets, sewers and sidewalks. And, unlike Beverly Hills, it cannot attract high tax-paying businesses.

It all means that with 2.5 times as many students as Beverly Hills, Baldwin Park has about \$1-million less for education.

On the surface, Baldwin Park's 18 schools look palatial by New York standards, but this is illusory. While there is much uncertainty about what the Serrano decision will mean, the district's educators are already hoping for a healthy infusion of new money. "We're very happy about it to say the least," said Jerry D. Holland, the Texas-born school superintendent, as he conducted a visitor through the bright airy classrooms of the Central School.

The district can use the money. With many Spanish-speaking pupils in his schools, Mr. Holland says he badly needs experts in teaching English, as well as specialists in mathematics and developing curriculums, more teaching assistants, smaller classes and better equipment. Moreover, he said, he had no vocational school though most pupils enter the trades.

It's much the same elsewhere. In New York State, the town of Great Neck spent \$1,943 per pupil in 1968-69, while Levittown spent \$1,192 and Buffalo only \$1,093. Even wider gaps exist in other states. In Oklahoma, the richest district spent \$2,566 per pupil in 1969-70, while the poorest spent only \$342; in Texas the high was \$5,334 and the low \$264.

The Serrano decision was generally with favor, but there was also some confusion and concern. It was immediately embraced by two of the official defendants, Wilson Riles, California's Superintendent of Public Instruction, and State Controller Houston L. Flournoy. It is very likely the state will not appeal.

But there was so much confusion that the State Supreme Court felt compelled to issue a modification stressing that, to avoid municipal chaos, the present system would stand until a new one had been worked out. And a profound unease began to emerge in the wealthier districts. Kenneth L. Peters, Superintendent in Beverly Hills, expressed agreement in principle with the decision but voiced fear that superior districts would be dragged down to the average level.

"There appears to be very little overt political opposition to the principle," Professor Horowitz said. "This suggests there is some basic sense of injustice that is felt when people are aware of what the system is."

In the confusion, some people even thought they did not have to pay their property taxes. It is useful to talk about what the court did not do:

It did not invalidate the use of property taxes for schools as long as spending does not depend on wealth.

It did not require uniformity of spending. Governments discriminate all the time in the use of tax dollars and there is nothing illegal about it, but it is usually done on a rational basis. For example, the court did not bar extra spending for special children—the handicapped, the gifted, the disadvantaged.

DISPARITIES AMONG STATES

(The courts have not dealt with one of the biggest discrepancies in education—the difference in spending among states. New York spends \$1,237 for each pupil on the average, while Alabama spends \$438. Only massive Federal aid is likely to right this imbalance.)

But the main thing the court did not do was dictate a remedy. If Serrano becomes the law of the land, that each state legislature will have to go through agonizing retooling of time-honored mechanisms. Dozens of remedies have been offered and most will probably mean a higher tax bill because, given political realities, the outlays in poor districts will probably have to be brought up.

One simple plan calls for the state to take over all property taxation and distribute to cities in direct proportion to enrollment.

Beverly Hills figures that it would have to dismiss 253 members, or 46 percent, of its staff and cut out all special programs if reduced to the average state expenditure.

Variations of this plan would make special provision for special needs. Schools with many poor, handicapped or blind, or urban schools where basic expenses are normally higher, would get special allotments. But to many the main drawback of this plan is loss of local control.

Therefore, much attention has been focused on the plan of John E. Coons, a Berkeley law professor who provided the intellectual underpinnings for the drive for fiscal neutrality by virtue of his book "Private Wealth and Public Education," written with William H. Clune 3d and Stephen D. Sugarman.

"POWER EQUALIZING"

Under Professor Coons' "power equalizing" plan, the state would set maximum and minimum levels of spending per pupil. Within those limits a local district would be free to decide how much it wanted to spend. The amount chosen would trigger a predetermined tax rate on local property, and if this tax raised less than the expenditure permitted for that rate, then the state would supply the difference. But if it produced an excess, this would be siphoned off for use in poorer districts.

"In short, all districts choosing the same tax rate would spend at the same level," Professor Coons says. "Spending thus would become a function only of the districts' interest in education."

Some argue that such a plan would tend to perpetuate inequities since wealthy districts might be willing to tax themselves at higher rates. But Beverly Hills is not very happy with the idea because the town would have to tax itself to the tune of \$27-million to get the \$9-million it raises now. Such is the unease that Beverly Hills has joined with 50 other districts in employing the management consulting firm of Peat, Marwick and Mitchell to devise an alternative.

One state that has moved a step toward compliance is Minnesota. A new law there provides for equalization of local tax effort up to the state average per pupil expenditure, but beyond that the old system prevails.

This has meant statewide reduction in property taxes but Minnesotans are paying more for beer, liquor and cigarettes, the sales tax is up from 3 to 4 per cent and income taxes are up sharply. "It's the end of oppression of elderly home owners," said Dr. Karl Grittner who recently retired after 18 years in the Legislature.

In New York State a special commission headed by Manly Fleischmann is expected to call for the state to take over school financing.

Concern over the implications of Serrano is such that 100 or so state legislative leaders convened for an all-day session on the problem in Houston last month under the auspices of the Education Commission of the States, a national organization of state officials. The dilemma these men and women face was summed up by Bryce Baggett, an Oklahoma State Senator.

"We are going to be caught in a pincer trying to be fair to the taxpayer and accomplish equal opportunity," he said, adding a frequent complaint: "This grand egalitarianism may destroy our 'lighthouse' districts—we may wind up eliminating our opportunities for advancement and improvement."

At any rate, the courts are likely to be tolerant if change is gradual. For they have raised a host of difficult questions that will have to be carefully pondered if Serrano stands.

For example, there is concern that in some areas it will be the poor not the rich who will suffer from tax reform. This might hap-

pen in large cities like New York and San Francisco, which spend much more per pupil than the statewide average but which have large numbers of poor students. If tax reform required uniform spending without special provision for what legal scholars call "municipal overburden," then the big cities stand to lose quite a bit.

Further, there is what Professor Coons calls the "equal sewer" problem. That is, if the Constitution requires equity in education, then why not in other local services such as fire and sanitation?

"The real difficulty is that any decision requiring 'fiscal neutrality' in public school finance very well may affect the entire fiscal and tax package of states and localities," says Paul R. Dimond of the Center for Law and Education at Harvard.

Also clouding the picture is the concept of "equal educational opportunity." Not only does it defy precise definition, but also no one can say for sure that money will produce it. It is widely assumed that more dollars mean more learning, but the evidence is contradictory.

Some people say that since the bulk of school budgets goes for teacher salaries the main impact of tax reform will be to raise the pay of teachers, who will continue to teach as badly or as well as before.

In fact, this is one possible point of contention in the Serrano case. Technically, the California Supreme Court has remanded the matter to the trial court, and since no one disputes the contended inequities, the plaintiffs may be called upon to prove the link between dollars and educational opportunity.

Where does Serrano go from here? It is clear that the decision represents nothing more than the first inning of a very new ball game. The problems raised are inextricably enmeshed in other very demanding issues of the day—race relations, taxpayer revolts, housing, welfare.

Ultimately, legal experts believe, one of the cases embodying the Serrano principle will reach the Supreme Court of the United States. Whether the Court accepts it, modifies it or turns it back, it is apparent that Serrano has touched very sensitive nerves in American life.

There is some evidence to support Professor Coons' declaration to a United States Senate Committee that the Serrano case may lead to "the first thorough-going legislative consideration of the basic structure of school finance since the advent of public education."

CANADIANS TEST EQUITY PLAN

The Canadian province of New Brunswick has attempted to eliminate the inequities of local school financing by shifting the responsibility from the towns to the central government.

The plan has proved both costly and controversial, but there is growing consensus that the main purpose of "evening up" the quality of public education in this maritime province is slowly being achieved.

By reducing the number of school districts from 422 to 33 and abolishing county government, more money was funneled into the depressed French-speaking regions of the north and east. There are uniform property taxes and all teachers are paid according to the same scale.

Educators from the poorer areas are pleased with the better curriculum and decline in dropout rates. But others feel that wealthier districts have been leveled down to the point where innovation in curriculum has been stifled.

HAWAII AVOIDS DISPARITIES

There are no spending disparities among districts in Hawaii because it has only one district. It is the only state that does not rely on local property taxes for public education. The system seems to work quite well.

It is largely an accident of history. Prior to statehood in 1959, Hawaii was adminis-

tered centrally as a territory. Education, like all other government functions, was controlled by the territorial governor's office.

Hawaii's 185,000 elementary and high school pupils attend schools that are entirely state-run and state-supported. Theoretically the state pays \$984 for each student. Funds are appropriated by the legislature; there are local property taxes, but they pay for municipal services only. Teachers' salaries, since they are pegged to statewide scales and are the largest school budget item, are said to be the greatest equalizing force. Equality of educational opportunity, insofar as money buys it, has been achieved.

BUDGET CRISES SPUR REAPPRAISAL OF BASIC GOALS

(By M. A. Farber)

American education, after more than a decade of heady expansion, is being shaken by a pervasive financial crisis that is prompting a broad reappraisal of what schools and colleges are doing—and why.

The fiscal crisis is permeating all levels of education, in both the public and private sectors. It is not a question of whether the schools and colleges will survive, but rather one of survival in what shape and to what end and at what human and financial cost.

At precisely the time when the fiscal demands on public schools throughout the country appear beyond the capacity of a sagging, patchwork system of financing, that system is also under powerful attack on the ground of fairness.

An old and sensitive and complex issue of equity—really of equal educational opportunity or of segregation by wealth—has been vigorously joined in the courts, the legislatures and the public arena since the California Supreme Court held that that state's system of school support was discriminatory and unconstitutional.

The California system, like those in virtually all other states, is riddled with disparities in spending between school districts that result from heavy reliance on local property taxes. It is commonplace for some school districts to be spending two or three times as much money per pupil as other districts.

IMPETUS FOR MAJOR REFORM

The combination of these two forces—mounting financial requirements and a concerted drive for equity in expenditures—has enlivened the prospect for major fiscal reforms that could affect the caliber and availability of education, as well as decisions about where people live and where business, seeking a favorable tax climate, takes root.

But the achievement of reforms, resulting in more funds or in funds more equitably distributed or both, could well take years of planning and debate over such questions as local control of schools; criteria for allocating funds; special needs of poor or handicapped or retarded children, and the rights of parents and communities to seek "the best" education for their children.

These questions defy easy answers, as the courts in California, Minnesota and Texas have been quick to recognize. And, as with racial segregation in the schools, they are highly political questions, girdled by controversy.

Any reforms could also lead to a more expensive bill for education, since a more equitable system of school financing would almost certainly mean a "leveling up" of lower-spending districts.

And most school finance experts are convinced that the problems of fiscal inadequacy and inequity will not be resolved unless the Federal Government substantially increases its contribution—now 8 per cent of public school revenues—and acts as a guarantor of equitable spending, at least among the states.

President Nixon has pledged a "complete overhaul" of school financing, and the Administration is expected to recommend specific measures after the report of the President's Commission on School Finance in March.

The commission is said to favor a much enlarged role for the Federal Government, in funding and in correcting the disparities stemming from dependence on property taxes for school support, so does Dr. Sidney P. Marland Jr., the United States Commissioner of Education.

"RESTING ON INEQUITY"

"The overwhelming reliance on property taxes so basically hinged to school financing today is regressive, anachronistic, and resting on inequity," Dr. Marland said after the California decision in *Serrano v. Priest*.

"From state to state," he continued, "the record shows that the present system of raising and allocating funds for the schools adds up to a rigged lottery and cheats students and taxpayers alike."

American education, then, has reached a juncture. Many educators and laymen, too, are persuaded that schools and colleges will emerge from the current crisis and scrutiny more efficient, productive and viable, livelier and better adapted to the needs and culture of students of all ages in the 1970's.

But that is small comfort to school superintendents and college presidents who grew accustomed to what they often called a "golden age" in financial support in the 1960's. Now they talk about "hard times."

In referendums around the country voters are rejecting school bond and tax proposals at nearly twice the rate of five years ago, with half the proposals being turned down. Only 9 of 63 of the largest public school systems had adequate funds last fall to continue their programs, making slight improvements, according to the National Education Association.

The Carnegie Commission on Higher Education estimates that two-thirds of the country's 2,500 public and private colleges and universities are in severe financial trouble or headed that way.

Throughout education the fiscal crisis is being laid to essentially the same cause: a widening gap between rising income and even faster-growing costs.

FORCED RETRENCHMENT

The country's massive educational enterprise—with 60 million students, three million teachers and professors and annual expenditures of \$75-billion a year—is being forced to retrench, in terms of its operations or its aspirations.

On many campuses, including a good share of the most renowned, faculty and administrative positions are being cut back and salaries frozen; research and student aid funds are stabilizing or declining; and academic programs are being dropped or limited. Library purchases are being curbed, janitors are being ordered to make fewer rounds, windows are being washed less frequently and two-toned stationery with the college's colors is yielding to plain white paper.

Many school systems are reducing teaching posts, increasing class sizes, releasing school nurses and psychologists and guidance counselors and curtailing special programs in art or music, or advanced science and mathematics.

Some systems, like that in Los Angeles, have shortened the length of the school day—for financial, not educational, reasons. A few, like the one in Independence, Mo., have closed for brief periods while they looked for money to sustain operations. And some of the biggest systems, like those in Chicago and Philadelphia, face the possibility of running out of funds and ending this school year early.

On the whole, the crisis in public schools

is most acute in urban systems, where teachers' salaries and labor costs of all kinds are higher and where there are denser concentrations of poor children in need of extra help.

Cities, on the average, have 30 per cent less money per capita available from local taxes for education than do their suburbs, although the cities tax themselves 40 per cent more heavily.

Schools and colleges alike are appealing—more hopefully than in the past—for unrestricted operating funds from the Federal Government. They are sharpening management and budget procedures and questioning whether they are getting the best possible return on wages they pay.

Others are shifting to year-round operation or establishing consortia for purchasing or academic programs or investing. Tuitions are being raised; more students are working when they can find jobs, and turning to lower-cost public colleges and some campuses are experimenting with deferred tuition plans.

THE GREAT "EQUALIZER"

Americans have long revered education. Whatever the popular distaste for intellectuals and "highbrows," education has become something of a secular religion, a social "equalizer," a basis for national economic strength and individual uplift (and higher income), a means of enhancing the general quality of life and of enabling men and women to come to grips with an increasingly technological society.

Hear, for example, the California court in *Serrano v. Priest*: "the cherished idea of American education" . . . "to all children equally the abundant gifts of learning" . . . "the heritage and the inspiration of this country." Indeed, few phrases carry the terrible onus of "school dropout," with its suggestion of irreversible condemnation.

The magnitude of the "formal" educational enterprise, let alone the vast "knowledge industry" of which it is part, attest to the commitment to education.

Public and private elementary and secondary schools serve 51.8 million students, with 5.6 million of them in nonpublic schools, mostly Roman Catholic institutions. In addition 8.3 million students are enrolled in degree-credit courses at colleges and universities.

While enrollment in elementary and secondary schools rose 19 per cent in the last decade, expenditures went up 159 per cent, to \$54.1-billion this year. Enrollment in higher education, during the same period increased 117 per cent, while expenditures increased 266 per cent, to \$31-billion.

When \$10.2-billion in capital outlay is included, Americans are spending more for education than for national defense, now budgeted at \$77.5-billion. And educational expenditures, which have advanced at twice the growth rate of the Gross National Product in the last 10 years and now account for 8 per cent of the G.N.P., are still going up by \$7-billion or \$8-billion a year.

THE REVENUE-COST GAP

But the gap between revenues and costs of education has broadened under such pressures as inflation and recession, wage increases for teachers, taxpayer revolts, selective government cutbacks and competing demands on consumers' income and on the public dollar for welfare, health care, environmental controls, transportation and other services. As yet the effects of Phase One and Two of the President's economic stabilization program are minimal in education.

The amount of funds that would narrow or close the revenue-cost gap—in short, the scope of the crisis—depends importantly on what is expected of education and the people and institutions that provide it. This, of

course, is more than a matter of economics, it is also a question of educational and social values. That makes it harder to settle. Conflicting views and strong emotions will clearly influence the ultimate costs of issues like integration and busing, support for nonpublic schools, faculty unionization and tenure, universal higher education, aid for predominantly black colleges and private colleges, school decentralization and the use of educational technology.

Would vouchers that allow more parents to choose private schools for their children undermine the public schools or eventually improve them through the rivalry of the marketplace?

With the homogeneity of higher education and the end of the enrollment boom, should public funds be given to private colleges and universities with their own admissions rules?

Are "compensatory" educational programs for "disadvantaged" children largely a waste of funds and effort and a misplaced hope or are they relatively effective?

Should an even larger proportion of college-age youth be encouraged to enroll in traditional institutions or urged to "stay out in the real world" and perhaps earn an "external degree" through special tests?

PAROCHIAL SCHOOL AID

Should Roman Catholic schools be helped with public funds, especially when new studies suggest that the enrollment decline in Catholic schools is due less to financial reasons than to falling birth rates among Catholics and to "changing Catholic tastes"?

Who should pay for an increasingly expensive college education, who benefits most—society or the student?

There is a financial side to all these questions and, in the economic crisis that has struck all levels of education, it has taken on crucial significance. Yet not until many of these issues are clarified and decided will the dimensions of fiscal need be clearly focused.

Educational institutions have become enmeshed in a tenacious fiscal crisis after a turbulent decade in which they were alternately assailed for failing to educate blacks and other minorities and for giving preferential treatment to minorities; for becoming elitist and for becoming weak by academic dilution; for becoming joyless and grim and impersonalized and for coddling drug-taking revolutionary anarchists.

The schools and colleges lost some of their confidence then, and they have lost a good deal of their affluence now. But if their destiny is no longer so manifest, as Clark Kerr has observed, they can only benefit from a searching analysis.

WIDE U.S. AID IN PROSPECT

(By William K. Stevens)

After 175 years of debate over its role in American education, the Federal Government appears ready to join the states, localities, tuition-payers and private gift-givers as a full partner in financing the nation's schools.

Since 1795—when George Washington was trying to get a national university established, and the American Philosophical Society offered a prize for the best essay on the merits of a national school system—the country has been arguing about Federal involvement in education.

Usually, the proponents of such involvement have had hard going. Americans as a whole have never shown any taste for the nationally prescribed, nationally controlled school systems of some European countries—say, for instance, France, where an official is once said to have boasted that he could look at the clock and know what every child in the land was studying at that moment.

So although the Founding Fathers often stressed the importance of education to the well-being of the Republic, schooling has remained essentially a state, local or private

function, jealously guarded. In the late 19th century, Federal intervention in this function was assailed as un-American and even ungodly. As recently as a decade ago, general aid to the schools was seen by some as a sinister effort to control from Washington what went on in the classroom.

Such fears and misgivings have now been suppressed, if not abandoned, in a latter-day rush of schools and colleges to Washington for fiscal salvation.

All the signs and portents indicate that for the first time the Federal Government is on the verge of assuming a major role in financing the general operation of the nation's schools and colleges. Maybe this year, maybe next, maybe the year after. In any case, within the foreseeable future.

TAXPAYER REVOLT RAISES A DILEMMA

(By Martin Gansberg)

Taxpayers across the country are openly resisting paying more to support municipal and educational programs even though many of the programs stem from requests made by these taxpayers themselves—as homeowners, businessmen and parents of schoolchildren.

In three Navy Jersey school districts voters rejected referendums last month for building programs. In Portland, Ore., two consecutive school levies were rejected, forcing an early close for the school year. In Chicago, a \$22.8-million cut in educational expenditures has been ordered.

In rejecting such increased spending, these taxpayers have created a dilemma for the men and women who head the programs, the laymen on the board of education as well as the city councilmen.

OFFICIALS FRUSTRATED

I know, because as a member of the board in Passaic, N.J., for the last three years, I have worked with orders to try to hold the line on costs, and I have been frustrated at our inability to do so. The major increases have been in areas we could not control.

This is true in thousands of school districts where boards are now preparing budgets for the 1972-73 fiscal year beginning July 1 that will have to be approved by voters next month. Many of these districts may not need voter approval, but will, instead, find their budgets undergoing the scrutiny of local governments before they may be adopted.

No matter the method of approval, these budgets must be adopted although, in most cases, contracts have not yet been reached with teachers, secretaries, custodians and administrators, and the salaries of these people make up more than three-quarters of the budget. So the largest part of the budget, therefore, must be an estimate.

Most of the money will come from local property taxes, a fact that often leads to rejection of first proposed budgets—this is the taxpayers' revolt that is coming to the fore.

In 23 states, legal action is being taken to knock down reliance on local property taxes for school funds. The attack has broadened ever since the California Supreme Court ruled last August that the use of local property taxes as the major source of funds for public schools was unconstitutional because the system discriminated against children who happened to live in areas with meager property tax resources.

Added impetus was given last month when President Nixon said that his Administration was preparing "specific proposals" to provide property tax relief. "We need a complete overhaul of our property taxes and of our whole system for financing public education," the President said.

"Amen," I say as a member of a board who cannot raise any more money in his community despite obvious needs. The Passaic school budget has gone from \$6-million annually to \$7.5-million in the three years I've been a member.

We have cut administrative costs and re-

duced textbook expenses, but this has had no real effect on our soaring budget. In the last three years, for example, fixed charges—costs that are built in and cannot be eliminated—have gone up more than \$300,000.

These are items such as gas, electricity, telephone and water, pension fund contributions, Social Security payments, health and hospital insurance, fire insurance, liability insurance and rental of rooms and buildings to cope with increased enrollment (we have been gaining about 100 students annually and now have 8,500).

Board members—taxpayers, parents or men seeking to step up the political ladder—know they cannot cut costs in the fixed charges, so they look for other areas that can give.

I recommended to the Passaic board the consolidation of two administrative posts, a move that led to an annual savings of \$18,000. It looked good, but the budget showed no reduction in administrative costs because rises in salaries in three years came to \$43,000.

CONSUMABLE BOOKS TRIED

In another area, a board member suggested that we could reduce the cost of textbooks, which had reached \$61,000 a year, by shifting to consumable books—those that were soft-cover and could be used by students for actual solution of problems by writing in them or by tearing out sheets for daily use.

We saved \$11,000 the first year we made this change, but now we find we have to buy more new books annually because they are consumed. Hardcover books could be used for several years despite rising costs.

Over the same period of time salaries rose by \$450,000. Understanding how the cost of salaries is computed for a budget is tricky.

Because teachers get paid at their new rate with the start of the school year in September while a budget begins with the fiscal year in July, it is necessary to compute the increase at ten-twelfths (two months of the payment can be held off for the next fiscal year). This keeps the cost down for one year, but means there will be an increase the next year.

In addition, an item called teacher turnover is used to hold down salary costs. Thus, if a teacher making \$10,200 leaves or retires, it is assumed that the new teacher will come in at the starting salary—in our city, \$8,000. This means a \$2,200 salary savings. We have a turnover of about 60 teachers a year (there are 430), and the savings runs over \$130,000.

INCREMENT CUTS SAVINGS

But that, too, is misleading, since teachers get an annual increment (an increase based on experience) of at least \$300, and that eats up turnover savings. To that you add any negotiated increase, and you can see why a salary account rises.

There are sources for money besides the local property tax but many of these require matching sums or partial funding that add to the budget.

Each state, for example, has a formula for giving school districts a certain amount for every pupil who attends classes. If the pupil is absent, there is no state payment for him. In Passaic, we receive more than \$1 million annually under this formula.

But, as I just pointed out, it costs money to get money. When Federal and state funds are given to a school system, the knowing board member should inquire immediately to find out what the local taxpayer will have to add.

Take the Elementary and Secondary Education Act, as an example. In Passaic, we receive about \$500,000 in funds from this source annually. But Federal officials check to make certain that we are adding programs of our own to match their programs.

We have a large bilingual program because more than 12 per cent of our students speak Spanish. Federal funds cover this, but we are required to pay for supporting programs with local money. More taxes.

Our \$7.5 million budget in Passaic is helped tremendously by Federal and state funds that amount to \$1.5 million annually. But every time there is an increase, it costs the local taxpayer more.

Board members such as myself have been looking for answers. So far the best solution seems to be a revolt and let Government do something about that. Another solution—albeit forced on communities—is to shut down operations for a couple of weeks. And we could also reduce non-instructional personnel to an absolute minimum.

But what would happen to education?

VOUCHER PLAN MAY BE TESTED

At least three school districts—Seattle, Wash., and San Francisco and Alum Rock (San Jose), Calif.—may soon be experimenting with the voucher system for financing education. But there are major "ifs" in each case.

Under such a system, parents in the community would receive the full cost of a year's schooling for their child in the form of a voucher, to be presented to a public, private or (pending legal tests) parochial school of his choice. All schools, including public ones, would then get their operating funds by presenting the vouchers to a special agency set up at the local level to dispense money, set standards and generally administer and regulate the system.

The main objective of such a plan is to encourage a wider range of educational choices for students and parents.

Alum Rock, San Francisco and Seattle have all performed voucher feasibility studies financed by the Federal Office of Economic Opportunity. But in both California and Washington, new state laws are required to make the voucher system permissible. Bills to that effect are expected to be introduced this month in both state legislatures.

Seattle and San Francisco have yet to make a decision on whether to actually undertake voucher experiments should the enabling legislation pass, but Alum Rock is reported likely to go ahead. O.E.O. officials say they believe that some kind of voucher system will be tried, somewhere, in the next two or three years.

CAN COURTS AND MONEY DO IT?

(By Daniel P. Moynihan)

(Dr. Moynihan is professor of education and urban politics at Harvard and a former counselor to President Nixon.)

Two years ago, writing in *The Times'* annual education supplement, I contended that "the crucial phase in solving a problem is the process by which it comes to be defined." I distinguished between two kinds of problems in the area of social policy. First there are those that involve the aggregation of sufficient support in the political system to bring about a change in public policy. Second there are those in which social goals are fairly well agreed upon but where administrators lack the knowledge to achieve them. I called the first political problems, the second knowledge problems.

It is fairly clear—is it not?—that much of the 1970's is going to be taken up with efforts to solve knowledge problems in the fields of education and to do so in a context of political problems that are equally unsolved. This trend became more or less fixed in late December, 1971, when a special panel of three Federal judges—in the aftermath of similar cases in California and Minnesota—declared the method of financing the Texas school system unconstitutional because of unequal expenditures as between different school districts. The judges ordered the Texas Legislature to devise a new system that will meet the equal protection provisions of the 14th Amendment. One may sympathize—as I do—with the court's decision without having to suppose that the judges had the slightest awareness of the knowledge

problems they were raising, nor yet of the political problems they were bringing about by ordering the Legislature to do something which on its own it was clearly averse to doing.

Let us list just a few of these knowledge problems.

The first has to do with the effect of expenditure, equal or unequal, on education. The evidence seems to be that there is so little effect as for practical purposes to be naught, or at least for the matter to be judged, in judicial terms, de minimis. This month Frederick Mosteller and I will publish the results of four years of reanalysis by a score of social scientists of the data of the Equal Educational Opportunity Survey on which the Coleman Report (James S. Coleman, 1966) was based. Our findings confirm those of the original report. If anything, they diminish further the extraordinarily weak influence which school "inputs" such as per pupil expenditure seem to have on educational "outputs." One contributor concluded that given the state of our knowledge the least promising thing we could do in education would be to spend more money on it. On quite different grounds Kenneth Boulding has suggested that education may indeed be a "pathological sector of the economy in which increased investment brings no greater, or conceivably even lesser, returns.

I would take it for granted that the Federal judges ruling in the Texas case knew little of such matters and cared less. They confronted an inequity in the expenditure of public funds to provide a basic public service, and ordered the Legislature to do something. The effect of the order, almost certainly, will be to raise educational expenditures. The only certain result that will come from this is that a particular cadre of middle-class persons in the possession of certain licenses—that is to say teachers—will receive more public money in the future than they do now.

Who will provide this money is not clear: it could come from heavier taxes on the poor and the working classes, or it could come from heavier taxes on the middle-class itself (taxes on the rich just aren't that important). That is to say it could involve a shift in resource allocation up the social scale, or it could redistribute resources within a particular social class level. No one knows.

Other questions arise, of which the most important has to do with the constitutionality of unequal expenditure designed to compensate for whatever it is that makes for weaker educational achievement among children of the poor. It was precisely for this purpose that Federal aid to education was begun in 1965. The stereotype of rich districts in the suburbs and poor ones in the central city persists, but studies by Robert J. Havighurst and others suggest that compensatory programs are reaching their targets and that there are now many instances of fiscal imbalance in the opposite direction of the one traditionally assumed.

Others deny this and the argument will go on, but it would appear we have to face the possibility that the constitutionality of compensatory programs is open to challenge.

SERIOUS QUESTIONS

I would wish to repeat that the Texas school decision seems to me to have been just, if only because it will strike most persons as adhering to a principle of fairness. We need this in our society more than we need educational achievement. Still, there remain serious questions which the judiciary ignores at the risk of being judged incompetent, and which the rest of us can avoid only by the exercise of high irresponsibility. In a word, the emergence of knowledge problems in fields such as education has quite transformed the standards of acceptable political conduct.

To extend a concept which Chris Argyris

has applied to business management, it may be said that with each new year the amount and kind of information that a legislator or political executive—now including the President himself—may be held responsible for increases. This is not quite so much a burden as might at first appear. A good deal of what a President, or other such political executive, must know consists of nothing more than awareness of what is not known. Two or three Presidencies back, a Chief Executive could be excused if he allowed diplomats or military men to persuade him that nations in Southeast Asia could be transformed into viable bastions against Communism or something like that by the introduction of modern weapons technology. No one then (or now) knows how to bring about such a transformation, but the President was not then required to be aware of this. Henceforth he will be, which is to say that he may not allow others to pretend to knowledge that does not exist.

Obviously this can be a relief to all concerned. On the other hand there are fields in which positive knowledge is increasingly demanded of political executives, the President included. Of these none has come forward in so demanding a way as the field of education.

If a political executive does not know, he has to set in motion an effort to learn, and to devise other ways to cope in the interval. Especially as the courts are becoming more active, it becomes crucial that what is known and not known in education be more carefully delineated. Perhaps this misstates the possibility. It may only be that different degrees of confidence can be assigned different propositions about what education is, and how it occurs.

But some such sorting out must take place.

With just this in mind, in March 1970 President Nixon proposed to Congress the establishment of a National Institute of Education. The object was to bring "big" science to bear on education, especially the problem of low achievement among students from low-income families.

INSTITUTE OF EDUCATION

Congress was silent for almost a year, but by the end of 1971 legislation to establish a National Institute of Education had passed both the House and Senate. In one form or another we should expect that such an institution will begin in 1972.

With this we can at least tell that a period of serious research and development in education will follow.

The National Science Foundation estimates \$162.4-million was obligated for research and development in education in the fiscal year 1972. But we don't seem to get much for it. Testifying before the Select Subcommittee on Education of the House of Representatives, Sheldon White of Harvard noted of Project Head Start that when it began "there was no pre-school program in the country which had shown that it could produce large and lasting benefits to children's subsequent success in school."

We went ahead anyway and most would agree that we ought to have done so. But isn't it beginning to be time we began getting an answer to that question? Or is it that the question has been answered and everyone feels the needs to keep quiet?

Hence a final point. Educational research, like all social research, is threatening. It can and does produce unwelcome information. I for one would be willing to bet that the transition we manage least well in our society is that of the young person leaving the world of school for the world of work and that accordingly much more resources should be applied to this period in individual development rather than the much earlier one.

We are entered on a decade in which the elementary and secondary school population will not grow at all, but in which the labor

force will increase by one-quarter. This will be the largest such increase since the late 19th century. We have no institutions for managing it. Or at least we have few. It would be terrible if for that reason we decide instead to continue to concentrate our efforts where there are large and threatening institutions. To do so would likely lead to a social imbalance which by transforming a knowledge problem into a political one will perhaps at last impress upon us that both matter and neither will go away.

PROJECT HOPE—NEW HAMPSHIRE'S CONTRIBUTION

Mr. McINTYRE. Mr. President, the hospital ship *SS Hope* begins her 10th medical-teaching voyage Friday, February 4, when she leaves Baltimore, Md., for Natal, Brazil. During the next 10 months the ship's staff will be carrying out medical treatment and training programs in northeastern Brazil.

Hope's mission to Brazil represents the second leg of a 3-year hemispheric commitment. As in many developing nations, northeastern Brazil has a severe shortage of medical personnel, primarily in the nursing and auxiliary fields. The ship's permanent staff of nurses, technical and allied health personnel will work with local counterparts sharing in the latest medical advances and techniques.

We are all aware of the tremendous service the *SS Hope* has provided the underdeveloped countries of the world in its many missions. Supported by donations from the American people, Project Hope is the principal activity of the People-to-People Health Foundation founded in 1958 by Dr. William B. Walsh. Since that time, countless numbers of lives have been saved as a result of this program.

I am extremely proud today, therefore, to be able to share with Senators the names of two New Hampshire residents who have volunteered to serve on the *SS Hope's* 10th mission. Susan Turner Bies, a registered nurse from Durham, will serve as staff nurse aboard the ship. Miss Bies received her nursing education from Mount Sinai Hospital in New York and Beverly Hospital in Massachusetts. Before joining *Hope* she served as staff nurse with Bon Secours Hospital in Methuen, Mass.

Serving as medical technologist aboard the *SS Hope* will be Martha Hopkins from Salem. Miss Hopkins also served with *Hope* in Kingston, Jamaica, the first stop of *Hope's* 3-year hemispheric program. She received her degree from the University of New Hampshire and her medical technology training from Mary Hitchcock Memorial Hospital. Before joining *Hope* she worked with Putnam Memorial Hospital in Bennington, Vt.

I am very proud of these two young women from New Hampshire, and take this opportunity to make special recognition of the wonderful contribution they are making.

THE CENTRAL ARIZONA PROJECT

Mr. FANNIN. Mr. President, no group of people in the United States has more appreciation for the value of water than the people who live in my State of Arizona.

We cherish each and every drop, and

we have gone to great lengths to preserve and expand our water supply. Millions of dollars have been spent to build reservoirs and to line irrigation ditches.

The fact that we have fought decade after decade for the central Arizona project demonstrates our deep concern about our water supply. Had the project been constructed 10 or 20 years ago, as it quite properly should have been, we would not have been overdrawing our groundwater supply to the great extent that we have all these years.

It also is quite proper to point out that Arizona is one of the few States which does not have a serious water pollution problem. We have too much respect for our rivers and lakes, scarce as they are, to allow them to become polluted as they have become in other sections of the United States.

During the years of the battle over the central Arizona project, we Arizonans have had to correct the record time and time again after distorted stories have been printed concerning our situation. Apparently we will have to continue doing this even as the project goes forward.

Mr. President, Gov. Jack Williams, of Arizona, has written a letter to the *New York Times* to correct the impressions left by an article which appeared in that newspaper on January 17, 1972. I ask unanimous consent to have Governor Williams' letter printed in the RECORD.

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

JANUARY 26, 1972.

The EDITOR,
The New York Times,
New York, N.Y.

DEAR SIR: It must indeed be very difficult for people living on the eastern seaboard to comprehend the water problems of Arizona, and an article which appeared in your newspaper on January 17 contributes very little if anything at all to a better understanding.

For nearly a century now Arizona and the Southwest at large have been receiving the ambitious, the courageous and the visionary immigrants from the eastern half of the United States who search for a better life. We are proud of what they have done here to make our arid land a good and productive part of our Nation.

Why, now that we have become an important part of America's economic and social structure by developing our natural resources, are we accused of being sloppy and wasteful in the use of the water which is the most precious of our resources because it is the most limited?

Our cities in Arizona meter the water delivered to every customer. Our city municipal water delivery systems are among the most efficient in the nation. Our agricultural methods are most advanced; for example, irrigation water is carried more and more from pumps to fields in concrete lined ditches to reduce seepage.

Yes the greater part of our total water supply is used for farm irrigation. I must point out we have only about one million acres of irrigated land in all of Arizona. That's only about one and one-quarter percent of our total land area; it is the more important to us because it is so little. And, yes, it does take a lot of water per acre because our warm climate permits year-round crop production.

Fruits and vegetables produce a larger income than any other kind of crop grown on our irrigated farms. We grow a lot of feed grains and forage, of course to feed and fatten the cattle grown on our ranches. And Alfalfa renews soil fertility for other crops as any good farmer knows.

Arizona does use large amounts of groundwater drawn from largely irreplaceable reserves. In the Salt River Valley where Phoenix is situated, ground-water accounts for about half the total supply, and it is used in addition to stored surface water to support a population of nearly one million people and to irrigate less than 500,000 acres of farm land. That 500,000 acres of irrigated farms form the green belts that contribute to the quality of our oasis type of environment.

We have known for many years that it is not good to draw as heavily as we must upon groundwater reserves. That is why we need the Central Arizona Project to bring a supplemental supply of Colorado River Water into Central Arizona. It will be used to reduce the amount of groundwater pumped. By law, none of the water delivered by the Project can be used to irrigate new farm land except on Indian reservations. If land speculators are buying desert land along the Central Arizona Project aqueduct route hoping to make a fortune from use of Project water, they are doomed to failure.

Of course, there are a few shortsighted people in Arizona who have doubts about the value of bringing in more water. The fact that the writer of your article failed to find any prominent men who were willing to be quoted in opposition only confirms that they are very much in the minority.

As for the position of the Sierra Club, I call your attention to the fact that its chief spokesmen who appeared before congressional committees before our Project was authorized admitted many times that Arizona needs the water which the Project will deliver. It was these same Sierra Club spokesmen who, in opposing construction of hydroelectric dams on the Colorado River, suggested that power for the Central Arizona Project be generated by thermal plants as a substitute for dams. Arizona accepted that compromise, but now that a thermal plant is under construction the Sierra Club is opposing it too.

If all efforts to satisfy the water and power needs of Americans, whether they live in Arizona or New York, are to be blocked by economic environmental and social theorists, then there is little room for optimism about the Nation's future.

We can make a beginning now in the right direction by at least trying to understand the problems of each of our states, rather than promoting misunderstanding through publication of less than the whole truth.

Sincerely,

JACK WILLIAMS,
Governor of Arizona.

THE GENOCIDE CONVENTION OR ISOLATIONISM

Mr. PROXMIRE. Mr. President, one of the arguments against America's ratification of the Genocide Convention is that the American public desires a contraction of our foreign commitments. They declare that approval of the treaty outlawing genocide would only serve to further entangle the United States in confused and complicated foreign commitments.

Certainly after the lesson of Southeast Asia, and in light of the percentage of tax dollars which have been spent by the military overseas, it is not difficult to understand the public's hesitation to make further international commitments. Yet, it seems a travesty to link such tragic mistakes with the positive and constructive agreement reached on the Genocide Convention. As the United States reduces its military commitment abroad, it must not cast aside its moral commitment to world peace. The idea

of fighting for peace can only seem a barbaric anachronism when compared to the forthright legal and moral responsibilities assumed by those nations who signed the genocide treaty.

Regardless of past mistakes, America cannot enter into a period of isolationism. Although we can refrain from costly military involvements, America's singular position of moral leadership cannot be ignored. We must join the overwhelming number of our allies who have endorsed the genocide treaty and take our place in the humanitarian movement to end mass violence.

Therefore, I strongly urge the Senate to end its moment of indecision and ratify the Genocide Convention.

ENERGY NEEDS

Mr. HANSEN. Mr. President, I rise today to again call the attention of my colleagues to the danger this Nation is facing in its ability to meet the energy needs of our Nation.

An industrialized country collapses when it is unable to supply the power necessary to run its factories. Not only do citizens suffer from lack of employment, but they must go without the necessities and conveniences which depend upon a source of power.

This Nation now has the world's highest standard of living. I want to keep it that way. However, when attention is called to the energy crisis, and the fact that this Nation is losing its ability to meet its own energy needs and is becoming increasingly dependent on foreign political powers, the warnings appear to fall on deaf ears. The representatives of our large population centers appear to be more interested in the short-term political appeal of cut-rate oil from abroad rather than the view that increased dependence on foreign oil will eventually subject the American people and their economy to inflated prices for energy sources, blackmail, and a disastrous loss of American power and prestige.

On February 2, an article by William Steif appeared in the Washington Daily News. The article, entitled "Dependency on Arab Oil Feared," was based on a State Department document stating that nationalization of foreign-owned oil companies will "become increasingly common, as the Arab nations pressure the free world's industrial powers for bigger and bigger slices of their take from petroleum." Mr. Steif finds "the crunch on the United States would come as it found itself in competition with Western Europe and Japan for Arab oil."

I earnestly ask my colleagues to direct their attention to this article and recognize the folly of placing the American people at the feet of foreign oil magnates and at the same time placing every conceivable obstacle in the way of orderly development of energy resources within the United States.

Mr. President, I ask unanimous consent that the Washington Daily News article, entitled "Dependency on Arab Oil Feared," be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

"SECRET" DOCUMENT: DEPENDENCY ON ARAB OIL FEARED

(By William Steif)

A State Department document marked "secret" warns that the United States may be dependent on the oil-rich Arab world by 1980 unless it soon develops new or alternative sources of energy.

This trend is causing concern within the administration, particularly because of the increasing Arab squeeze on U.S. and European oil companies operating in the Middle East.

The document says the United States will depend on the Middle East for 8.5 million barrels of oil daily by 1980 if present trends continue. That would represent more than a third of U.S. consumption by then, the document says. The United States now gets virtually no oil from the Middle East.

CONSUMPTION TO DOUBLE

The study, titled "The International Oil Industry Thru 1980," forecasts that oil consumption will more than double by 1980 in the free world's three major industrialized areas—the United States, West Europe and Japan. Their current combined consumption of 30.5 million barrels a day is expected to rise to 62 million barrels.

The study, scheduled for release to concerned congressional committees, projects this situation by 1980:

U.S. oil consumption will rise from the current 15.5 million barrels a day to 24 million barrels.

Western Europe's consumption will increase from 12 million barrels daily to 26 million barrels.

Japan's consumption will jump from its current three million barrels daily to 12 million barrels.

SUPPLY JAPAN, EUROPE

The Western European nations and Japan now are heavily dependent on Arab oil. U.S. consumption includes 12 million barrels daily from domestic production and 3.5 million barrels imported largely from Venezuela.

The crunch on the United States would come as it found itself in competition with Western Europe and Japan for Arab oil.

Venezuelan output has peaked, the study says, and soon will ebb. One source said "only a massive U.S. investment" in undeveloped heavy oil in inland, eastern Venezuela could maintain that nation as a major supplier of oil over the next two to three decades.

But recent Venezuelan governmental actions threaten to cut U.S. companies' profits to "nearly zero," this source said. So it is unlikely that U.S. firms would sink the huge amounts of risk capital required into eastern Venezuela.

The Organization of Petroleum Exporting Countries, dominated by the Arab oil nations, has stepped up its financial and political pressures on U.S. and European companies marketing Arab oil. Libya recently took over British Petroleum's big stake there.

The State Department study says such actions will become increasingly common, as the Arab nations pressure the free world's industrial powers for bigger and bigger slices of their take from petroleum.

The study urges full speed ahead on the stalled Alaska pipeline and pushes for other alternatives. They include:

Slowing down gasoline consumption by building more mass transit and reducing auto-engine size.

Exploitation of the East Coast's outer continental shelf and also of the Navy's petroleum reserves.

New incentives for domestic exploration.

All-out research for other energy alternatives, including shale oil, coal gasification and the breeder nuclear reactor.

THE PEACE CORPS

Mr. BROCK. Mr. President, in this fiscal year, 1972, we are on the verge of placing one of America's strongest foreign programs, the Peace Corps, in a very serious situation. Because of our concern over the foreign aid expenditures, we have neglected to support this people-to-people program of aid to other countries. One of the few programs which gives American volunteers the opportunity to work inside other countries, at the request of those countries, to help them feed, clothe, and educate themselves through their own resources. We have confronted the Peace Corps with the distinct possibility of bringing about a significant reduction in their volunteer activities despite rising levels of support for the Peace Corps, both at home and abroad, at a time when applications for volunteer service in the Peace Corps have jumped from 19,000 last year to 26,500 this year.

Any appropriations figure less than the authorized amount of \$77.2 million will mean drastic cutbacks in the Peace Corps volunteers already in the field. Volunteers now in service will have to be recalled before their terms are completed.

Peace Corps volunteers do what local communities in the served countries want them to do. It would be very difficult for the American volunteer who has been teaching English for 1½ years to students in Kenya to explain that her country could no longer back her efforts to help them. It would be unfortunate if Dennis Paradis were forced to tell his friends in India that he must suddenly drop his projects in cattle management and return to America because we would not support him. It would be difficult to explain to the host country of Micronesia that Peace Corps architects will have to leave their jobs which are giving Micronesians low-cost housing, new schools, and public facilities, including a new airport. In Tonga, a plant pathologist, a home economist, a marine biologist, and an entomologist are working to determine how best to project the balance of nature for the island; Peace Corpsmen have helped spread the benefits of the new miracle high-yield grains to Malaysia and Thailand and other regions of the world. Population control, pollution control, speech therapy, and marketing cooperatives—such as the one in Fiji that has grown from a \$2,000 broom factory to a \$250,000 enterprise—are among the projects in Asia.

Peace Corps teachers are developing curriculums for schools and training teachers in latest methods and 303 agriculture volunteers in specialized fields such as water development, range management, crop improvement and extension, animal husbandry and fisheries in Africa. To the countries Peace Corps is serving, these projects are of vital importance. It would be an embarrassing predicament for the United States to have to advise these countries that we are sorry, but we have changed our minds and cannot afford to continue these projects—while at the same time we are able to afford to spend billions of dollars in other areas. Sudden abrogation of these

agreements will imperil our credibility throughout the world.

POLLUTION LAWS

Mr. TOWER. Mr. President, quite a lot of debate has been taking place lately concerning our pollution laws and the effect that they might have on other areas of concern. On January 23, the Dallas Times Herald published an excerpt of a recent speech made by Mr. Robert G. Dunlop, chairman of the Sun Oil Co. In his remarks, Mr. Dunlop makes a cogent appeal for the use of reason in determining our pollution laws. I ask unanimous consent that this article be printed in the RECORD so that my colleagues in the Senate may avail themselves of Mr. Dunlop's logic.

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

ENERGY-ECOLOGY DEBATE NEEDS REASON, REALISM

(EDITOR'S NOTE.—The following is excerpted from an address before the Wharton School Alumni Society of the University of Pennsylvania, when Robert G. Dunlop received the Society's Gold Medal of Merit Award.)

(By Robert G. Dunlop)

A matter I feel is vital to the well-being of our nation and all of its people is the gathering storm over energy and the environment. The controversy is with increasing frequency being billed as energy vs. the environment.

The grave implications of those words point to a compelling national need to dig below the surface of day-to-day developments and to confront directly the basic issues we face—our requirements and our responsibilities—in the intertwined areas of energy and the quality of life.

The heart of the matter is that for the first time ever in peace-time we face the real possibility of a shortage of energy supplies, particularly petroleum supplies.

The growing concern over energy supplies has been matched by a growing concern for preservation of the environment.

The need for reason and realism on all sides is essential if we are to deal effectively with the energy-environmental issue. For it is a fact of life today that offshore and on-shore areas that are considered to be ecologically sensitive are the most promising for new petroleum discoveries. . . . The danger is that in the flood of rhetoric and charge and counter-charge the thread of public interest is going to be completely lost.

What we desperately need today are objective analyses of the facts and reasoned judgments about how we can best protect our environment and meet our essential energy needs at the same time. To achieve this, we must keep two points firmly in mind.

First, we need to realize that new legislation and new investments in research and facilities have set the stage for real progress in pollution abatement and control in the next five to 10 years. But time is required to get results, and in the interim we should avoid rash actions or reactions that could have dangerous implications for the future.

Second, we must consider environmental issues in the light of past performance and experience. I submit, for example, that the petroleum industry's conservation record is a good one. . . . There have been only six major mishaps, three spills and three fires in the drilling of more than 14,000 offshore oil and gas wells up through 1971. This is an accident rate of four ten-thousandths of one per cent. And we are working to do better.

What the issues boil down to, ultimately, are judgments about the acceptance of reasonable risks. And I think objective analysis will show that the environmental risks involved in offshore drilling are, indeed, reasonable and acceptable.

Seldom in our history has the need for calm deliberation and wise judgment in the public interest been more vital than it is now in relation to energy and the environment.

I am convinced that what we need most is a new commitment to cooperative effort in striving to reach common goals.

I am reminded of these words of Albert Schweitzer: "The development of civilization comes about, to put it quite generally, by individual men thinking out ideals which aim at the progress of the whole, and then so fitting them to the realities of life that they assume the shape in which they can influence most effectively the circumstances of the time."

VALUE ADDED TAX—A DISASTER

Mr. PROXMIRE. Mr. President, from both official statements and off-the-record reports, it is clear that the administration will propose a value added tax, if not this year, then next year.

But a value added tax is nothing more or less than a national sales tax. It is a regressive tax. Worse, it is an inflationary tax, because it adds to the cost of goods at every step in their fabrication and sale.

No matter what exceptions are made or rebates granted it is a new tax proposal which will add to the tax burden of most Americans.

To propose it at a time when billions—tens of billions—are removed from equitable taxation because of the glaring loopholes and injustices in our tax laws, and at a time when only the most cursory examination is given to billions in big spending for weapons procurement, space shuttles, and subsidies of all kinds, is nothing short of irresponsible.

Hobart Rowen, who is the knowledgeable editor of the business page of the Washington Post, and a highly competent writer on business and economic matters, has a scathing article on value added tax in today's edition of the paper. Mr. Rowen warns:

The real danger of the VAT is that it will be a foot in the door for an increasingly disastrous tax policy. Once on the books, whenever the government needs more money, it will be easier to jack up the VAT, instead of raising the corporate tax rate.

VAT is a sales tax. VAT is a hidden tax. VAT is an inflationary tax. VAT is a tax increase. VAT, as Mr. Rowen rightly states, is a disastrous tax.

I ask unanimous consent that Mr. Rowen's article be printed in the RECORD.

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

[From the Washington Post, Feb. 3, 1972]

A DISASTROUS TAX

(By Hobart Rowen)

The Nixon administration is getting set to throw a knock-out punch later this year at the American consumer by proposing a national sales tax called a "Value Added Tax," better known by the initials VAT.

In France, it is called TVA for "Tax, Value

Added," but Frenchmen who are wise to it suggest that the initials stand for *Tout Va Augmenter*, which means, roughly, that everything costs more.

No one should have any doubts about the VAT. It is nothing more nor less than a complex method of collecting a retail sales tax, whereby the tax at each level of production and distribution is passed along to the next one, and only the final purchaser—the retail buyer—is left holding the tax bag.

Thus, literally, everything will cost more, making a mockery of price controls, and those at the low end of the income scale who must spend a large share of their earnings on necessities rather than luxuries will be hit the hardest. That's why it's called a "regressive tax."

The Nixon technicians working on their version of VAT reportedly are trying to "cure" the VAT of its regressive nature by giving low income families a credit against their income taxes.

But not even the proponents of the system pretend that the VAT can be made a progressive tax. It is clearly, as former Treasury Assistant Secretary Stanley S. Surrey has said, "a second-best tax to an income tax, and why do we need a second-best tax?"

Why, indeed?

Well, one reason, as a Treasury official says, is that a VAT "can raise one hell of a lot of money." A 1 percent VAT would bring in about \$5 billion, or as much as a 6 percent increase in the corporate tax rate.

The President would use the money, it appears, primarily for the relief of the middle-class suburbanite who has been hit hard by rising property taxes. With the VAT money in hand, local governmental units would not have to raise property taxes further (and some might lower them) to cover swollen school finance costs.

None of these plans has been spelled out, to be sure. It is an election year, and no one at the White House wants to talk about higher taxes, even the VAT, which would be sneaked into the pricing system so that the poor consumer couldn't tell the higher tax load from some other form of inflation.

The most serious aspect of all this would be a further distortion of the tax system at a time when it desperately needs reforms to plug the loopholes that are eroding the income tax base. Joseph A. Pechman and Benjamin A. Okner of the Brookings Institution earlier this month presented massive evidence to two congressional committees showing that a comprehensive income tax could yield the same revenue with rates averaging one-third lower than those now in effect.

Average tax payments under the Pechman-Okner proposals would fall for all families with incomes below \$25,000—which should take care of most of Mr. Nixon's middle-America patrons—while higher income families would pay more than they do now, which they certainly should.

Former Treasury Secretary Joseph W. Barr acquired a niche in history by revealing that 155 American citizens with adjusted gross incomes of \$200,000 or more paid not a penny to the Treasury in taxes on their 1966 income. That helped stir Congress into action.

Yet, in 1968 the number of those with \$200,000 of income or more who got away scot-free rose to 222, to 300 in 1969, and was still 112 in 1970. (The Treasury says it is "studying" the situation.)

For the rich, as Phillip M. Stern has said, today's tax preferences are equivalent to a massive "welfare" program.

Unhappily, no one listens to Messrs. Pechman, Okner and Stern. Tax reform, it seems, is but an intellectual exercise. The piddling reforms in the 1969 bill have been followed by the Revenue Act of 1971, which Pechman estimates will reduce individual and corporate taxes by \$15.5 billion in 1971, 1972 and 1973, and create new loopholes, notably a new give-away to exporters.

The real danger of the VAT is that it will be a foot in the door for an increasingly disastrous tax policy. Once on the books, whenever the government needs more money, it will be easier to jack up the VAT, instead of raising the corporate tax rate.

That's what this game is all about: The President is planning to shift more of the tax burden onto the shoulders of the individual taxpayer and away from the corporation. If the Democrats have any sense at all, they'll nail Mr. Nixon on this issue.

QUORUM CALL

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

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

EQUAL EMPLOYMENT OPPORTUNITY ENFORCEMENT ACT OF 1971

The PRESIDING OFFICER (Mr. HUGHES). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 2515) to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 813) of the Senator from North Carolina (Mr. ERVIN).

Mr. BYRD of West Virginia. 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. ALLEN. 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. ALLEN. Mr. President, earlier this week, the junior Senator from Alabama was delivering a speech in opposition to this bill, S. 2515, and in favor of an amendment that was pending at the time. Due to the fact that there was an agreed time limitation on debate on that particular amendment, the junior Senator from Alabama was unable to conclude his remarks with respect to the bill and the amendment. At this time, he desires to continue with the speech he embarked upon earlier this week.

Toward the end of his remarks on that occasion, he was pointing out one of the iniquitous provisions in this bill that gives the Commission the power to act as prosecutor, jury, and judge, to decide the case after having received the complaint, investigated it, and filed the charges. In addition, the Commission is given the right to go into the Federal district court and obtain injunctive relief against an employer—an employer of as few as eight persons.

In the course of my remarks, I pointed out that the use of injunction in labor disputes was severely criticized by Samuel Gompers, head of the American Federation of Labor, and that under the Norris-LaGuardia Act of 1932, the use of injunction in labor disputes was outlawed; and the wise provisions of that bill are still the law of the land, as they should be.

Mr. President, the parallel was drawn by the junior Senator from Alabama that the use of injunction by employers against employees was outlawed under the Norris-LaGuardia Act. Yet, this bill provides for injunctive relief on behalf of employees against employers. It would be well for those representing labor who advocate S. 2515 to pause and ponder the wise words of Samuel Gompers which I quoted in my earlier remarks this week and which, of course, already appear in the RECORD, and to review thoroughly the cases involving labor disputes prior to 1932.

Mr. President, I am sure there are few among us who will not say that perhaps the most shameful chapters of our judiciary history were written by judges in labor relations cases prior to the enactment of the Norris-LaGuardia Act. Indeed, the susceptibility to abuse by judges of the injunctive process is clearly illustrated by the example of the years prior to 1932 when judges, acting without juries, in an almost unbroken line of cases, used the injunction to frustrate the efforts of labor to secure fair wages and safe working conditions.

That is one of the great milestones in labor relations law and procedure in this country—a great act. But if it be good, on the one hand, to bar injunction in labor disputes against employees, why would it not also be fair to bar injunction in disputes as to unfair employment practices by the Commission on behalf of aggrieved employees against the employer?

If this bill becomes law, many of the most cherished benefits which organized labor has attained in the last 40 years would no longer be matters of right, but would automatically become matters of administrative grace to be doled out by EEOC bureaucrats as rewards for good behavior or withheld as punishment when any union does not comply with their demands. So the EEOC is going to have control over the union as well as the companies themselves. I believe that if this bill is enacted, if it does become law, it is going to be such a monster, such a colossus, such a Frankenstein monster, that it could well destroy many of the rights of employers and many of the rights of labor unions and the employees they represent. The law which tells the employer who his workers shall be today can be reversed and the worker told who his employer shall be tomorrow—and at what wages.

Under the broad grant of power in the bill before us, the seniority system, a basic fabric of unionism, would be adversely affected, if not destroyed.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for a statement by me on that question, with the

understanding that he will not lose his right to the floor by so doing?

Mr. ALLEN. I am delighted to yield.

Mr. ERVIN. A number of officials of one of the largest industries in the United States visited my office some time ago and informed me that they were having trouble with the Office of Federal Contract Compliance in the Department of Labor. They informed me that approximately 35 percent of their employees were black and that, for that reason, there was no solid basis for any claim they were discriminating against blacks in employment. They stated that the percentage of blacks was far in excess of the numerical percentage of blacks in the population from which they drew their employees. They told me, however, that they were having a great deal of trouble negotiating with the Office of Federal Contract Compliance because that office was not even as enlightened a legislator or a regulator as the ancient Roman Emperor Caligula.

Caligula, as the Senator from Alabama knows, wrote his laws in small letters and hung them high on the wall so that people could not read or reach them, and therefore he could punish them for violations of laws of which they were ignorant.

From what these gentlemen told me, Caligula was a far more sensible regulator than the Office of Federal Contract Compliance in the Department of Labor, because if a man could get a long enough ladder and a big enough magnifying glass, he could climb up the ladder and read Caligula's laws.

But these gentlemen told me that they could not read the regulations or the requirements of the Office of Federal Contract Compliance in the Department of Labor because that office refused to commit its requirements to writing. They said that they would hold oral conversations with them and make suggestions about what they should put in their employment practices so as not to discriminate in the view of the Office of Federal Contract Compliance. They informed me that they would follow those suggestions and bring their product back for consideration of the Office of Federal Contract Compliance, and the Office of Federal Contract Compliance would then demand that they do other things that had not been mentioned to them before.

These gentlemen informed me that their particular industry was dependent to a high degree on Government contracts. They said, finally, that the Office of Federal Contract Compliance told them they would have to alter their entire seniority system in order to put more blacks in positions of seniority, even over others who had been with them a much longer time. They told me that they informed the Office of Federal Contract Compliance that their seniority system was set up and defined by collective bargaining agreements that they had made with the unions representing their employers under the provisions of the National Labor Relations Act.

Mr. ALLEN. This bill would throw collective bargaining agreements out the window.

Mr. ERVIN. When they called this to the attention of the Office of Federal Contract Compliance, they said that if they did what they were demanding they would be sued by the union for breach of contract and might induce a strike.

Mr. President, they said they were informed by the officials of the Office of Federal Contract Compliance in the Department of Labor that the performance of the Office of Federal Contract Compliance was far superior to the enactments of Congress in respect to collective bargaining, and that those officials demanded that they forthwith upset their seniority system.

I told these gentlemen, as chairman of the Subcommittee on the Separation of Powers, that I thought the Office of Federal Contract Compliance was guilty of a gross violation of the doctrine of the separation of powers, and that although it was an executive agency, it was usurping the power to make laws by not reducing them to writing so that people could know what they are.

I asked these gentlemen to come down and testify before my subcommittee. They said, "No, we cannot do that. If we get the Office of Federal Contract Compliance angry with us, we cannot get any Government contracts, and our industry will be bankrupt."

Now, I ask the Senator, Is that not in line with what he has been saying?

Mr. ALLEN. It certainly is.

Mr. ERVIN. The officials in the Office of Federal Contract Compliance are not elected to anything. They were not elected by anyone. They are not responsible to anyone. But they are riding roughshod in this tyrannical manner over thousands of American citizens, over thousands of American businessmen.

I think that Congress is the only legislative body I know of that is willing to sit supinely by and allow executive officials, who have no legislative power whatever, to make laws which they will not reduce to writing so that they can be understood by citizens, and be able to practice this terrible tyranny over American industry.

If American businessmen of great power are afraid of the Federal Government, what about the little fellow whose economic power is so small that he is only able to employ eight of nine persons to assist him in his business?

Mr. ALLEN. He will be covered by this and would be probably driven to the wall.

Mr. ERVIN. I thank the distinguished Senator from Alabama for yielding. This points up exactly what the Senator from Alabama has been saying, that apparently those members of organized labor who support this bill need a prayer uttered on their behalf: "Forgive them, for they know not what they do." They are advocating the passage of a bill, as the Senator from Alabama says, which would put them under a cease and desist government which could designate who would be members of a union, or could deprive the union of the power to determine for themselves who their members would be.

Mr. ALLEN. That is certainly correct. I appreciate the remarks of the distinguished Senator from North Carolina and the contribution that he has made to this debate. I certainly agree with him that passage of the bill could have an extremely adverse effect upon labor unions, that it could completely destroy or vitiate the seniority system of unions, that it could provide that unions must take into membership individuals that they do not want to take into the union, and that it could require employers to employ people contrary to the express provisions of the collective bargaining contract that has been reached between the employer and the union in arm's-length dealings. Not only could it destroy the seniority system of unions, it could also destroy the apprenticeship program of unions.

Union apprenticeship programs would be drastically altered. Failure to comply with EEOC edicts would make it possible for unions to be denied representation status under the National Labor Relations Act, thus removing protections against raiding or displacement by a rival union. Moreover, an employer would no longer have any legal obligation to bargain with a union whose representation status has been canceled by the National Labor Relations Board.

That would be a fine union. I have not had a single union man tell me that he favors this bill, not a single one. Yet it has been stated on the floor that organized labor is in favor of the bill. I have not had a single member of organized labor ask me to vote for the bill.

In short, under S. 2515, the EEOC would be empowered to tell a worker and an employer which labor organizations were officially approved for membership and which were deemed unsuitable by the Federal authorities. In other words, the EEOC would be empowered to tell one that it is all right for him to join some unions, but not others. This, to my way of thinking, Mr. President, seriously jeopardizes the freedom of expression and the freedom of association guaranteed by the first amendment to our Constitution. One real effect of S. 2515, therefore, would not be to promote equal employment opportunities for American workers, but to expose and punish persons and organizations who give countenance to views regarding freedom of expression and association which are inimical to the Equal Employment Opportunity Commission.

Here again is the ever-present and coercive threat of punitive action against those who do not give strict adherence to the social and political philosophies of those who wield power. Here, in the name of "equal employment opportunity," it is demanded that we pass a law which would permit a Federal bureau to arrogate unto itself the power to examine, pass judgment, and extinguish the essential freedoms of expression and association. The Senate of the United States cannot afford to let the EEOC be a law unto itself regarding the most sacred and fundamental rights of the American people.

Mr. President, if S. 2515 is enacted into

law, we can add industrial relations directors and union business agents to the list of endangered species.

What do we need industrial relations directors and union business agents for if the EEOC is going to tell us whom to employ. So they may well be classified with others of the endangered species that we hear of in the new environment, which so many people, including the junior Senator from Alabama, are so much interested in preserving. And to that list we might as well add academic freedom and States rights. Not even Jimmy the Greek would cite odds on the chances of their survival.

One of the prime tenets of Anglo-Saxon jurisprudence is that a man is presumed to be innocent until proven guilty. While the bill before us does not presume to go so far as to repeal this concept, it certainly subverts it. It arrogantly undermines and brushes aside the guaranteed and fundamental principles of due process and invokes a panoply of repressive procedures as alien to justice as the rack and the thumb-screw.

Under the bill, the Equal Employment Opportunity Commission would be given a "judicial" function, permitting it to order respondents to "cease and desist" from alleged unlawful employment practices with such orders subject to limited review in a U.S. court of appeals.

What is government by cease and desist? Government by cease and desist is government according to the personal convictions, inclinations, predilections, and precipitant notions of government bureaucrats rather than government by certain and uniform laws applying alike to all men and institutions in like situations.

This being true, it is no wonder that Justice Jackson, in the well-known Flag Salute case eloquently declared:

The very purpose for a bill of rights was to withdraw certain subjects from the vicissitudes of public controversy, to place them beyond the reach of majorities and to officially establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights, may not be submitted to vote; they depend on the outcome of no elections.

Subsequently, Mr. President, Justice Jackson declared:

If there is any fixed star in our national constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein.

One of the real difficulties in connection with the type of authority being sought here is the attitude of the Commission and its staff. The Commissioners and the staff of the Equal Employment Commission are appointed because of a particular philosophical bent—it is expected, however, that they are to be objective and impartial advocates of equal employment opportunity and to conciliate charges found to be supported by the facts adduced in their investigations.

The Commission, however, has not been and is not now the impartial agency it was supposed to be and as charged to be by law. Instead, the Commission has been a rabid advocate of its own preconceived ideas of fair employment opportunity and has been spending much of its time assembling arguments in behalf of its obsession with obtaining from Congress the power to issue coercive orders. The Commission has degenerated into performing a private pressure job for cease and desist authority.

The mingling of the functions of conciliation and compulsion in this agency would be tragic. The EEOC conciliator, in such instances, cannot, in any light, be viewed as a friendly counselor, but only as an incipient prosecutor. In other words, when he also possesses the power not only of prosecuting, but also of rendering an enforceable judgment, his persuasion takes on the immediate character of coercion.

Yet, this ambitious bill would lodge in an unelected Federal agency the unfettered authority to act as investigator, prosecutor, judge, and jury—all racked up in one power-laden package. S. 2515 does this by granting the Commission the power to receive complaints; granting to the Commission the power to investigate complaints; granting the Commission the power to prosecute complaints; and granting the Commission the power to pass judgment on complaints and to fashion a remedy enforceable by a cease and desist order.

As if this were not bad enough, the bill also grants the Commission the power to be the complainant. It is proposed that a member of the Commission may file a complaint, and, although the Commissioner filing the complaint may not participate in the hearing, he is not forbidden to sit in judgment on his own complaint.

Mr. President, I am sure all will agree that the other members of the Commission would be less than human if they did not give special attention to complaints filed by one of their own members. It is difficult to see how this Commission, in rendering decisions on a complaint filed by one of its own members, could act objectively and in an unbiased manner. Remember, the member filing the complaint would be privy to all of the discussions leading up to the final decision of the Commission, and I say that it would be asking too much of human nature to expect his colleagues to embarrass him by dismissing a complaint which he had filed. One would have to be blind indeed not to see that this particular aspect of the bill overbalances the scales of justice against defendants in ways that do absolute violence to the best of Anglo-American judicial traditions.

It is true that appellate review of orders by the Commission is provided. But the fact that an employer or a labor union may be entitled to go to a U.S. court of appeals carries no assurance that he will get there. On the other hand, if a respondent is able to defray the expense of long, drawn-out litigation, the restrictions and the limitations placed on the courts by the bill will make it almost

impossible for the court to rectify a prejudicial order by the Commission.

Let me point out, Mr. President, that the court entertaining the review would be limited by the record of the hearing examiner as reviewed by the Commission and would be required to affirm the Commission upon a finding of some evidence supporting the Commission's decision.

And what would the record of the Commission consist of? Let us not forget that many of these charges of discriminatory employment practices will be made by persons who are motivated by revenue, cruelty, persecution, and perfidy. This is especially true inasmuch as S. 2515 removes the requirement that charges must be made under oath. In addition, the bill permits the Commission to deprive the accused of the customary and time-honored rules of evidence and procedure. Hearsay evidence with its inflammatory effect can easily be the entire basis of a finding by the Commission. What all of this boils down to is that this bill seeks the enormous power of "cease and desist," and yet provides no safeguards against a possible arbitrary determination by the Commission. The Commission can, therefore, proceed to issue a complaint and institute a proceeding which could lead to the exercise of enforcement powers based on a tenuous claim of discrimination and the courts would be powerless to touch it. In other words, the bill makes an out and out mockery of our dedication to due process of law.

This is not government by law. It is government by the Equal Employment Opportunity Commission, for better or worse.

Mr. President, I turn to the most repugnant and repugnant feature of S. 2515. The bill seeks to vest in the Equal Employment Opportunity Commission autocratic and despotic power over the internal administration of State and local governments. As a consequence, S. 2515 is completely incompatible with the constitutional doctrines of the sovereignty and indestructibility of the several States. Even apart from this consideration, S. 2515 is inimical to Federal-State relations inasmuch as it would place in the hands of the Commission a legal club by which it can browbeat State and local officials into submission and thus assume outright control of the functions and power of State and local government in vital areas of our life.

The proposal to substitute federally controlled employment practices for State and local personnel is in direct violation of the 10th amendment to the Constitution which states:

The powers not delegated to the United States, nor prohibited to it by the States are reserved to the States respectively, or to the people.

The proposal is also in direct violation of the ninth amendment to our Constitution which states:

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

I, of course, realize that many of the proponents of S. 2515 regard the ninth

and 10th amendments to our Constitution as obsolete, or at best, treat them as mere truisms. I also realize that the rights guaranteed to the States and their people under the Constitution have been severely abused and invaded in recent years. But there is no provision in our Constitution which, by the wildest stretch of the imagination, can provide a legal cover for the extraordinary authority sought in this bill.

If enacted, this bill would permit an agency of the Federal Government to enter the political field in the appointment of State and local government employees. It is true that many State and local job requirements are, in part, unrelated to the job. But it is wholly in keeping with our political traditions to give our State and local leaders, and our national leaders for that matter, the discretion to give reasonable weight to factors other than job fitness in filling jobs.

Frankly, it is difficult to imagine a more intolerable interference by the Federal Government with the rights of the States than to dictate their employment practices. The States' power over employment practices is basic and essential to the very existence of State sovereignty and, consequently, to our federal system which was devised by our forefathers and which they intended to be held forever sacrosanct by the Bill of Rights. If we deprive the States of their basic functions, it is pointless to maintain that we have a dual form of government.

History makes it crystal clear that the Constitution of the United States would never have been ratified by the requisite number of States if they had not been assured that it would subsequently be so amended as to embrace the principles and guarantees enunciated by the ninth and 10th amendments.

Let us recall that in 1787 when the Constitution was written, the States were absolute sovereign. They had joined in the Declaration of Independence. They had fought through eight long, terrible and bloody years to wrest themselves from the British Crown. In essence, they stood independent and free from any other sovereignty on earth.

This amendment, by the way, provides that powers not delegated to the United States nor prohibited by it to the States are reserved respectively to the States or to the people, people being synonymous with the States.

The proposal is also a direct violation of the ninth amendment which reads:

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

There is no provision in our Constitution which, by the wildest stretch of the imagination, could provide a legal cover for the extraordinary authority sought in this bill.

Therefore, when the representatives of the free, independent States met in Philadelphia to determine what form of government would succeed the tyranny of the British Crown, they had deep feelings about their State sovereignty and jealously guarded it and were determined to protect against any undue invasion.

The delegates were not about to surrender any more than absolutely necessary of their sovereignty in their endeavor to form a national government and they were resolute in holding this to a minimum. The deliberations and the debates at the Convention and, of course, in the very drafting of the Constitution and its ratification by the several States make it abundantly clear that the Constitution would have never come into existence if the sovereignty of the States and the rights of the people had not been positively recognized in the Constitution itself.

Yes, Mr. President, of all the liberties which the founders of our great Nation enshrined in the first 10 amendments they specifically designed the ninth and 10th amendments as the impregnable guardians of the sovereign rights of the States and of the people. They delegated to the Federal Government the powers necessary to enable it to discharge its limited functions as a central government and left to the States and to the people all other powers.

It was the strong belief in the concept of government by the people that inspired Thomas Jefferson, author of the Declaration of Independence, to declare:

The laws which must effect the happiness of the people must flow from their own habits, their own feelings and the resources of their own minds.

In those few words, Mr. President, Thomas Jefferson expressed the thoughts and beliefs of the framers of our great Constitution, who knew that the States, with their State governments, their county governments, and their city governments, would ever be citadels of liberty. They knew that their concept of a government by the people demanded full recognition of the rights of the States.

Nowhere is the doctrine of the separation of powers more eloquently described than by Chief Justice Salmon P. Chase in his opinion in *Texas against White* (7 Wall. 700) when he said:

Not only, therefore, can there be no loss of separate and independent autonomy to the States through their union under the Constitution, but it may be not unreasonably said that the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.

Have these rights become any less meaningful to us today? Are the dangers of the exercise of arbitrary power by a centralized government any less? I say no. Senator William E. Borah, of Idaho, a giant among men, once wisely warned:

When the people lose control of their Constitution, they have already lost control of their government.

I wholeheartedly agree with Senator Borah when he added:

It is an old story that when the people lose power, they lose liberty.

The exercise of the powers sought under this bill would so tip the balance toward the Federal Government, particularly the executive branch, that the division of authority as envisioned by our

Founding Fathers and as yet contained in our written Constitution would become passé. The Constitution would no longer serve as a safeguard for the right of the people to govern themselves. Consent would no longer flow from them. Even Alexander Hamilton, who advocated and believed in a strong central government, would have been scandalized at the interposition of the Federal Government into State and local affairs as envisioned by the provisions of S. 2515.

I submit that if one of the delegates to the Constitutional Convention in 1787 had proposed that the Federal Government be empowered to interfere with the domestic policies and domestic institutions of State and local governments, he would have been laughed out of Independence Hall.

Surely such a departure from a written Constitution that expressly assures the rights of the States is reason enough to sound the death knell for legislation which conceives such a recommendation. If we deprive the States of their basic functions, it is pointless to maintain that we have a constitutional Federal Government.

When the Constitution of the United States was written in that hot, tiresome summer 185 years ago, provision was made for amending it. If our Constitution is to be amended in the drastic manner proposed by S. 2515, it should be done so in the orderly process provided for in the Constitution itself, by the people themselves, who hold title to that great document.

The Senate has no right to amend the Constitution by legislative fiat. We not only have no authority to do so, but we are betraying a trust to the people and an oath to ourselves when we attempt to do so. Any proposed changes in our Constitution should be submitted to the people in the form of constitutional amendments, and, as I have said, this magnificent document should not be changed except by the popular mandate of the people themselves.

Giving to a Federal bureau the power to control and form the practices of State and local governments would, in the judgment of the junior Senator from Alabama, be, in effect, an amendment of the Constitution, because the Constitution does not envision any such power to be placed in the Federal Government or any bureau or agency thereof.

George Washington stated the proposition eloquently in his Farewell Address when he said:

If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular wrong, let it be corrected by an amendment, in the way in which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

Mr. President, there may be those who think that the system of government that was devised in this country nearly two centuries ago is obsolescent. In answer to any such thinking, I should like to point out that one of the most baffling problems that faces contemporary

democracies arises from the deadening effect of sprawling, impersonal, overcentralized governments.

The bill would centralize in a bureau or any agency the control over the employment practices of every employer in the country who employs as many as eight persons. It would give to such bureau or agency power over the employment practices of every State, county, and city in the country, over every agency of every State, county, and agency, and over every educational institution in the country, be it a college, a university, a private school, a church-supported school, or, for that matter, a secondary or an elementary school which would be included in the term "educational institution."

How does one keep democracy fresh, vivacious, and close to the hearts of the people in the face of the ponderous and monolithic machines of government?

We have the answer, Mr. President. We have always had it. The federal system which was devised by our forefathers in the 18th century provides the brightest hope for the survival of real democracy and the rights of free men in the 20th century. If we tamper with the basic tenets of the system bequeathed us by our forefathers, if we trample upon this precious heritage, we will deserve the fate that will undoubtedly befall us.

Mr. President, this Nation has become history's finest illustration of how people can enrich their lives, can raise their level of well-being, can fulfill the goals of their pursuit of happiness when they are given liberty, freedom, and the encouragement for initiative and incentive under a democratic system made possible by a blueprint of democracy—a written Constitution.

I can find nothing in S. 2515 to merit the approbation of a free people. I say again that its far-reaching and drastic provisions will destroy and negate much more individual rights and liberties than they could possibly protect. Far from securing the rights of our people, they particularly constitute a grave threat to the precious rights sought to be held forever sacrosanct in the Bill of Rights. They are, to be sure, an affront to the authors of the American Constitution and the idea of limited governmental authority they sought to safeguard.

If this legislation ever becomes the law of the land, we will have placed our people and our free institutions on the threshold of a tragic era from which they may never recover. We will have moved one step nearer to complete control and regimentation of all aspects of our lives by a centralized and all-powerful Government in Washington.

Let us not turn our backs on the magnificent heritage and the system of government of and by free men, the indestructible union of indestructible States that have come down to us at such great sacrifice.

Mr. President, I urge the adoption of this amendment and the defeat of S. 2515.

Starting at 12:45 p.m., there will be a period of 1 hour for argument of the cloture motion. The time will be equally divided. During that period I will conclude my remarks on the question of the amendment or the motion for cloture.

I yield the floor.

Mr. WILLIAMS. Mr. President, will the Senator yield, before yielding the floor, for a question or two?

Mr. ALLEN. Yes.

Mr. WILLIAMS. Did I understand the Senator correctly to say that the Senator will address himself to the amendment in the time he controls during the time prior to when the cloture vote time begins to run?

Mr. ALLEN. Yes. I would feel that any Senator would have the right to address himself to any portion of it—

Mr. WILLIAMS. No. I want to get a little appreciation of the intentions of the Senator. Of course, he can say, "Wait and see."

Mr. ALLEN. Yes, I intend to discuss the amendment further, and also the bill.

As I understand the procedure on cloture, 30 minutes are allocated to those who want to impose gag rule and 30 minutes are assigned to those who oppose gag rule. Since the junior Senator from Alabama opposes gag rule, he will have an opportunity to speak on the amendment, on the bill, on the propriety of imposing gag rule.

Mr. WILLIAMS. I respectfully suggest to the Senator that it is strong language to use the term "gag rule" to describe rule XXII, one of the rules of the U.S. Senate.

Mr. ALLEN. To choke off debate. That would be called a gag rule.

Mr. WILLIAMS. Under the rules, rules that were developed under law and the Constitution.

Mr. ALLEN. A rule which provides for gagging debate, yes.

Mr. WILLIAMS. Well, I say it is strong language to apply to the rules of the United States Senate.

Mr. ALLEN. The Senator understands what the Senator from Alabama has in mind; does he not? He is not in doubt as to what the Senator meant?

Mr. WILLIAMS. Under the rules of the Senate, the Senate will vote on closing debate. Of course, to review the rule, even after that there is abundant time for Senators to address themselves to the issue.

Mr. ALLEN. Yes. Sometimes it is referred to as choking off debate. I believe the Senator has heard that expression also.

Mr. WILLIAMS. As the Senator knows, we have been a long time on this particular measure.

Mr. ALLEN. I am hopeful it will end today.

Mr. WILLIAMS. And it is the second time on the bill, basically as it is before us, a bill that was favorably voted on by the Senate 2 years ago.

Mr. ALLEN. I am hopeful that the debate will end today as we turn back for the second time that cloture motion.

Mr. WILLIAMS. This has all developed out of one question the answer to which I wanted to know, because Senators have asked me when I expect there will be a vote on amendment 813, the amendment that is the pending business, and I have no answer. When the last Senator asked me that, I said, "I do not know when that will be called up for a vote." The Senator

said, "Well, if you do not know, nobody knows." My reply was, "No; I believe those who offered the amendment probably know when they would want a vote on their amendment."

Mr. ALLEN. After debate is ended voluntarily or after it has been checked off. That is when the vote will come on the pending amendment.

Mr. WILLIAMS. That answers in part at least another question. Does the Senator have any idea when, as far as he is concerned, he will voluntarily end discussion of his amendment?

Mr. ALLEN. Yes; I think that on tomorrow, if the bill has not been laid aside as a result of the defeat of the second cloture motion, I would feel that there would be a vote on this amendment.

Mr. WILLIAMS. Would it be fair to ask the Senator then, if when our friends, the Members of the Senate, ask me when a vote on amendment No. 813 is expected, I can say that if it is still the business of the Senate, the vote will be on tomorrow?

Mr. ALLEN. Speaking for the junior Senator from Alabama, that would be my estimate of it. The distinguished senior Senator from North Carolina (Mr. ERVIN) is also to be consulted, but I would feel that if the pending bill and the pending amendment are still the business of the Senate on tomorrow, we will have a vote on the pending amendment, which, by the way, the Senator realizes, is an amendment that would prevent the sponsors of this legislation, including the distinguished senior Senator from New Jersey, from reducing from 25 down to eight the number of employees that an employer must have in order to be covered by the provisions of the EEOC bill. The purpose of the amendment, in short, is to leave the requirement at 25 for coverage under the act, rather than to reduce it to eight, as the distinguished senior Senator from New Jersey seems desirous of doing.

Mr. WILLIAMS. The senior Senator from New Jersey, I believe, has a position on this matter similar to that of the junior Senator from New Jersey, but I am the junior Senator from New Jersey.

Mr. ALLEN. I beg the Senator's pardon for not calling him the junior Senator.

Mr. WILLIAMS. Is that matter of such degree of significance that, if he prevails on this amendment, the Senator thinks the measure will be greatly improved from his standpoint?

Mr. ALLEN. Yes, I think it would be a great improvement. It would prevent small employers, employers of some 6 million people, from coming under the provisions of the act. It would improve it greatly, but it would not improve the bill to the point where the junior Senator from Alabama would be willing to support it.

I believe there is great sentiment in this body for the court procedure route provided in the House bill. I believe that would remove the objections of many Senators.

I feel that the sponsors of the legislation have reached out for too much when they seek to extend the coverage of this bill to all State, county, and city employees, to all educational institutions, and to all employers of as many as eight

people, and then seek to lodge in the commission the powers of judge, prosecutor, and jury.

I believe this bill would have already passed the Senate if the sponsors of the legislation had followed the House bill, which does provide for court enforcement of the charges and complaints of people who feel they have been aggrieved by the employment practices of some employers.

I am hoping that at some stage of the proceedings the distinguished junior Senator from New Jersey will be agreeable to handling these matters through the courts rather than setting up this Frankenstein monster that has the power to receive complaints, investigate complaints, prosecute complaints, decide those complaints, and then enforce them.

Mr. WILLIAMS. In partial reply, I would like to say that the Senator from New Jersey has deeply ingrained respect for the Federal Judiciary, and, of course, under certain of the provisions of the bill, enforcement would be, even in the first hearing aspects, before the Federal District Court. I would say that it is out of no disrespect for the judiciary or no feeling other than a concern for effective enforcement, mainly because of the time factors involved and the load of new decisions that the district courts must make.

Mr. ALLEN. Does not the Senator feel that he might get quicker action through the 398 district courts throughout the land than through one commission lodged here in Washington? Would that not divide the work up approximately into 398 parts?

Mr. WILLIAMS. Well, from the Chief Justice, the head of a coequal branch of the Government, comes the observation that Congress has already heaped upon the judiciary a great new burden of work with other laws that we have passed within the last few years which have created a crushing burden, and we have not relieved that burden by creating the additional judgeships to take care of it.

I would say that my respect for the Federal judiciary was not dimmed at all the other day when debate following the debate on this measure was directed at district court decisions in another area of life, and even some suggestion made that perhaps it was unwise that the Federal district judges have life tenure, and that perhaps it would be better if they had terms of office.

The Constitution provides that Federal judges shall hold office during the period of their good behavior, that being the only limitation. It is a life appointment, and I gather that the reason for that was that the framers of our Constitution wanted the judiciary to be in an Olympian setting, above the passions of the time. I was quite distressed to hear the debate directed personally at the Federal district judiciary the other day. I certainly did not join in that debate, and, as I say, I have the greatest respect for it. But I also have respect for the Chief Justice of the United States when he tells the lawyers gathered at the American Bar Association Convention that the burden right now is too much, a crushing

burden without a vast number of additional judges.

So one of the reasons is the effectiveness of full court enforcement as compared to the cease-and-desist procedure, which is honored and tried and working in many other agencies.

Mr. ALLEN. Well, the EEOC is behind some 24 months now with its docket, according to statistics that have been presented here, and I do not know of any Federal court, certainly not the average Federal court, that is that far behind.

If we open up the jurisdiction of the EEOC to cover these tens of millions of additional people, plus allowing each respondent, I assume, a day in court, that would slow down the procedure rather than hurry it up. It would build up the backlog instead of cutting it back.

Mr. WILLIAMS. I am glad the Senator has raised the question of the present backlog. The EEOC, as a matter of observation, if it were given the enforcement procedure, the cease-and-desist authority, has suggested that its backlog would be even greater.

The whole point is that the Commission, without any enforcement authority, really is only in the position of a debater, a negotiator, a persuader. It has no muscle, no force, no effectiveness. It is not backed by authority to have its conclusions made effective with any enforcement procedure.

Mr. ALLEN. I thank the distinguished Senator. I must yield the floor, because my time will expire within 1 minute.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SPONG). The hour of 12:45 p.m. having arrived, pursuant to the unanimous-consent agreement, the remaining time from now until the hour of 1:45 p.m. will be equally divided between and controlled by the manager of the bill, the Senator from New Jersey (Mr. WILLIAMS), and the Senator from North Carolina (Mr. ERVIN).

Who yields time?

Mr. WILLIAMS. I wonder if I could inquire of the Senator from North Carolina, if the absence of a quorum were suggested now, whether the time could be equally divided.

Mr. ERVIN. That would be all right.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum, with the time for the quorum call to be equally divided.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ERVIN. I yield 10 minutes to the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, I appreciate the fact that the Senator has yielded some time to me, because I am vitally concerned about this bill and its practical operation and application to the small industries, the small shops, the little plumber shops, and the very small business people, craftsmen who have

worked things out and started a little business of their own that grew and prospered.

I believe that this bill not only violates rights that belong to all Americans, but, as a practical matter, it goes far too far in investing power in the Commission, which will have absolute power to regulate, to control, and to destroy thousands and thousands of these so-called small businesses that just cannot carry the load. They do not have the resources to employ the necessary talent to follow up on what may be their rights under the bill and the facts of the case; and, as so ably pointed out here yesterday by the Senator from New Hampshire, the practical effect of it will be that these employers are going to have to yield to the demands of this Commission; and when they do, then the next question is, will they be able to survive in business?

There is no doubt in my mind about that, if this measure is ever enforced. Maybe it will start out with slow enforcement at first, but they will get around. They will get down to the village level, the township level, and, still talking about these little businessmen, they will control through fear, implied intimidation, and uncertainty in the minds of these little people.

I am not an expert in anything, but I do feel that I know that that will be the situation, because I know those people. I know their motivations. I have practiced law in a small town where they would come to me with their troubles, a long time ago, before we had as many regulations as now—people who were not able to pay a fee and said so when they came in, and I knew they were telling the truth. We have moved a long, long way from there.

I raised this point yesterday: Why set the number down to eight? Why not set it at seven? If a principle is involved here, if it is a right that these employees have, why exempt those who employ less than eight? Why not make it six, five, four, three? There is as much logic in that as in eight. If someone has only two employees, if a principle is involved, this bill ought to cover it. I was about to say that if he had only one employee, if a principle is involved, it ought to apply to the applicant for that position when it becomes vacant. But I will not go that far, because he has to have one employee to keep all these records, to keep the records required by this bill. So I do not suggest that it is logical to apply it to a man with one employee, but I think it is logical in the case of a man with two employees. The same principle is involved. Just exempt the man who is going to keep all these records.

I have always lived near or in a small town, and I know about the people. They elect their town board and their county officers, the county boards of government. They elect the other county officers. That is very serious business and is so considered by the voters and by the office holders. If we mean it when we say that we are a government by the people, for the people, and so forth, why not let the responsibility of operating stay with those officials after they are elected? We come along, it seems to me,

and contradict everything we have said about the responsibilities of the officers and the voters by putting all this power not in a court but in a board which has the power, and therefore the influence, to intimidate the little people. That is the way it will work. I am not imagining things; I am not picturing things. That is the practical way it will work.

So I think we march up the hill one day, talking about our system of government and the people having the right to choose their officers, and so forth, and that the officers have the responsibilities; and then we march in the opposite direction and invest these boards and their staff with this power.

I am not attacking them personally, but they do not know the people with whom they are dealing, and the people do not know them. That is the way arbitrary rulings and uncertain rulings and unknown rulings come in. I could enlarge on that.

Do not think you are giving a man a remedy, either, if you say, "If you don't like the ruling, you can appeal to the court." To what court will he go? As I read it, it is the Circuit Court of Appeals. What is that? It is a very fine court, but where I live, it includes everything from West Texas to Puerto Rico. That is the area these judges cover, and that is a long way on the globe, and it is a long way through many States. That is literally true—from West Texas to Puerto Rico is their jurisdiction, up through Georgia, including Georgia, Alabama, and Mississippi. I think they now have all that area. There are about 14 judges, because they have so much volume.

I know a man who started as a plumber with just a wrench and now has a little shop. He bids on and gets contracts, and he goes around through several counties. But what about the man smaller than he is? What kind of court of appeals, what kind of judicial right do you give him when you tell him a lawyer has to charge a thousand dollars to go into a court such as that, even though they sit in panels? The way things have gone up, a lawyer has to charge a thousand dollars to take a case such as that and prepare it and go to New Orleans or Houston, Tex., or Atlanta, Ga. This is not imagination. From my little town, they have to go to Atlanta and go before a three-judge panel of this court to get matters decided.

So we are not giving him a practical remedy, a judicial remedy. He is bound, in practical effect, by whatever this Commission says or does; and I imagine that 99 times out of 100, the Commission does about what the investigators report to it and whatever these investigators conclude.

So I hope, Mr. President, that there will be a second thought here and that we will not go all the way.

I remarked briefly yesterday about these quotas, and I say flatly that if this bill is passed, it will lead very rapidly into adjudication on a quota basis with reference to the little employers; and I speak from experience, as I have observed. Not a word in the Supreme Court decisions talks about a quota with refer-

ence to the integration of the schools. But if you analyze these decrees, you will find that virtually every one of them is written on that basis. It is not spelled out, but that is the pattern that is applicable. It is just natural that there would be a trend toward a quota. So let us keep our eyes open to that fact, too.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. STENNIS. I have already mentioned the records and everything else that this bill will require these so-called little people to keep. To me, it is pitiful to place these requirements on a little business like that. About the only record he keeps now is enough to be able to prepare his income tax report. I am talking about people who pay taxes, and it hurts them. It takes away from them money that they really need to live on, in many cases.

With respect to the idea of a judgment against him for back pay for a man he considers—as the Senator from New Hampshire said yesterday—worthless and trifling and indifferent and lazy, this little employer has to take a chance on having to go through this trial, not before a court, and have a judgment rendered against him, anyway, and be assessed with the back pay. That is a chance he cannot afford to take. He will not run that risk. He will knuckle under.

Of course, he cannot violate the law or he will go out of business. If he does not go out of business voluntarily, they will bankrupt him. They will break him one way or another. To someone not familiar with the facts, that may sound an exaggeration, but it is not.

The PRESIDING OFFICER (Mr. SPONG). Who yields time?

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

The PRESIDING OFFICER. On whose time?

Mr. WILLIAMS. Equal division?

Mr. ERVIN. I cannot agree to that.

The PRESIDING OFFICER. Will it be on the Senator's time?

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

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

Mr. WILLIAMS. Mr. President, I shall not take up a great deal of the time of the Senate in these closing minutes before we vote on cloture. We have been all over this ground before and quite recently at that.

When I last spoke in favor of the cloture motion, we were in the 10th day of debate.

Now we are in the 12th day of debate and we have not proceeded very far with this bill.

When the cloture motion was voted on last Tuesday, there had already been 18 rollcalls on this bill. Since the cloture vote, there has only been one rollcall vote, and that was last Tuesday.

We have had 2 more days of time-filling debate on this bill. I do not say that the debate has not been instructive, it has; but it appears clear to me that there is a desire on the part of some Members of the Senate to keep this bill from coming to a vote and third reading.

There is no reason or basis for delay in passing this bill. As I stated 2 days ago, our goal is to increase the employment opportunities of our minorities and women by providing the necessary machinery to bring an end to job discrimination once and for all in our country.

Mr. President, the committee reported a bill that accomplishes this goal in a fair and reasonable manner. The Senate, in its wisdom, has provided a number of improvements to this bill. I do not fear the possibility of the Senate providing still more improvements to this bill.

But, Mr. President, we cannot improve the bill if we do not come to a decision on the remaining nonobstructive amendments and move on to the final decision and a vote on the bill itself.

I believe that we are still under the threat of an attempt to revisit the debates of 1963 and 1964. I think we are too far along the road to continue debating whether minorities and women need protection against job discrimination. I will repeat again, Mr. President, the issue is settled. The only issue before this body is for the Congress to define the scope and kind of enforcement powers that the Government of the United States should have, which will help our disadvantaged Americans to attain equal employment.

I will again remind the Senate that the Committee on Labor and Public Welfare was unanimous in its views that an enforcement mechanism is needed and that the President of the United States agrees that an enforcement mechanism is needed.

Mr. President, I realize, and many of those who are advocating the passage of this bill realize, that legislating civil rights requires a long and hard effort. It is not easy to undo the evils of the past. However, the fact that it is a hard task should not deter us and will not deter me from this effort.

The time has come to provide the EEOC with the tools necessary to end job discrimination. The bill to provide these tools is now on the Senate floor. It may take a great deal more effort to pass this bill. I believe that it is the will of the Senate that this bill pass. I am confident that the Senate will persevere until this job is completed.

I urge the Senate to bring to a close this extended debate and vote for the cloture motion now pending before the Senate on S. 2515.

And, Mr. President, if this cloture motion does not pass, we shall continue to press for speedy consideration and early passage of this bill. It is important to all of the people of the United States. We owe it to our minorities and women and to ourselves to provide this measure of protection.

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

Mr. WILLIAMS. Mr. President, I yield to the Senator from New York.

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

Mr. JAVITS. Mr. President, one has but to look around the Chamber and see the unbroken array of empty desks except for the managers on both sides, and the presence in the Senate for the time being of some to see what has come about. This is strictly a test of voting strength.

No one needs to be convinced, because everyone is convinced or not convinced, as the case may be, or has his own particular idea as to what is going to convince him.

If ever I saw a naked and clear example of a classic case of a civil rights issue which is traditional for filibustering and how the Senate runs, notwithstanding the Constitution, this is it.

The Senate runs by two-thirds and no less, and no measure can pass here except by two-thirds, notwithstanding the Constitution and notwithstanding all of the protestations about the fact that if a majority really wants something, it can get it.

Mr. President, it is tremendously instructive to me also that not even those running for President, or many of them, will be here today. They, too, feel that this is not the final showdown, that it is a naked test and no more, for the votes to be counted. They will come around when they feel the issue is really to be decided. That is the crunch.

I think that is a mistake. I think it is wrong. I think the only way in which these issues are ultimately decided is if there is enough appreciation on the part of enough Senators because of a surge of opinion in the country that causes two-thirds of the Members to vote in favor of cloture.

Nevertheless, this is a display, with no adornment, in its most pristine form of how the Senate operates and how the country operates, because although we cannot do anything without the other body and the President, we can certainly stop anything without the other body or the President. That is the negative power.

The Senator from New Jersey has made it very clear that there is a fundamental policy in the country that there should be no discrimination on the ground of color, sex, or race.

With relation to such deeply held opinions as those concerning jobs—and incidentally in my opinion jobs are the most fundamental issue of all—the fact is that we passed a bill not too unlike this a couple of years ago and we passed a landmark bill 7 years ago. The President of the United States and a great proportion of the people in the country feel that this is one area in which legislation is deserved. Indeed, this is the oldest of the civil rights remedial statutes of modern times because the first State statute was passed in 1945 in my State of New York. And it has been a remarkable success ever since.

In addition, time and experience in all of these 26 years has demonstrated that the hobgoblins raised about the inquisition of companies and individuals

that would be imposed upon and bled white by the litigation in the agencies and by the operation or application of a law like this, are simply Halloween concoctions. And the cases that go to the circuit court of appeals, or in my own State of New York, the appellate courts, are relatively few.

Mr. President, we all know, and know very well, the frustration and chagrin of minorities in this country. We know that the feelings of injustice, in being discriminated against, have erupted in what was tantamount to revolution, and that the United States had a hard time dealing with it, and may again. By no means is it an ended question, especially if we are going to run into, circa 1971, the same kind of attitude as to civil rights legislation that we faced for so many years, which has brought on emotions that erupted in violence and riots and brought our country to the brink of anarchy.

So this is a moment in which to take counsel. We are a very experienced people. We shall overcome; I have no doubt about that whatever. But it will be difficult. In the meantime, much human weakness is exposed, and it is our duty to remedy it.

One final thought. It is very clear—and the reason I speak of this is the naked display of what the power of the filibuster means—it is very clear, again notwithstanding the many obfuscations which come in speeches and declarations that it is a filibuster, that this action is expressly designed to make a majority of the Senate accept the position which it has rejected not once, but in five votes, and that when that position is adopted, the bill may be permitted to pass. I think it is going to pass anyhow, because, as I say, the country can be marshaled behind it if those who are the major opinion makers now will indicate that they are deeply pledged to the success of the bill. The candidates for the Presidency—and they are very influential and important in such a crisis as this, in respect to a very important measure—can make an appeal for it. This is the most important kind of campaigning they can do. I have campaigned a lot myself, and I have always found that there is no substitute for doing the job. The majority leader was very eloquent on that score many days ago. I cannot hope to equal his eloquence, but I am hoping to underline and emphasize the substantive fact that faces us today, when we are about to have a second cloture vote on the bill.

One further observation: We have about gone through the whole gamut of things which could be objected to in the bill on the grounds of policy differences. In each case there has been a resolution of the issue. We started with whether or not the Office of Federal Contract Compliance should be transferred. We decided that it should not.

A number of Senators had disquiet about voluntary services to be used by the Equal Employment Opportunity Commission. We decided very sharply to limit the nature of that service. So we were willing to accept specifically what we had in mind.

We had questions about alleged deficiencies in handling by the Government

of affirmative action plans. We worked out an agreement as to that.

We had questions raised about the ambit of the exemption for religious institutions and educational institutions in respect of their right to discriminate. We voted on that.

In addition, we took care of the small business problem. We compensated small business concerns which might be oppressed by lawyers' fees, et cetera, by making provision for them.

The remaining two issues are the transfer of pattern and practice suits, which is the amendment we are expecting from the Senator from Nebraska (Mr. HRUSKA), and the pending amendment, which seeks to strike out the new applicability of the statute to employers of eight or more employees contrasted with the present number of 25 or more.

Both of those amendments could be disposed of very easily and very definitely in an afternoon. They certainly could be disposed of within the 1-hour rule which will obtain once we have cloture. I think it is fair to say that there is no substantive reason whatever why this matter should not now be brought to a final conclusion, except the fact that the minority has determined that the majority shall have not had its way. That is all it comes to. I say that for this reason. I know the leadership problems are very great. But unfortunately, as happens in so many union and other negotiations around the country, the pressure is always put upon the "good guys." I use that term not invidiously. We should not and will not cave in, because otherwise there will be no bill. Why? Is this a government of the people, for the people, and by the people? Or is it a government by a minority which says, "Give me my way, or I will not let you have anything?"

Sometimes we may decide it is better not to have anything and let those who have responsibility bear the responsibility.

So I think we have reached a critical point. We are on a two-track discussion. It is unthinkable that there should be a question now of taking the bill down. Those in authority had better know what they are doing and whom they are penalizing. We have argued many less important bills than this and for much longer times. There were no concerns then about how busy we were or about taking the bills down.

I think it my duty to state the facts and act accordingly and to resist any effort to take this bill down. It is too early in the session. We have months ahead of us now. The bill is one of the most crucially important for the rights of American people who need this kind of assistance. A majority agrees on that throughout the country.

The PRESIDING OFFICER. All time of the Senator from New York has expired.

Mr. JAVITS. I thank the Chair.

Mr. ERVIN. Mr. President, the bill is an insult to the people of all the States and all the people of the political subdivisions of the States. Talk about government of the people, by the people, and for the people; This would be a government by the EEOC and for the EEOC. It is a bill that seeks to take away from

200 million Americans their right to select their own officials and their own employees.

I think the people of my home town of Morganton, N.C., have enough intelligence to determine for themselves without interference from a Federal agency whom they want to be their officers and employees. I think the people of my county have sufficient intelligence and character to perform that function for themselves. I think the people of my State have enough intelligence and character to decide for themselves whom they wish to have as their officials and State employees.

Here is a proposal to give a commission more power, actually, than the President of the United States has. But we are charged with attempting to frustrate the will of the majority of the Senate. I think that when the Senate of the United States is asked to destroy the federal system of government, and if the majority of the Senate wants to impose that tyranny on the American people, it is time for the minority—if it is a minority—to try to point out to the majority the error of their ways.

All we ask on this cloture vote is that we not be gagged and denied an opportunity to tell the truth about this bill.

One of the most perplexing things to me about the Washington scene is that men are elected to the Senate and to the House of Representatives by the people of their States and the people of their districts and, unfortunately for the cause of liberty, for the cause of self-government, so many Senators and Representatives, shortly after their arrival on the banks of the Potomac, succumb to Potomac fever.

What is Potomac fever? Potomac fever is a disease which causes some kind of psychological or psychiatric condition or obsession in the minds of Senators and Representatives that the people who elected them and sent them to Washington to protect their freedoms and their right of self-rule have not got sense enough and character enough to manage their own affairs or govern themselves.

It has gone so far in this case that this is the most virulent attack of Potomac fever that I have witnessed during the 17 years I have been in the Senate. This disease has got Senators obsessed with the idea that the people in the 50 States, in the thousands upon thousands of political subdivisions in those States, have not got enough character, have not got enough intelligence, to determine for themselves whom they wish to have as officers and as employees to exercise the legislative, the executive, and the judicial powers of the States. And so they ask the passage of a bill like this that would give a commission of five men or women, elected by nobody to do anything, the power to place under bondage to themselves, the power to control who is going to hold office in this country on the State or local level, who is going to be permitted to earn a livelihood.

The Declaration of Independence states, in substance, that all just powers of government are derived from the consent of the governed; and here is a bill which is actually an insult to the intelli-

gence and the character of the people, which says that, instead of these people being allowed to rule themselves and select their own officers and select their own employees, we will have five men sitting here in the midst of the Potomac fever who are going to control all of those things.

This is not a bill to prohibit discrimination. It is a bill to give absolute power to practice discrimination to five men. These men are given power over everybody who belongs to a race—any race—over everybody who has any religion or no religion, over everybody who has any national origin, and over every person of either sex. It gives them jurisdiction over the right of livelihood of everybody in the United States, because if there is only one applicant for a job, there is not going to be any controversy, but where there are two or more applicants for a job—

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

Mr. ERVIN. I yield myself 1 more minute.

The Commission is given the power to say which man of which race is going to have the job, to the exclusion of all men of other races, which man of which religion is going to have the job, to the exclusion of men of all other religions, which man of which nationality is going to have the job, to the exclusion of persons of all other nationalities, and the same thing with respect to sex.

It is another way of saying these States or industries shall not have the power to determine these things, but that this Commission shall have the power to discriminate, because discrimination is nothing more or less than preferring one person to another person.

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

Mr. ERVIN. I yield myself just 1 more minute.

I want to say that everybody who believes that Senators ought not to be gagged to prevent them from expressing the truth, and everybody who believes in the federal system of government, and everybody who believes in freedom, and everybody who believes in self-rule ought to vote to give us a greater opportunity to persuade two more Senators that they erred in voting against the Dominick amendment.

I yield the floor and yield the remaining time to the distinguished Senator from Alabama (Mr. ALLEN).

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from North Carolina for yielding to me.

Mr. President, everyone favors the right of every person in this country to have a fair and equal opportunity, without discrimination of any sort, to obtain employment where employment opportunities present themselves.

This is not a case of the proponents of the bill being opposed to discrimination, and the opponents of the bill being in favor of discrimination. Not one single amendment has been directed against any of the basic substantive rights of our people.

There are two issues involved in the bill before the Senate at this time. One, shall the power of the EEOC be extended over State, county, and city governments, and agencies of State, county, and city governments? Shall it be extended over every educational institution in the country, including church-supported schools, every college, every university, every private school, every high school, every elementary school? Shall it apply to every employer of as many as 8, rather than the current limit or minimum for coverage of 25?

The second issue is, How shall the rights of the people to be protected against discrimination be enforced?

Not one single thing is being sought to be taken away from the power of the EEOC by the opponents of this bill. The distinguished Senator from New Jersey has said that the enforcement mechanism is needed. He wants the enforcement mechanism by the same agency which receives the charges, which investigates the charges, which prosecutes the charges, and which decides the charges, which issues a cease and desist decree against the respondent, whereas the opponents of the measure would like to follow the procedure that the House of Representatives follows, to have court enforcement of the rights of our people to be protected against unfair labor practices.

Mr. President, debate should not be brought to a close on this issue. There is no pressure whatsoever on the Senate. The majority leader is having double-header sessions of the Senate. We are operating two sets of procedures; we are having a discussion of this bill (S. 2515) for part of the day, and then going on with the rest of the calendar.

I repeat, debate on this issue should not be brought to a close. If the cloture motion is defeated, I would hope that the majority leader would lay this measure aside, but that would not be the end of the matter, because the very next bill on the calendar is the House bill (H.R. 1746). That could come up later, and in all likelihood be enacted into law.

But if cloture does prevail today, all bars would be down and the majority could write the bill to suit themselves, and we would be sure to vest in EEOC full power as judge, jury, and prosecutor; whereas, if debate is allowed to continue, there might be some possibility, even if we stay on the bill, that an agreement might be reached.

Mr. President, a great deal has been said about the "good guys," which the opposition Senators characterize themselves as being. I assume that makes the opponents of this measure the "bad guys."

No one favors discrimination. As I say, the only issue is how these rights shall be enforced. Shall it be before a supposedly impartial judge, or before the Commission, which has received the complaint, investigated the complaint, brought the charges, and then reaches the decision?

The distinguished Senator from New York (Mr. JAVITS) has called on the Members of the Senate to rise above

their views and their opinions with regard to this measure, and vote to end debate. So apparently, according to the distinguished Senator from New York, any time a majority of the Senate votes one way, there is to be no field of operation for rule XXII.

Mr. President, the Senate decides every 2 years that rule XXII is to remain in full force and effect just as it is. That issue has been brought up every 2 years here for more than the last decade. So apparently the Senate wants the protection of requiring a two-thirds vote to cut off debate. But apparently the distinguished Senator from New York feels that every time a bare majority is arrived at with respect to a bill, all public debate should end, and that there should be no field of operation for rule XXII.

Now he says that the issue of whether we shall have court enforcement or commission enforcement has been decided five times. According to the recollection of the junior Senator from Alabama, one of those decisions was adverse to the view of the distinguished Senator from New York, and the proponents of the bill carried on extended debate or filibuster for a day or two to prevent the Senate from exerting its will at that time, which was in favor of court enforcement instead of commission enforcement.

So, Mr. President, I submit that debate should not end on this measure, and I am hopeful that Senators will stand firm.

Where is the great demand for this bill? The Senators who seem to favor it are not present.

The PRESIDING OFFICER (Mr. MONDALE). All time has expired.

Mr. ALLEN. I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 1:45 p.m. having arrived, pursuant to the unanimous consent agreement, and under rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 2515), a bill to further promote equal employment opportunities for American workers.

Harold E. Hughes
Jennings Randolph
Gaylord Nelson
Claborne Pell
Edward M. Kennedy
Phillip A. Hart
Lee Metcalf
Joseph M. Montoya
Jacob K. Javits
Charles H. Percy
Gordon Allott
Mark O. Hatfield
Harrison A. Williams, Jr.
Robert T. Stafford
Richard S. Schweiker
J. Glenn Beall, Jr.
Ted Stevens
Marlow W. Cook

CALL OF THE ROLL

The PRESIDING OFFICER. Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 29 Leg.]

Aiken	Fannin	Moss
Allen	Fong	Nelson
Allott	Fulbright	Packwood
Anderson	Gambrell	Pastore
Beall	Goldwater	Pearson
Bellmon	Griffin	Pell
Bennett	Gurney	Percy
Bentsen	Hansen	Proxmire
Bible	Harris	Randolph
Boggs	Hart	Ribicoff
Brock	Hatfield	Roth
Brooke	Hollings	Saxbe
Buckley	Hruska	Schweiker
Burdick	Hughes	Smith
Byrd, Va.	Inouye	Sparkman
Byrd, W. Va.	Jackson	Spong
Case	Javits	Stafford
Chiles	Jordan, N.C.	Stennis
Church	Jordan, Idaho	Stevens
Cook	Kennedy	Stevenson
Cooper	Long	Symington
Cotton	Mansfield	Talmadge
Cranston	Mathias	Thurmond
Curtis	McClellan	Tower
Dole	McGee	Tunney
Dominick	McIntyre	Weicker
Eagleton	Metcalf	Williams
Eastland	Miller	Young
Ellender	Mondale	
Ervin	Montoya	

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER (Mr. MONDALE). A quorum is present.

VOTE

The PRESIDING OFFICER (Mr. MONDALE). Pursuant to rule XXII, a rollcall has been had, and a quorum is present.

The question before the Senate is, Is it the sense of the Senate that debate on S. 2515, a bill to further promote equal employment opportunities for American workers, should be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Sen-

ator from South Dakota (Mr. McGOVERN) and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

I further announce that, if present and voting, the Senator from South Dakota (Mr. McGOVERN), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Indiana (Mr. HARTKE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The yeas and nays resulted—yeas, 53, nays 35, as follows:

[No. 30 Leg.]

YEAS—53

Aiken	Hart	Pastore
Allott	Hatfield	Pearson
Anderson	Hughes	Pell
Beall	Inouye	Percy
Bellmon	Jackson	Proxmire
Bentsen	Javits	Randolph
Boggs	Jordan, Idaho	Ribicoff
Brooke	Kennedy	Saxbe
Burdick	Mansfield	Schweiker
Case	Mathias	Smith
Church	McGee	Stafford
Cook	McIntyre	Stevens
Cooper	Metcalf	Stevenson
Cranston	Mondale	Symington
Eagleton	Montoya	Tunney
Fong	Moss	Weicker
Griffin	Nelson	Williams
Harris	Packwood	

NAYS—35

Allen	Eastland	Long
Bennett	Ellender	McClellan
Bible	Ervin	Miller
Brock	Fannin	Roth
Buckley	Fulbright	Sparkman
Byrd, Va.	Gambrell	Spong
Byrd, W. Va.	Goldwater	Stennis
Chiles	Gurney	Talmadge
Cotton	Hansen	Thurmond
Curtis	Hollings	Tower
Dole	Hruska	Young
Dominick	Jordan, N.C.	

NOT VOTING—12

Baker	Hartke	Mundt
Bayh	Humphrey	Muskie
Cannon	Magnuson	Scott
Gravel	McGovern	Taft

The PRESIDING OFFICER (Mr. COTTON). On this vote there are 53 yeas and 35 nays. Two-thirds of the Senators present and voting not having voted in the affirmative, the cloture motion is rejected.

Mr. BYRD of West Virginia. Mr. President, I have been asked by the distinguished Senator from Indiana (Mr. HARTKE) to insert the following statement in the RECORD. I ask unanimous consent that his statement be printed in the RECORD.

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

Mr. HARTKE. Mr. President, I deeply regret that I was unable to be present today to vote for the petition to limit debate on S. 2515, the Equal Employment Opportunities Enforcement Act. Had I been present I would have voted to invoke cloture. I feel

that a major flaw in the American democratic system has been the failure to secure equal employment opportunity for all American citizens. It is my opinion that S. 2515 of which I am proud to be a co-sponsor will provide the necessary enforcement powers to permit the Equal Employment Opportunity Commission to act affirmatively to eliminate discrimination in employment.

ORDER FOR STAR PRINT OF SENATE RESOLUTION 241

Mr. PERCY. Mr. President, in the absence of the Senator from South Dakota (Mr. McGOVERN), I ask unanimous consent that because of a printing error a star print of Senate Resolution 241, 92d Congress, second session, be printed correcting Sec. 2(a)(5) to read as follows:

(5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(1) of the Legislative Reorganization Act of 1946, . . .

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

AMENDMENT TO THE STATUTE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY AND CONVENTION WITH NORWAY—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from an amendment to article VI of the Statute of the International Atomic Energy Agency (Executive C, 92d Congress, 2d session) and the tax convention of December 3, 1971, with Norway (Executive D, 92d Cong., second sess.), transmitted to the Senate today by the President of the United States, and that the amendment and convention, with accompanying papers, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

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

The messages from the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to acceptance, I transmit herewith a certified copy of the amendment to paragraphs A, B, C, and D of Article VI of the Statute of the International Atomic Energy Agency, approved by the General Conference of the Agency on September 28, 1970.

This amendment recognizes both the increasingly important role that several member nations are playing in the development of nuclear technology as well as the increase in the size of the membership of the International Atomic Energy Agency, from fifty-eight in 1957 to one hundred-two in 1971. The amendment expands the size of the Board of Governors from twenty-five to thirty-four or possibly thirty-five members. The number of elected members is increased from twelve to twenty-two members, and the number of members designated as most

advanced in the technology of atomic energy is increased from five to nine. The amendment also continues the provision for representation by designated members of geographic areas not represented by the most advanced nine states, while it eliminates other categories of designated members.

The report by the Acting Secretary of State with respect to the amendment is also transmitted herewith for the information of the Senate.

RICHARD NIXON.

THE WHITE HOUSE, February 3, 1972.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and the Kingdom of Norway for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and property, signed at Oslo on December 3, 1971.

For the information of the Senate, I transmit also the report of the Secretary of State with respect to the convention and copies of two notes signed and exchanged on the same date as the convention and relating to understandings concerning certain provisions of the convention, as explained in the Secretary's report.

The existing income-tax convention with Norway of June 13, 1949, as modified and supplemented by a supplementary convention of July 10, 1958, would be terminated and replaced by the new convention when the latter comes into force.

The new convention follows the general pattern of bilateral income-tax conventions now in force between the United States and a number of other countries. It takes into account changes in United States and Norwegian tax laws and developments reflected in recent tax treaties concluded by the two countries with other countries. So far as policy and technical considerations permit, the convention follows the model draft convention of the Organization for Economic Cooperation and Development published in 1963.

The substance of the new convention is similar to that of income-tax conventions recently concluded with France, Belgium, and Japan. The provisions of the convention are outlined in the Secretary's report.

I recommend that the Senate give early and favorable consideration to the convention.

RICHARD NIXON.

THE WHITE HOUSE, February 3, 1972.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily, until tomorrow morning, and the Senate now turn to the consideration of Calendar No. 567, H.R. 12067.

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not object, I would want to get the feeling of the majority leader as to whether we are

facing a permanent curtailment of the first track; and if so we should know it. If it is only that the majority leader feels that we have had a rather important vote and that we might finish the foreign aid bill if we were to go ahead a little earlier than originally planned, that would be another matter. However, I do think we ought to know the intent with which the unanimous-consent request is made.

Mr. MANSFIELD. Mr. President, the distinguished assistant majority leader in my absence, and with my approval, stated yesterday that it was the intention of the leadership, speaking for myself only, that if the cloture motion failed we would revert immediately to the foreign aid bill in the hope that we would finish that business today, and if not today, certainly tomorrow at the latest. It was also said that the Senate would be in session only until 5 o'clock today. The reason for that is that there is a big Democratic fundraising affair today and we intend to be there. That is a tit-for-tat proposition. We do the same for the Republicans. And that is in brief all I have to say.

Mr. JAVITS. I think that is the answer.

The PRESIDING OFFICER. The bill will be stated.

The legislative clerk read as follows:

Calendar No. 567, H.R. 12067, a bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending amendment before the Senate is amendment No. 854 offered by the Senator from Florida (Mr. GURNEY), which the clerk will report.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The clerk will not report the amendment until we have order. Let the conversations cease. If Senators wish to converse, they will please retire to the cloakroom. We will suspend until we have complete order.

The clerk will report the amendment.

The assistant legislative clerk read as follows: The Senator from Florida (Mr. GURNEY) offers an amendment as follows:

On page 14, line 5, beginning with the proviso, strike all the language down through line 9 on page 14.

The PRESIDING OFFICER. Under the agreement there is a time limitation of 1 hour on the amendment, the time to be controlled by the proponent of the amendment, the Senator from Florida (Mr. GURNEY) and the Senator from Wisconsin (Mr. PROXMIRE).

Mr. PROXMIRE. Mr. President, will the Senator from Florida yield briefly to me?

Mr. GURNEY. Before I do, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. GURNEY. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, will the Senator from Florida permit a short quorum call, so that I may have members of my staff come to the floor?

Mr. GURNEY. So long as the time is not taken from the time on the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time for the quorum call be taken from the time on the bill, not from the time on the amendment, and that the time be equally divided.

The PRESIDING OFFICER. Is there objection to taking the time for the quorum call from the time on the bill? The Chair hears none, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. 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. PROXMIRE. Mr. President, I understand that the Senator from Florida (Mr. GURNEY) has the floor. With his permission, I should like to speak briefly on a matter that does not relate to the bill, but is a personal matter of great concern to me and the Senator from Alabama (Mr. SPARKMAN). I will take the time for my remarks from the time on the bill.

The PRESIDING OFFICER. The Senator from Florida has not been recognized. The Chair now recognizes him. I understand that the Senator from Florida does yield to the Senator from Wisconsin.

Mr. GURNEY. I yield.

The PRESIDING OFFICER. From whose time will the time for the Senator's remarks be taken?

Mr. PROXMIRE. From the time on the bill.

The PRESIDING OFFICER. The Senator from Wisconsin may proceed.

PERSONAL STATEMENT OF SENATOR PROXMIRE

Mr. PROXMIRE. Mr. President, in this morning's newspaper, Jack Anderson's column disturbed me very deeply. He has implied that I accused the Senator from Alabama (Mr. SPARKMAN) of stalling on my proposed legislation to reduce title insurance charges because of alleged pressure from banks and others against the bill. Such a charge is totally without foundation. At no time have I accused Senator SPARKMAN of deliberately delaying hearings on the legislation because of outside pressure. I am sure that Senator SPARKMAN would never deliberately sidetrack legislation in the public interest because of pressure from special interest groups.

Members of the Senate often differ sharply on legislation. However, I am certain that Senator SPARKMAN, along with every other Member of the Senate, acts according to his view of the public interest and not in response to outside pressure. It is most unfortunate that certain quotations from my correspondence with Senator SPARKMAN, taken out of context and embellished with Mr. An-

person's own inferences, leave the erroneous impression that I was personally critical of Senator SPARKMAN.

Since my correspondence with Senator SPARKMAN, I have developed an alternative approach to reducing closing costs, but one which I am sure will still be opposed by the same groups opposing my original bill. On his own initiative, Senator SPARKMAN has agreed to consider this alternative. That is going on right now. We started our markup session this morning. I do not know how the chairman could give the proposal more expeditious consideration.

So there is a good chance that the bill will be reported to the Senate in the next month. I think it is important that this proposal should have prompt consideration, because it will have a profound effect on the banking industry and should be considered swiftly. I believe there is a good chance that the bill might be enacted this year.

I am writing to Jack Anderson—and I have a copy of the letter here—telling him that if he had checked with me personally before writing his column, he would have learned of Senator SPARKMAN's agreement to consider this alternative suggestion as legislation.

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

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

FEBRUARY 3, 1972.

Mr. JACK ANDERSON,
The Washington Post,
Washington, D.C.

DEAR MR. ANDERSON: I was deeply disturbed over an implication in your column of February 3 that I accused Senator John Sparkman of stalling on my legislation to reduce title insurance charges because of alleged pressure from banks and others against the bill. Such a charge is totally without foundation. At no time have I accused Senator Sparkman of deliberately delaying hearings on the legislation because of outside pressure. I am sure that Senator Sparkman would never deliberately sidetrack legislation in the public interest because of pressure from special interest groups.

Members of the Senate often differ sharply on legislation. However, I am certain that Senator Sparkman, along with every other member of the Senate, acts according to his view of the public interest and not in response to outside pressure. It is most unfortunate that certain quotations from my correspondence with Senator Sparkman, taken out of context and embellished with your own inferences, leave the erroneous impression that I was personally critical of Senator Sparkman.

Since my correspondence with Senator Sparkman, I have developed an alternative approach to reducing closing costs, but one which I am sure will still be opposed by the same groups opposing my original bill. This alternative approach would strengthen and expand the existing authority of the Department of Housing and Urban Development to regulate real estate closing costs. I might add that the existing authority of HUD was enacted largely at the initiative of Senator Sparkman.

Senator Sparkman has agreed to consider this alternative approach during the Senate Banking Committee's executive session on housing legislation, and I believe there is an excellent chance that something effective can be enacted into law this year. Had you checked with me personally before writing your column, you would have learned of

Senator Sparkman's agreement to consider this alternative version of my legislation.

With best wishes, I am
Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

Mr. PROXMIRE, Mr. President, this is the first time, in the years I have been in the Senate, in which this kind of most unfortunate incident has developed.

I want to apologize to the Senator, for whom, as I have said, I have a great admiration, and who has contributed to this country in so many ways, particularly in the housing field.

Mr. SPARKMAN, Mr. President, will the Senator yield to me?

Mr. PROXMIRE, I am happy to yield to the Senator from Alabama.

Mr. SPARKMAN, I wish to tell the Senator from Wisconsin that I greatly appreciate the statement he has made.

I read the item this morning, and I knew that somebody had gotten wrong information, because, as the Senator knows, at the very first executive session we had in the committee this year, we discussed this very matter. It was then that I stated to the committee that we had to have hearings on his matter, because it was one with which we were all very concerned. Of course, we had directed the Department of Housing and Urban Affairs to make a study of this whole subject and make a report. The report had not come in. I said we had to hold hearings.

Then the Senator from Wisconsin said that he decided he would offer it as an amendment to our housing bill. I said that would be fine. In other words, we had worked it out in the very first executive session we had this year. So what was written in the paper did not jibe with the facts.

Furthermore—I think the Senator will bear me out in this—I have never tried to block anybody's legislation in that committee.

I think it might be in order just to recall one little incident. Former Senator Douglas, who was here for many years, tried very hard to get through a truth in lending bill. Senator Douglas was defeated at about the time I became chairman of the committee, and the Senator from Wisconsin will recall that he came to me right after that and said he felt very strongly about this truth in lending legislation and when Senator Douglas was gone he was going to take it over and try to put it through. The Senator from Wisconsin will verify the statement that I told him I would cooperate and help him get that legislation enacted, and we got it enacted.

Mr. PROXMIRE, The Senator is exactly right. As I said, in the 14 years I have been on the committee, I have never known the Senator from Alabama to try to stop legislation. In the years since he has been chairman of that committee, which is 5 years now, the legislation that has been offered has all been considered. The committee has had a chance to act on it. There has been no stalling, no delay—none. So I am most shocked, and I think it is greatly unfair to the Senator from Alabama, who has made a point of being very sensitive to the wishes of

committee members, Democrats and Republicans, to have fair and full and speedy consideration of legislation.

Mr. SPARKMAN, I thank the Senator. Mr. TOWER subsequently said: Mr. President, I would like to make a few comments on the inaccurate newspaper article regarding a title insurance bill, referring to the chairman of the Committee on Banking, Housing, and Urban Affairs, printed in Jack Anderson's column this morning.

Senator SPARKMAN has worked very diligently over his career in Congress to protect and enhance the public interest in any legislation that has come under the jurisdiction of the Banking Committee. He has been among the foremost supporters of legislation in this or any other Congress to assist the small businessman to survive and prosper in this postwar era where economies of scale have otherwise become the determinant of business success. He has been the prime sponsor of and has been heavily responsible for most of the major housing legislation of the 1960's and 1970's and many people today who live in decent houses owe that fact in a substantial way to the programs to assist housing construction and ownership which Senator SPARKMAN has handled in the Housing Subcommittee. He was deeply involved in the bill to establish the Securities Investor Protection Act of 1970, which set up the insurance fund to protect the small investor from loss due to brokerage firm failure. He has also, I believe been in agreement more often than not with Senator PROXMIRE, including such bills as truth-in-lending and fair credit reporting. These are just some of the pieces of legislation which the Senator from Alabama has been instrumental in seeing enacted into law; Congress has seen many, many bills handled by this skillful advocate of the public interest, and has seen many poor pieces of legislation rejected because of the Senator from Alabama's adherence to principles of thorough hearings and exploration of issues before legislating.

Mr. President, the Banking Committee operates very much on a consensus basis. We handle a large volume of business in that committee, and we are able to do this because of the type of leadership toward cooperation which the Senator from Alabama provides to the committee. When we do have vigorous differences of opinion in committee, as we have on a number of occasions, it is still Senator SPARKMAN's guiding hand that brings legislation out and gets it passed with the emphasis on the spirit of compromise between the opposing sides.

In reference to the title insurance and settlement cost questions raised in the newspaper article this morning, in fact the HUD study of these questions, which we would need as the basic reference document for hearings on the Proxmire title insurance bill, has not yet been completed. I would like to see this study completed before we take up this bill, and I believe the chairman has acted correctly in postponing separate consideration of this bill until we have this document and have had a chance to review it. That is simply all there is to the background of

this matter, and I would like for the RECORD to be clear on this question.

AUTHORIZATION FOR EULOGIES TO FORMER SENATOR THOMAS J. DODD, OF CONNECTICUT, TO BE PRINTED AS A SENATE DOCUMENT

Mr. RIBICOFF. Mr. President, I ask unanimous consent that eulogies expressed by Senators with respect to our late, departed former colleague, Senator Thomas J. Dodd, be printed as a Senate document.

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

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 12067) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER (Mr. BEALL). How much time does the Senator from Florida yield to himself?

Mr. GURNEY. Such time as I may require, Mr. President.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GURNEY. Mr. President, this amendment strikes from the language of the bill the italicized language on page 14, which would phase out the Cuban Refugee program beginning February 22 of this year, just a few days from now.

I also ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment: Senators WEICKER of Connecticut, JACKSON of Washington, MUSKIE of Maine, McGOVERN of South Dakota, WILLIAMS of New Jersey, KENNEDY of Massachusetts, and STEVENSON of Illinois.

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

Mr. GURNEY. Mr. President, for about 12 years now the United States has welcomed with open arms refugees from Castro communism in Cuba. The flow of refugees from that unhappy island started to the United States of America shortly after Castro came into power. During the early years the refugees came over on commercial airplanes, and actually in far greater numbers than they have in later years in the airlift, trying to get out of Cuba and away from communism.

Early in this flight from Cuba, the United States recognized that there was a very special problem, as far as helping out in the resettling of these refugees from Castro was concerned, and as early as the Eisenhower administration, a relief and welfare program was established by the Federal Government to help out the State of Florida in its financial problems caused by this influx of refugees.

Somewhat later a Cuban refugee center was established in Miami. Even later, during the Kennedy administration, a resettlement program was undertaken to transfer some of the refugees, a portion

of them, to other parts of the United States, so all the burden would not be placed upon Florida.

During four administrations now, under President Eisenhower, President Kennedy, President Johnson, and President Nixon, we have recognized this Cuban refugee program and we have assisted the States involved, that number not only Florida but 13 other States, in rather substantial size, and others of lesser size, in financial liability for this refugee program.

What we have here is a national program, not a State program, and this was dramatically and highly emphasized during President Johnson's administration when he publicly extended the hand of welcome and freedom to any refugee in Cuba who wanted to flee Castro and come to the United States.

The reason why the President did that was that Castro himself, in the year 1965, in September, broadcast to the world that anybody who wanted to leave Cuba could do so, and that he, Castro, would assist him in leaving. President Johnson took up this challenge and extended the hand of welcome to anyone who wanted to leave Cuba and come to this country.

So what we have here is a national program, a national program launched by a President of the United States and backed up by four Presidents of the United States and four administrations, to encourage and aid in this Cuban refugee program.

It has become a quite sizable program moneywise, and this bill provides \$129 million for the program, which emphasizes the importance to the various States involved in helping out the Cuban refugees.

All of a sudden, in this bill, with this language that I am seeking to strike out, this Cuban refugee program will be terminated starting February 22 of this year. Actually, the language says that all of those refugees who have been here 3 years or more will not be entitled to further medical or welfare payments. Well, what this means, of course, is that the burden is going to be cast upon the several States.

As a matter of fact, a letter from the Secretary of the Department of Health, Education, and Welfare, Mr. Richardson, points out that if this language is not taken out of the bill, then \$68 million is going to have to be taken up by the various States to take care of the welfare program.

In a State like Florida, that has 350,000 of these refugees, this is going to be a burden that we cannot possibly sustain. It would bankrupt the State. In other States, California, New York, New Jersey, Massachusetts, Illinois, as well as many others, the burden is less, but also substantial.

I cannot for the life of me see how the U.S. Government, after having taken an official position for 12 years and extended a hand of welcome to these refugees, and encouraged them to come here and resettle here, can now cut off, on a few weeks' notice, the welfare payments that are so necessary to take care of those refugees who do not have the funds to take care of themselves.

I would like to point out, Mr. President, that actually this has been one of the best immigrations the United States of America has ever had. We got the cream of the crop as far as the Cubans are concerned. People came over to this country who are lawyers, doctors, scientists, and engineers, including, for example, the entire faculty of the University of Havana Medical School. There are thousands of doctors from Cuba practicing medicine in the United States today. Some of their top leaders of government and top businessmen came over. In many cases, they have started new businesses and created great wealth in this country. They have been a class of immigrants which has not been equaled in the history of the United States. The unemployment rate among the Cubans is considerably less than that of the rest of the United States, and so is the welfare rate. As a matter of fact, the only people who are on welfare and receive funds from this program are the elderly who are too old to work and the sick who are too sick to work.

These people came over here at our invitation with literally only the clothes on their backs. Castro confiscated their property in Cuba, and they left Cuba and came to the United States penniless. So indeed we do have an obligation as a nation to pick up this welfare bill. It is not a State problem at all; it is a national problem, and I think and hope that the Senate of the United States today will agree to this amendment and strike this language from the bill.

The administration favors the position of the sponsors of this amendment; and the Secretary of Health, Education, and Welfare, in a letter to Senator SCOTT, the minority floor leader, dated January 28, 1972, stated as follows:

DEAR SENATOR SCOTT: The action taken by the Senate Committee on Appropriations, in the 1972 Foreign Assistance Appropriation Bill (H.R. 12067), reducing the amount for the Cuban Refugee Program to \$129,000,000 and placing an abrupt and severe restriction on Federal reimbursements to the States for refugee welfare and medical assistance, has serious implications for the States and communities which have so generously accepted substantial numbers of refugees during recent years.

Then the letter refers to the language in the bill which this amendment would strike. It goes on to say:

Enactment of this provision would mean a withdrawal, during the remainder of fiscal year 1972 and fiscal year 1973, of Federal refugee reimbursements to the States totaling \$68,000,000. Of this amount, an estimated \$28,000,000 would be made up by Federal reimbursements under the regular public assistance and medical assistance programs, and \$40,000,000 would have to be provided from State funds. . . .

Under these circumstances, the effect of the provision proposed by the Committee would be simply to shift to the States, without warning and with little advance notice, a large portion of the financing of refugee assistance.

Then it goes on to point out how difficult the fiscal situations of those States are already with regard to welfare payments.

So really what the Secretary is saying here is backing up my argument that it

is a national program, that it is a problem of the Federal Government, and that the States should not be saddled with this burden.

Mr. GRIFFIN. Mr. President, will the Senator from Florida yield?

Mr. GURNEY. I yield to the able assistant minority leader.

Mr. GRIFFIN. Mr. President, I would like to indicate my support of the amendment of the Senator from Florida, and also to confirm what he has said insofar as the position of the administration is concerned.

I have a copy of the letter written to Senator SCOTT, the minority leader, by the Secretary of Health, Education, and Welfare. The Senator from Florida has read some of the most pertinent paragraphs.

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

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

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., January 28, 1972.

Hon. HUGH SCOTT,
Minority Floor Leader,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: The action taken by the Senate Committee on Appropriations, in the 1972 Foreign Assistance Appropriation Bill (H.R. 12067), reducing the amount for the Cuban Refugee Program to \$129,000,000 and placing an abrupt and severe restriction on Federal reimbursements to the States for refugee welfare and medical assistance, has serious implications for the States and communities which have so generously accepted substantial numbers of refugees during recent years.

We refer specifically to page 14, lines 5-9 of the Bill as reported by the Committee: "Provided further, That none of the funds made available herein shall be available after February 22, 1972, to furnish medical and welfare payments to refugees who have resided in the United States for three years or more." (Emphasis added.)

Enactment of this provision would mean a withdrawal, during the remainder of fiscal year 1972 and fiscal year 1973, of Federal refugee reimbursements to the States totaling \$68,000,000. Of this amount, an estimated \$28,000,000 would be made up by Federal reimbursements under the regular public assistance and medical assistance programs, and \$40,000,000 would have to be provided from State funds.

Recent court decisions have made clear that aliens cannot be excluded from our regular public assistance and medical assistance programs, and that this applies both to those programs which are federally aided (old-age assistance, aid to the permanently and totally disabled, aid to the blind, aid to families with dependent children, and Medicaid) and to those programs which are financed entirely from State or local funds (general assistance, home relief, etc.).

Under these circumstances, the effect of the provision proposed by the Committee would be simply to shift to the States, without warning and with little advance notice, a large portion of the financing of refugee assistance. The difficult fiscal situations of the States are well known. Last year, at least nineteen States found it necessary to reduce their assistance payments to American citizens. We anticipate that a sudden shifting from Federal to State financing of a substantial portion of the refugee assistance funding will necessitate further reductions

by the States in their welfare payments to our citizens.

This is precisely the type of situation which we believe should be avoided.

While we concur with the concept of a time-limited Federal responsibility for refugee welfare and medical assistance, we believe that a transition from the present situation should be made in a carefully planned and orderly fashion that will result in minimum hardship for both the States and the people involved. This is why this Department has committed itself to effecting substantial reductions in the refugee program upon the anticipated effective date of Welfare Reform legislation. Such legislation will enable most of the refugee assistance cases to be transferred to the regular programs without a severe financial impact on the States.

The anticipated effective date of Welfare Reform legislation is July 1, 1973. Therefore we can assure the Committee and the Congress that a substantial reduction will occur in the refugee program request for fiscal year 1974.

In addition, we have been advised that the airlift of refugees from Cuba to Miami will terminate prior to the end of the present fiscal year. The President's budget request for fiscal year 1973 does not include any funds for the airlift. Therefore we can also assure the Committee and the Congress that the entire refugee program will be phased out as rapidly as this can be accomplished without hardship to States and communities which have received the impact of substantial numbers of refugees. In fact, a phasing down of the program has already begun with a reduction of 30 percent in the Federal refugee program staff in Miami as a result of the diminished airlift flow experienced during the past few months.

It is our firm conviction that approval of the reduced amount indicated as needed for fiscal year 1972 (\$139,000,000 rather than the original request of \$144,103,000), together with the plan we have outlined above, provides the best possible means for an orderly transition from the present Federal refugee efforts to a complete phaseout of the program without placing a burden on many of our States and communities.

We urge that the Senate give careful consideration to this matter and act favorably upon the full amount indicated as needed for the present fiscal year.

With kindest regards,
Sincerely,

ELLIOT RICHARDSON,
Secretary.

Mr. GRIFFIN. The amendment of the Senator from Florida would be helpful as far as the administration is concerned, and I wish to indicate that I hope it will be adopted.

Mr. GURNEY. I thank the distinguished assistant minority leader.

So, in summing up, then, Mr. President, what we have here is a national commitment to undertake to help out the States and furnish the necessary health, education, and welfare funds for the Cuban refugees who need them. It has been supported by four administrations. It is a continuing national commitment. It is a Federal obligation, and I would sincerely hope that the Senate, by the adoption of this amendment, will continue the national commitment and national policy made by those four administrations.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

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

I must say that I oppose the amendment of the distinguished Senator from Florida with great reluctance. He and Senator CHILES have worked very hard on this measure. I know how strongly they feel and how strongly the people of their State feel. At the hearings, the representation from the people of Miami was most impressive. The people who appeared were sincere and made a fine impression on the committee.

The difficulty with this program is that it is tremendously unfair, and imposes an enormous and growing burden on the Federal Government, with no end in sight.

What we really do in the Senate bill is allow \$29 million more than the House for Cuban refugees. We have modestly and moderately reduced the impact of the whole bill by saying that, after Cuban refugees have been here for 3 years, the localities should be able to assume the costs of welfare. This applies only for those who have been here more than 3 years and is a relatively limited and modest part of the whole burden. In fact, it is less than 10 percent.

The fact is that these Cubans have contributed immensely to our country, and especially to the Miami area. A recent article in Life magazine, published just in December, says this:

They comprise a fourth of the area's population, and their average income has risen to a healthy \$8,000 for each family. More than half own their own houses, and they pump a total of \$600 million a year into the local economy.

What we are saying is that no matter how diligent and how affluent most of the Cuban refugees may have become—and the record seems clear that they have succeeded—under present procedures, the Federal Government is going to take care of a substantial number forever on welfare. It seems to me this is too much.

Although it is not in the bill, we do have report language which proposes that we try to terminate the program by the end of next year. Frankly, the purpose of the language is to try to persuade HEW to come before our committee with an orderly, reasonable phaseout program. It might be 2, 3, 4, or 5 years, whatever is appropriate. But I do not think it is fair for this program to go on indefinitely and to go on in this way, with the Federal Government taking care of the welfare and of the education of these children. When these Cuban refugees come over, they are given training at the cost of the Federal taxpayer in programs in Maryland, Hawaii, West Virginia, Connecticut, and other States. I have no objection to continuing these programs for some time, even for several years. And I have no objection to our covering welfare for the great majority of these people who need welfare. When they come here, many cannot speak our language; many, of course, are very poor. Most of them come here with nothing, although some do have relatives who can help.

The evidence is overwhelming that these are very diligent, hardworking, prosperous, successful people, and for

the Federal Government not to have any limit is unfair, certainly, to the rest of the States. It is true that there are some in every State, or almost every State. There are some in my State of Wisconsin. I believe some of these refugees are in New York and Illinois and Hawaii and Connecticut as well. But the great majority—at least, the heaviest concentration—has been in the Miami area, and the great benefit has been to Miami.

It seems to me that we should proceed with the language in the bill—it makes a very small reduction—and arrange it so that those who are not benefiting from the work of these refugees will carry a smaller proportion of the cost. In this way, after a refugee has been here 3 years, the welfare burden would shift from the Federal to the local government.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GURNEY. I yield such time as he requires to the Senator from Florida.

Mr. CHILES. I thank the distinguished senior Senator from Florida for yielding time to me on this amendment.

I am a cosponsor of the Senator's amendment, and I feel that it is essential and necessary for fairness to be carried out in this program. As has been pointed out in the debate, this program really was started by the Federal Government in 1965, and at that time Miami was selected to be the port of entry. That was not something for which Florida asked. That was not something for which Miami asked. That was something that the U.S. Government selected, and Congress certainly approved of the program.

Since that time, we have set up measures whereby there can be some special assistance by way of welfare and medical payments to refugees who come in under the program.

The great problem we have with a cutoff date is presently, under the existing system, of the State and the Federal Government sharing in the welfare program. If you place a cutoff date in this bill, what you are saying to those people who are eligible and who can qualify for assistance under our existing welfare program is that the States are going to be responsible for carrying on the major share of that burden. Perhaps \$68 million will be saved on this program if this cutoff date is put in, but \$40 million of that will be passed over to the States, and the State of Florida is going to be passed over with respect to \$12 million to \$14 million of that money. That is a burden for which Florida did not ask. Florida has a tremendous burden with respect to State services by virtue of having these new citizens, these new refugees, in the State.

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

Mr. CHILES. I yield.

Mr. RIBICOFF. I have joined the distinguished Senators from Florida in this matter because I feel that the Congress has a specific moral obligation to the State of Florida and to the Cuban refugees.

At the time the entire Cuban refugee problem hit the Florida area, I was Secretary of Health, Education, and Welfare in the Kennedy administration.

After the Bay of Pigs disaster, it became obvious that the United States had an obligation to the Cuban refugees who sought the United States as a refuge. I recall that President Kennedy asked me to go to Florida where most of the refugees settled to set up a program to meet their needs. We had never had anything like this before, but a program was established quickly and effectively.

President Kennedy felt, and I believe every Member of Congress felt, that there was a specific moral obligation, owed to the Cuban refugees, and the States which received them. We recognized that Florida was unique, because of its proximity to Cuba.

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

Mr. RIBICOFF. I yield.

Mr. PROXMIRE. How long would the Senator continue this program? This was 10 years ago. The Senator was right. I supported the program then and would continue to support it, but we ought to begin phasing it out sometime. That is what we try to do here. We would still have the Federal Government bear 90 percent or so of the total cost.

Mr. RIBICOFF. I point out to the Senator that, so far as welfare is concerned, he is about to take a retrogressive step. I will predict that within a few months we will be modifying the entire welfare program. Although there are differences of opinion, we may end up with a Federal takeover of welfare programs.

In the interim, why place a heavy burden on Florida and other States which have opened their arms.

The distinguished Senator from Wisconsin—who I know has a compassionate heart—asked how long it will take. If the U.S. Government created a condition which put this burden upon the shoulders of the Floridians, the United States has a specific obligation to assist Florida in carrying that burden.

Mr. PROXMIRE. But here is a great benefit to Florida. These people pump \$600 million a year into the Florida economy.

Mr. RIBICOFF. The benefits that the Cuban refugees give to the State of Florida are benefits to the entire Nation. Whatever they do to increase the prosperity of Florida increases the prosperity of the United States, also.

The Cuban refugees, if they come in there, are in Florida for all practical purposes, because of errors in America's foreign policy. That is why I consider it a national obligation which we should not avoid.

Mr. CHILES. I thank the Senator from Connecticut for his fine statement. I think he put his finger on it: If something similar to H.R. 1 or some welfare reform bill is passed in which the Federal Government assumes the responsibilities of welfare, certainly then you can talk about a phaseout of the this program, because these people who would be eligible under the program would be able to be picked up by the Federal Government. But until that happens, until we are sure that happens, we should not have a cutoff date in this bill which puts an obligation on any State that happens to have these refugees; and it happens that Florida has a vast number.

That is why we would like to see fairness invoked here and see that this continues without a cutoff date, until something is done about the Federal program, so that until that time neither Florida nor Dade County will be taxed.

The figures we have received show that a certain number of these people would not qualify for State welfare, so they would have to be picked up under the county welfare, and that would be a particular burden to Dade County itself. These are the areas of our concern.

Mr. GURNEY. Mr. President, I should like to supplement the argument made by the distinguished Senator from Connecticut so far as the obligation to pick up this welfare burden is concerned.

The point made by the manager of the bill was, will it continue forever, or when will it cease? I fail to see that that point has any merit whatever. The payments are not being made to people who are lazy, who will not work, who do not want jobs. These payments are being made to the elderly. As a matter of fact, 80 percent of the payments, to my recollection, are being made to people over 60 years of age; they are being made to people who are elderly and too sick to work.

I do not know of any obligation like this, undertaken by the United States Government, in any of our welfare programs—social security or otherwise—in which it is said, "We're going to give you money for 2, 3, 4, or 5 years, and then we will cut it off." Welfare has nothing to do with that. It has to do with an obligation to take care of the elderly and the sick, who cannot take care of themselves.

So far as these refugees are concerned who are in that category, I would fully expect the obligations of the United States of America which have extended over four administrations to continue with aid until a person is well again if he is sick, or until he dies if he is old. This business of ending it in 3 or 4 years really does not have much to do with it. I should like to point out that while the Cuban refugee program first began in Florida, only half the number of Cubans are now there. They are scattered throughout the United States—in New York, New Jersey, California, Massachusetts, and other States. So it is now a national problem in its distribution at this time, not just in Florida.

The whole point of the matter boils down to the business about all the cosponsors realizing what the amendment is, and what has been argued here on the floor again and again, that this is a national obligation. We extended the invitation to the Cubans to come over here. When we did that, we certainly undertook to help them with their education and their welfare problems. Now that they are here, we certainly should not renege at this late date and say that beginning 2½ weeks or 3 weeks from now, "We will cut off your water in Florida, California, New York, and other States."

Believe me, that would not only be unreasonable but totally unrealistic, to renege on an agreement we made years ago. It would be unconscionable if we did that.

I therefore hope that the Senate will adopt this amendment and continue to

carry out its obligations, which it has been doing for the past 12 years.

Mr. CHILES. Mr. President, my colleague from Florida is aware that we have received communications on the subject from State officials, including a telegram from the Governor. I ask unanimous consent at this time to have printed in the RECORD the telegram from the Governor which gives the cost to the State of Florida for this program and the additional financial burden that would be added on to the State.

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

TALLAHASSEE, Fla., January 16, 1972.

Hon. LAWTON M. CHILES,
Senate Office Building,
Washington, D.C.:

Reduction immediately and proposed elimination of Cuban refugee assistance funds by June 30, 1973, as proposed by Senate Foreign Relations Committee places tremendous cost impact on Florida. Immediate impact to state if Congress eliminates three year residents from the Cuban program involves approximately 13,200 cases costing minimum of \$12 million plus added cost to counties, primarily Dade County of some 6 million as State has no general assistance program and local government must pick up cost. When total program is stopped, State costs would be in excess of \$26,000,000 plus local government costs of \$8,300,000. Florida cannot assume this added financial burden, and I urge the Senate to reject this move as we need extension of this assistance. The above figures apply only to direct assistance and medical programs.

REUBIN O'D ASKEW,
Governor of Florida.

Mr. GURNEY. Mr. President, I thank my colleague, the Senator from Florida (Mr. CHILES) very much and reserve the remainder of my time.

Mr. PROXMIRE. Mr. President, the number of non-Cuban refugees who have come into this country in the last 20 years now totals over 750,000. A great number of Hungarians, Portuguese, Czechoslovakians, Jews, and so forth, have come in without any resources. They are, indeed, coming in now by the thousands. The Immigration and Naturalization Service has estimated that from 7,000 to 10,000 non-Cuban refugees will reach the United States this year and the best information I have is that not one will be eligible for the special benefits provided in the Cuban refugee program. Why should a Cuban refugee be entitled to it when a Haitian or a Jewish refugee is not?

The chairman of the Subcommittee on Refugees of the Judiciary Committee, the distinguished Senator from Massachusetts (Mr. KENNEDY), last March 10, asked the General Accounting Office to undertake an analysis of Federal expenditures in this program. The report is dated November 3 and is available. In a press release relating to the findings of the GAO, the Senator from Massachusetts states in part:

According to the findings by the General Accounting Office (GAO), public assistance payments to refugees have increased some 300% in recent years—from \$26,500,000 in fiscal year 1968 to an estimated \$106,200,000 in fiscal year 1972. Payments in behalf of all other persons receiving public assistance increased by 110% during the same period.

Total costs for the Cuban Refugee program, which began in 1961, have amounted to nearly \$730,000,000. This includes some \$119,100,000 in federal payments to Dade County, Florida, public schools—and some \$496,000,000 in public assistance payments and services to the refugees.

Efforts to phase out the payments to Dade County have met with local resistance and no success.

Proposals to reduce airlift costs by as much as 26% have all been rejected by the Department of State.

The time is long overdue for the Administration to begin phasing out the Cuban Refugee Program. This can be done effectively—and without hardship to the refugees.

Let me say that the Senator from Massachusetts (Mr. KENNEDY) is a man who probably knows more about the refugee problem than anyone in the Senate.

Mr. CHILES. I wonder whether the Senator from Wisconsin is aware that the senior Senator from Massachusetts is a cosponsor of this amendment, and if we follow his judgment—

Mr. PROXMIRE. Of course I am aware of that, but what I am saying is that what the Senator from Massachusetts says in the report, I think, relates clearly to this issue and makes it clear what his objective judgment is as chairman of the Subcommittee on Refugees. The Senator from Massachusetts is a man of great national stature. He has a great national following. From this vantage point he may have a different view, as I am sure some of our presidential candidates now campaigning in Florida do.

Mr. CHILES. I understood the Senator from Wisconsin to say that the Senator from Massachusetts may know more about the refugee program than anyone else and that we should follow his lead, and I wonder whether the Senator would follow his lead.

Mr. PROXMIRE. I would follow his lead as chairman of the subcommittee. He says we should phase it out and that is what we are trying to do. The Senator from Florida would give this a slender reed, that is, if we should pass H.R. 1, or some program on welfare in which the Federal Government would take over all of the welfare, then this part of the problem would disappear. We would still have the school costs, but we will take those forever, I guess, but the welfare problem may disappear. I would say that we should not rely upon the passage of any welfare reform bill.

Mr. CHILES. The Senator just commented on the school problem in Dade County and I wonder whether if the Senator is aware of the fact that, in 1968, HEW and Dade County officials had a meeting which took place to determine how they would phase out, or what they would do in regard to the school program in providing aid for Cuban children. At that time, HEW and Dade County did agree as to what the matching costs would be, that the Federal Government would put up about half the money and Dade County would put up the other half and that that would provide for only 5 years of schooling. That program, actually, by that agreement, has a built-in phaseout. That is built in if that kind of agreement should be allowed to stand.

Mr. PROXMIRE. I hope that we do get some kind of phaseout. After all it has increased over 300 percent since fiscal 1968. What kind of phaseout are we getting now? We are not experiencing any, quite the contrary it is exploding. It is true that Fidel Castro may phase out the whole thing by not permitting any more refugees to come over here, as he has done over the last couple of months, but I would not want to rely upon Fidel Castro for my policy, either.

Mr. CHILES. Mr. President, if the Senator from Wisconsin is concerned that we have a phaseout now—although it is being cut down by the reduced airlift, but if he is concerned about the schoolchildren in Dade County, he would like to provide for another port of entry, would he not—

Mr. PROXMIRE. Let me say to the Senator that what I am concerned about here is injustice, about the fact that the Federal Government should bear the entire cost, which it would, under this proposal. What I am saying is that a small part should be borne by the State and by the county and by the city which are being immensely benefited.

Here is what Life magazine had to say, in part:

At a rate unprecedented among America's major immigrant groups, the 350,000 Cubans in the Miami area have transformed themselves into a thriving, prosperous community. They comprise a fourth of the area's population, and their average income has risen to a healthy \$8,000 for each family. More than half own their own houses, and they pump a total of \$600 million a year into the local economy. Cubans own more than one out of every three retail businesses in the city, and have created 6,000 new ones.

Miami's shift from a sagging tourist-based seasonal economy to a solid year-round one is partly their doing. Cubans control 30% of all new construction there, and are building Florida's biggest office building. Four of the city's bank presidencies are held by Cubans, and 36 vice-presidencies.

"Economically," says Dade County Mayor Stephen Clark, "the Cuban community is the best thing that ever happened to Miami." Socially, the immigrants have been accepted. Now, they are beginning to flex their muscles politically. Miami Mayor David Kennedy predicts that Miami will have a Cuban Mayor by 1975. The Cubans' success is partly explained by their background as the cream of their country's middle and upper classes—professionals, entrepreneurs, craftsmen—driven out by Castro's forced egalitarianism. Today many Cubans still talk wistfully of regaining their homeland. But it is doubtful that many would return if they had a chance.

Under these circumstances, we should recognize that Miami has got a good thing going. I have no objection to them continuing to have a good thing. I wish these people would settle in Milwaukee or in Madison. I believe that the State of Wisconsin would welcome them—certainly I would. Here the State government would pay 90 percent. Wisconsin might be willing to settle for 50 percent. But not 100 percent forever.

All we are asking is a modest, limited reduction. We are far above the House. The House provided \$100 million. The committee would give \$129 million on a reasonable basis.

Mr. CHILES. I think that the distinguished Senator from Connecticut really

said the proper thing there, and the Senator from Wisconsin is right and fair. We are proud of these people. Florida has been benefited by them. The Nation has also been benefited by them.

Mr. President, anything that helps Florida by virtue of their coming to Florida certainly helps the Nation. However, as the Senator knows, when you have any influx of people, the increased costs outstrip any benefits. We know that in schools and everything else the capital investment which has had to be made by Dade County and Florida has resulted in their picking up a great burden as a result of this situation. We will continue to do so. However, to get back to the education program, the State and Dade County pay 50 percent of the money and the Federal Government do the same. An agreement was entered into by the HEW in 1968 to provide that only 5 years of schooling would be made available for any of these children.

It has a built-in phaseout. The program has been very successful. The Federal Government is not going to put in any more money beyond that. Why should we not allow this 5-year phaseout rather than to have a language which the committee put in the report—which is not a part of the bill—that this should be phased out?

Mr. PROXMIRE. Mr. President, in the first place, in the conference on the continuing resolution we fought to get this. It was not easy to do, but we succeeded in getting everything that the Senator from Florida wanted. And we have gone so far as to include an additional \$600,000 in recognition of the expenditures by Dade County for public schooling for the

Cuban refugee schoolchildren. In 1970 the full Federal reimbursement was not made because of the lack of funds.

This was a very small program in 1961 and 1962 when the Senator from Connecticut (Mr. RIBICOFF) was Secretary of Health, Education, and Welfare. It was then a relatively small program. In 1968 it just exploded. It was \$28 million then, but it is \$140 million now.

Mr. CHILES. It was something that should have been paid. But I am delighted to see that the committee has recognized it and included that. We are very happy about that.

Mr. President, I ask unanimous consent that correspondence with HEW dealing with this matter be printed in the RECORD.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
SOCIAL AND REHABILITATION SERVICE,
Washington, D.C., July 22, 1968.
Dr. EDWARD L. WHIGHAM,
Superintendent, Dade County Schools,
Miami, Fla.

DEAR DR. WHIGHAM: We are enclosing for your review and consideration by the Dade County Board of Education a plan for payment covering educational services to Cuban refugee children and adults for fiscal years 1968 through 1973.

As we have indicated previously and most recently at the meeting in Miami with the School Board, it is imperative that the rapidly rising cost of this program be checked. This we wish to have accomplished without causing an undue and unreasonable burden on local resources.

At the recent meeting in Miami it was agreed in principle that payment on "old" Cuban refugee children (Cuban refugee children who have entered the continental

United States on or prior to October 3, 1965) would be discontinued after a phasing-out period; payments for the education of "new" Cubans would continue but amounts payable for each child would be paid only for a limited number of years; and payments for auxiliary services for "new" Cubans would continue.

Since that time we have had additional discussions with staff of the School Board, and after exploring a number of plans have developed one which we believe to be workable and which allows a reasonable amount to reimburse your school district for the education of Cuban refugees. The enclosed plan provides payment for "old" Cubans through 1970, including full payment for services. It provides payment at 60 percent of the per pupil cost for each "new" Cuban and full payment for services for a 5-year period. Periods of prior attendance will be counted in determining the maximum 5 years of payment with respect to any student. We have estimated the ADM of "new" Cubans at 95 percent of the anticipated membership each year. The plan includes a payment of \$600 per pupil in capital outlay funds. This amount equals approximately 50 percent of the cost of constructing permanent elementary school facilities. These classrooms will continue to be available for use in the community for 40 to 50 years. If the amount of payment in this category proves to be inadequate in view of current construction costs, we will be glad to find a figure which does reflect actual costs. An amount of \$850,000 is included each year for adult and vocational education programs. The summer school program which was funded for 1968 at \$158,000 has been raised to \$160,000.

We would like to proceed with firming up this plan and would appreciate hearing from you at an early date. Do not hesitate to get in touch with us if there are questions.

Sincerely,

JOSEPH H. MEYERS,
Deputy Administrator.

Enclosure.

PROPOSED PLAN FOR PAYMENT OF EDUCATION OF CUBAN REFUGEE CHILDREN AND ADULTS

	1969	1970	1971	1972	1973
ADM of new Cubans.....	12,217	16,258	20,299 -1,162(66) 19,137	24,340 -1,162(66) -3,288(67) 19,890	28,381 -1,162(66) -3,288(67) -3,726(68) 20,205
Per pupil cost.....	\$620	\$640	\$660	\$680	\$700
60 percent of per pupil cost.....	372	384	396	408	420
New Cubans:					
Operational.....	4,544,724	6,243,072	7,578,252	8,115,120	8,486,100
Auxiliary.....	1,160,615	1,544,510	1,818,015	1,889,550	1,919,475
Construction.....	2,551,200	2,551,200	2,551,200	2,551,200	2,551,200
Old Cubans:					
Operational.....	3,587,715	1,793,857			
Auxiliary.....	160,000	160,000			
Adult and vocational.....	850,000	850,000	850,000	850,000	850,000
Summer program.....	160,000	160,000	160,000	160,000	160,000
Total.....	13,014,254	13,302,639	12,957,467	13,565,870	13,966,775

1 Includes 4,041 new ADM expected this year—Grades 1 to 12: 95 percent×4,029=3,827; Kindergarten: 95 percent×225=214; total=4,041.

SEPTEMBER 27, 1968.

Mr. JOSEPH H. MEYERS,
Deputy Administrator, Department of Health,
Education, and Welfare, Social and Re-
habilitation Service, Washington, D.C.

DEAR Mr. MEYERS: In general, the proposal for Federal participation in the cost of educating Cuban refugee children and adults as set forth in your letter of July 22, 1968, meets with our approval. It is desirable at this step in our negotiations to ascertain if we are in agreement on certain specific items that need to be clarified so that we can proceed to implement our understandings.

It is suggested that a new agreement be signed each school year, inasmuch as the per pupil attendance and cost data change

annually. The signing of a new contract each year would serve to establish the initial payment at a percentage of the estimated total cost for the yearly contract period, in keeping with the basic agreement that we are now developing. The basic contract form would be used each year with the understanding that increases or decreases in the number of Cuban refugees educated and the actual per pupil cost will cause increases and decreases that may or may not be entirely consistent with the projected costs as set forth in the proposed plan for payment which accompanied the above referenced letter.

The proposed plan for payment indicated that the operational payments for "Old"

Cubans would be phased out by 1970. We are in agreement, but suggest that the method of phasing out be more clearly defined as reducing the percentage of current expense payments for "Old" Cubans to thirty (30%) per cent in 1968-69 and fifteen (15%) per cent in 1969-70, the total of which would represent the final payment of such costs for "Old" Cubans. In the interests of simplifying the Agreement, it is proposed that special rates not be developed for those Cuban refugee children whose parents are on the relief rolls of the Cuban Refugee Center.

At our Miami Meeting of May 13, 1968, we understood the statements of Mr. B. Alden Lillywhite, Deputy Associate Commissioner,

Bureau of Elementary and Secondary Education, to indicate that continuing auxiliary services would be available for both "Old" and "New" Cuban refugees subsequent to the time when operational payments were discontinued, provided that there was a justifiable need. The proposal did not provide for the possibility of providing auxiliary services for "Old" Cubans after 1969-70. A considerable number of the "Old" Cubans who would be excluded have been in the United States less than five years. Under the circumstances, it is respectfully requested that the auxiliary service payments for the purposes as set forth in the 1967-68 contract be maintained for a period of two years after operational payments cease on "Old" Cubans at the end of the 1969-70 school year. The continuation of payments for auxiliary services for "New" Cubans will not become a question until the contract year 1970-71. It is recommended that this matter be resolved prior to that time.

Past agreements for the education of Cuban refugee children have covered those children enrolled in Grades K-12. Considering that the existing very limited kindergarten program in the Dade County Schools is in the process of being expanded to a County-wide program, we are proposing that Cuban refugee children attending kindergarten not be included in the counts on which Federal reimbursements are made. There are a number of factors contributing to this decision, and some of the major ones are that kindergarten attendance is not compulsory in Florida; and that even though the total kindergarten program is being rapidly expanded, satisfactory or sufficient housing will not be available for some three to five years. Therefore, it is proposed that operational and housing payments for Cuban refugee children enrolled in the Dade County Schools be limited to Grades 1-12.

The Dade County Schools will continue to provide kindergarten services without cost whenever available to all children without discrimination as to race, color or creed. It is requested, however, that should the kindergarten program become available for a majority of the children desiring to enroll, that our present position on the matter of furnishing kindergarten education to Cuban children at no charge be reviewed in light of the factors existing at that time. It is also requested that if the number of Cuban refugee children enrolling in the kindergartens that will be available require sufficient special auxiliary services and materials, that Federal officials will be agreeable to enter into discussions for the purpose of alleviating the situation where an unreasonable burden exists.

We are pleased that the five-year, sixty (60%) per cent cost plan for "New" Cubans was developed, and concur that it is the best possible plan under the circumstances. It is important at this time, however, that we define the five-year period, and it is suggested that "New" Cubans who may have enrolled prior to this time or may enroll subsequent to this time in Grades 1-12 be considered as starting the five-year membership eligibility period as of the first of the month in which they established their membership, and will become ineligible as of the last day of the month preceding the one in which they complete their five-year membership eligibility period. The five-year membership eligibility period is defined as being composed of those regular school days occurring in five consecutive calendar years.

"New" Cubans who have entered or may enter the Dade County Schools and who subsequently enroll in other schools in the United States and then re-enroll in Dade County Schools, will be considered as having been in continuous membership for the purpose of computing five calendar years of eligibility. The beginning membership date of "New" Cubans who returned to Cuba and later re-entered the Dade County Schools shall be established as their last date of re-entry.

We question the use of ninety-five (95%) per cent of the anticipated membership of each year in estimating the ADM of "New" Cubans as set forth in the fourth paragraph of the aforementioned letter. Since we have agreed in principle to using a five-year membership period, the monthly membership counts will be used to determine the average daily membership, making the above method of estimating the ADM of no consequence.

The sum of \$600 to provide fifty (50%) per cent of the cost of housing facilities for each "New" Cuban refugee enrolling in Grades 1-12 is no longer representative of housing costs. A recent survey establishes the average construction cost of permanent facilities in the Dade County Schools at \$1,373.25. This cost figure includes attendant fees for architectural and engineering services but does not include land acquisition cost. The average cost for initial furniture, library books, and similar items is \$158.25 per student. The average cost for providing the above facilities totals \$1,531.50 per child, and fifty (50%) per cent participation by the Federal government would amount to \$765.75, rounded to \$765. This cost should be established as the rate of contribution for the 1968-69 contract and be reviewed annually.

In agreements entered into with the Federal government prior to 1966-67 for the education of "Old" Cubans, Federal payments were based on a percentage ranging from a

high of sixty (60%) per cent to a low of forty-five (45%) per cent of specific accounts covering both the operational and capital outlay areas. If this process of paying for "Old" Cuban refugees had continued over an estimated twenty to twenty-five year period of time, the Federal government would have contributed approximately \$600 per child in capital outlay expenditures. The attached tabulation sets forth the amount of capital outlay expenditures per child during that time. Inasmuch as by agreement payment on "Old" Cuban refugees is continuing to be drastically reduced and phased out prior to the time when a substantial portion of the payment for housing of these children is completed, it would appear that payments made on "Old" Cubans should no longer continue to be a factor in capital outlay payments for "New" Cuban refugees. Therefore, there is no logic for relating capital outlay payments on "New" Cuban refugees to the 15,501 count of "Old" Cubans that was made on October 3, 1965.

It is recommended that the base for making capital outlay payments for the 1968-69 contract be designated as the total number of "New" Cuban refugees for whom payment has been made either in part or in total up to \$600 each for 9,452 "New" Cuban refugees as of June 12, 1968, and verified on page 10 of the September 6, 1968, billing for the 1967-68 school year. The establishment of this base as recommended will eliminate credit provisions as contained in Part III-2-b-(1) as well as all provisions contained in Part III-2-b-(2) of the 1967-68 Agreement.

The estimated cost of providing Adult and Vocational Education programs for Cuban refugees will likely be sufficient if the demand for courses continues at the present level. The funds provided in this portion of the program can be reduced if necessary to financially sustain the Grades 1-12 program which, by law, is the prime responsibility of the School System.

The funding of the Summer Program at the rate of \$165,000 per year is satisfactory, considering the present influx of Cubans. It is requested, however, if Federal policies or other factors beyond our control result in a marked increase of Cuban immigration, that we review the amount provided for the Summer Program in consideration of factors existing at that time.

When we have reached agreement on the foregoing items, it will be a relatively simple matter to prepare and agree on a contract for the 1968-69 school year. We are very interested, of course, in entering into such contract at the earliest possible date.

Sincerely yours,

E. L. WHIGHAM,
Superintendent.

Year	Capital outlay per pupil cost as used in C.R. billings	ADM—Cuban refugee pupils	Amount of capital outlay payment per pupil received from HEW per agreement	Total received	Year	Capital outlay per pupil cost as used in C.R. billings	ADM—Cuban refugee pupils	Amount of capital outlay payment per pupil received from HEW per agreement	Total received
1960-61 ¹		678	(0)	\$200,000.00	1966-67	52.66	1,445	times 60 percent of PPC or \$31.60 equals	\$45,662.00
1961-62	\$94.72	11,675	times 1/2 of PPC or \$47.36 equals	552,928.00			13,923	times 45 percent of PPC or \$23.70 equals	329,375.10
1962-63	90.99	17,838	times 60 percent of PPC or \$54.59 equals	973,776.42	1967-68	66.38	1,078	times 60 percent of PPC or \$39.83 equals	42,336.74
1963-64	72.09	16,690	times 60 percent of PPC or \$43.25 equals	721,842.50			14,090	times 45 percent of PPC or \$29.87 equals	420,868.30
1964-65	58.97	15,575	times 60 percent of PPC or \$35.38 equals	551,043.50	Total				\$4,184,477.66
1965-66	47.22	2,720	times 60 percent of PPC or \$28.33 equals	77,057.60					
		12,630	times 45 percent of PPC or \$21.25 equals	268,387.50					

¹ A payment to provide housing of \$350 per C.R. ADM was agreed upon by HEW, not to exceed a total of \$200,000. On an actual cost basis, the agency (BPI) would have received \$350 times 678 (ADM) or \$237,300. The \$37,300 was not paid to the agency.

² Total capital outlay payments received. At a contribution rate of \$600 per "Old" Cuban refugee pupil times 15,501 (ADM of "Old" Cubans as established by agreement as having enrolled prior to Oct. 3, 1965), the total HEW contribution for "Old" Cubans would have been \$9,300,600.

The PRESIDING OFFICER. Who yields time?

Mr. GURNEY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Florida has 8 minutes remaining.

Mr. GURNEY. Mr. President, I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. PERCY. Mr. President, we are all aware of the plight of the Cuban refugee

in the United States. We all know how they have had to uproot their families, abandon their possessions, leave behind their properties, to begin life anew.

They fled from their homeland because they were oppressed. They have come to the United States because they value

freedom and liberty. They face years of readjustment, they must in reality start from scratch. They look to our Government for help. They look to our Government for support. Our Government cannot look away. To those who need our help, it should be offered.

From what I know of these people, these are not the kind of people who want to be on welfare or who want relief. They want to work, and they ought to be put in a position where they can stand on their own two feet.

I feel that since they have that desire, we have an obligation to assist them until such time as they are able to do it on their own.

Thus, I do not think that we can set an arbitrary limit on how long it takes for a family to make these adjustments. It cannot be said that 3 years is long enough to make this new beginning in every case. There are many cases that require continued support.

Nor do I believe that we should cut back on expenditures to these refugees. I believe that the President's original request of \$139 million should be restored.

We, the nation of liberty, have extended our hand to those who flee from tyranny. We cannot withdraw that assistance now. Accordingly, I am announcing my support for amendments 854 and 855 offered by my distinguished colleague, Mr. GURNEY.

The PRESIDING OFFICER. Who yields time?

Mr. GURNEY. Mr. President, I have a telegram from the Mayor of Dade County, Fla., which reads as follows:

As Mayor of Dade County, Florida you have my complete support opposing termination of Cuban Refugee program specially fighting proposed February 22 cut off of medical and welfare payments for all refugees in the United States for over 3 years. Lack of general assistance program in the State of Florida would result in placing an annual burden of approximately 6 million dollars on the tax payers of Dade County. May our Senate understand that the humanitarian act initiated by the Federal Government would prove inhumanitarian to refugees and unfair to the tax payers of Dade County if cut-off is approved. Thank you for your dedication to a just cause.

MAYOR STEPHEN P. CLARK.

I would also like to comment briefly on the report of the GAO and on the comments of the Senator from Massachusetts (Mr. KENNEDY) on it. What he said was:

The time is long overdue for the administration to begin phasing out the Cuban refugee program. This can be done without hardship to the refugees.

I think that the Senator from Massachusetts has performed work that is well known in connection with the refugees' problems, not only in this country, but also in the world. He has made a great contribution there.

It seems to me that there would be no way to cut this thing off by February 22 without a tremendous hardship upon the refugees and the respective States involved.

I think if the Senator from Massachusetts was here he would probably state that what he was talking of was a

phase-out of the airlift and of the bringing of more people to this country. The airlift is being phased out. Only a trickle of refugees are coming here. The airlift is operating about 1 day out of 10, as I recall. It used to operate every day. It is being phased out.

The problem is what to do about the welfare payments for health, education, and welfare that are so desperately needed so far as these States are concerned.

Here again the administration and the HEW want to take that over in an orderly program. They set it out in a letter to the Senator from Pennsylvania (Mr. SCOTT) which has been put in the RECORD by the Senator from Michigan (Mr. GRIFFIN).

That is obviously a proper and orderly way to go about this, to take over the welfare requirements of Florida and many other States involving the Cuban refugee program. Whatever program we process in the Senate and the House of Representatives this year, that is a sensible way to do it. Certainly this business of cutting it off 2½ weeks from now would throw a tremendous burden on these States without any prior warning and would not be the sensible way to go about it.

I indeed hope that the Senate will agree to the amendment.

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

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

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Florida. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. INOUE (after having voted in the affirmative). On this vote I have a live pair with the Senator from Maine (Mr. MUSKIE). If he were here, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. JACKSON), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Michigan (Mr. HART) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Iowa (Mr. MILLER),

and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Alaska (Mr. STEVENS) is detained on official business.

If present and voting, the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 74, nays 8, as follows:

[No. 31 Leg.]

YEAS—74

Aiken	Eagleton	Nelson
Allen	Eastland	Packwood
Allott	Fannin	Pastore
Anderson	Fong	Pearson
Beall	Griffin	Pell
Bellmon	Gurney	Percy
Bennett	Hansen	Randolph
Bentsen	Harris	Ribicoff
Bible	Hatfield	Roth
Boggs	Hollings	Saxbe
Brock	Hruska	Schweiker
Brooke	Hughes	Smith
Buckley	Javits	Sparkman
Burdick	Jordan, N.C.	Spong
Byrd, W. Va.	Jordan, Idaho	Stafford
Case	Kennedy	Stennis
Chiles	Long	Stevenson
Church	Mansfield	Symington
Cook	Mathias	Thurmond
Cooper	McClellan	Tower
Cotton	McGee	Tunney
Cranston	McIntyre	Weicker
Curtis	Mondale	Williams
Dole	Montoya	Young
Dominick	Moss	

NAYS—8

Byrd, Va.	Fulbright	Proxmire
Ellender	Gambrell	Talmadge
Ervin	Goldwater	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Inouye, against.

NOT VOTING—17

Baker	Humphrey	Mundt
Bayh	Jackson	Muskie
Cannon	Magnuson	Scott
Gravel	McGovern	Stevens
Hart	Metcalfe	Taft
Hartke	Miller	

So Mr. GURNEY's amendment (No. 854) was agreed to.

Mr. GURNEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PEARSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of Virginia. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. CHILES. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. CHILES. I have an amendment which follows this amendment, which I understand the distinguished Senator from Wisconsin is willing to accept, No. 855. If the distinguished Senator from Virginia would yield for a moment, I would like to take up amendment No. 855, which I understand the Senator from Wisconsin will accept.

Mr. BYRD of Virginia. Mr. President, I am glad to yield to permit the Senator to call up his amendment.

AMENDMENT NO. 855

Mr. CHILES. Mr. President, I call up my amendment No. 855.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read the amendment (No. 855) as follows:

On page 14, line 1, strike out "\$129,000,000" and insert in lieu thereof "\$139,000,000".

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. Mr. President, now that the last amendment was passed, this amendment will restore the funds requested by the administration for this program at \$139 million, a restoration of \$10 million to the bill.

Mr. PROXMIRE. Mr. President, the Senator is absolutely correct. It would be completely wrong for the committee and the Senate not to accept the Chiles amendment. Now that the prior amendment has been adopted, the money has to be paid and should be paid, because of the action of the Senate.

I support the amendment of the Senator from Florida. I hope we can take it by voice vote.

Mr. FONG. Mr. President, I concur in the statement of the chairman.

Mr. PROXMIRE. Mr. President, I yield back my time.

Mr. FONG. Mr. President, I yield back 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 Florida (No. 855).

The amendment was agreed to.

The PRESIDING OFFICER. The amendment of the Senator from Virginia (Mr. BYRD) will be stated.

The legislative clerk read the amendment, as follows:

On page 15, line 9, strike out \$261,760,000, and insert in lieu thereof \$150,000,000.

On page 15, line 10, strike out \$75,000,000 and insert in lieu thereof \$13,240,000.

On page 15, line 12 strike out "and \$50,000,000" and delete the semicolon following the word "capital" and insert in lieu thereof a period.

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator yield to me?

Mr. BYRD of Virginia. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. I wonder if the distinguished mover of the amendment and the distinguished manager of the bill and the distinguished ranking minority member of the committee would agree to reducing the time on this amendment to, say, 10 minutes to a side, with the knowledge that additional time may be yielded from the bill if necessary.

Mr. BYRD of Virginia. Mr. President, if the Senator will yield, that would be satisfactory to me.

Mr. FONG. Mr. President, I would suggest 15 minutes.

Mr. FULBRIGHT. Mr. President, reserving the right to object—and I do not think I will—as I understand it, the Senator is seeking to reduce funds for the Inter-American Development Bank by the same amount as the Fong amendment increased funds for the Alliance for Progress. Is that correct?

Mr. BYRD of Virginia. It would reduce the amount to the House figure.

Mr. FULBRIGHT. By the amount which was added to the bill last night.

Mr. BYRD of Virginia. Which was added last night.

Mr. FULBRIGHT. I would like to have 5 minutes, but I have no objection.

Mr. PROXMIRE. The Senator can get time from the bill.

Mr. FULBRIGHT. Very well.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the amendment be limited to 15 minutes on a side, the half hour to be equally divided between the able mover of the amendment and the able manager of the bill.

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

Mr. PROXMIRE. Mr. President, may I say I intend to accept the amendment, so I am asking the distinguished Senator from Hawaii (Mr. FONG) to handle the time in opposition to the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of Virginia. Mr. President, I yield myself 3 minutes.

The bill as reported by the committee increases by \$111 million the amount approved by the House of Representatives for the Inter-American Development Bank.

The amendment which I have presented would take the House figure of \$150 million in lieu of the committee figure of \$261 million.

In talking about the total bill, it is now over \$3 billion. That is the current foreign aid bill.

I think it is significant that on October 29 the Senate voted down an authorization which totaled \$2,914,870,000. So the bill before the Senate, as it stands now, is above that by almost, not quite but almost, \$100 million more than the authorization for foreign aid, which the Senate rejected on the 29th of October.

Mr. President, in regard to the Inter-American Development Bank, I would like to point out that 57.9 percent of the funds for that Bank have been provided by the United States. The 22 Latin-American members have provided the remainder, but the United States has provided 57.9 percent.

That breakdown is as follows: \$1.210 billion in cash; \$1.340 billion in demand obligations; \$1.223 billion in callables; making a total of \$3.773 billion.

Mr. President, it seems to me that if the Senate is not willing to reduce at least to the figure approved by the House of Representatives the appropriations for the international financial institutions, then it is going to be very difficult to get any reductions anywhere in the cost of government.

For that reason, I have suggested through this amendment that the amount sought to be appropriated for the Inter-American Development Bank be reduced from the committee recommendation of \$261 million down to \$150 million, which is the amount approved by the House of Representatives.

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

Mr. BYRD of Virginia. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, yesterday I very strongly opposed this kind of action, and I did so because I argued that the committee had reduced the development loans for the Alliance for Progress. That reduction, however, was not sustained by the Senate. The amount available for loans to the Alliance for Progress was increased by \$100 million by the Senate yesterday.

Mr. President, we cannot have it both ways. The position taken by the Committee on Foreign Relations and the position taken by many Senators is that we ought to move to multilateral lending. Yesterday the Senate decided not to do that. They decided that they wanted to increase the unilateral limitation to the extent of \$100 million.

As we pointed out, there is \$1.5 billion available for loans during the coming year to Latin America. Therefore, in view of the action yesterday, I enthusiastically support the amendment of the Senator from Virginia. I say he is right; money does not grow on trees.

Senators ought to be, as is the public, very skeptical about this whole program. If we are going to make cuts anywhere, it seems to me we have to make them in these development loans. This has been one of the weakest parts of the foreign aid program because the loans have not been very effective.

One further point: I am sure those who defend the committee action will say these are obligations. I would like to point out quickly a brief colloquy I had with the State Department on this subject, because I believe they are going to say these are obligations we are going to have to meet, that we have no alternative.

During the hearings I said:

Well, it just seems to me it would be sensible now and in the future to make it clear that any so-called commitment is made subject to affirmative action by the Appropriations Committees and by the Congress in the appropriation process, that authorization is not enough and that the assertion by the administration isn't enough, important as that may be. It is the appropriations process which is necessary to be consummated before the commitment can be considered binding.

I think in all fairness to the Bank officials and to the other countries that should be made clear if it isn't clear now.

Mr. Petty, speaking for the Treasury Department, said:

I think it is. It certainly is explicit in the authorizing legislation and it is also well understood by the legal officers in the documents we file with these instructions.

So the action taken by the Senator from Virginia is right. It is in accordance with the understanding of all parties. We are not breaking any agreement. And so, in view of the action taken yesterday, I support the amendment.

Mr. BYRD of Virginia. Mr. President, I thank the Senator from Wisconsin. I reserve the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield 5 minutes on the bill to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I support the Senator from Virginia, for

the same reason. As the Senator from Virginia and the Senator from Wisconsin know, I would have opposed this amendment except for the addition of \$100 million yesterday for the Alliance for Progress loan program. In view of that action I will have to vote for this amendment.

I regret very much the action of the Senate yesterday in adding the \$100 million. I think if we keep on adding and adding, we might reach the point where the Senate again will defeat the bill. That prompts me to make a comment on a statement reported in this morning's New York Times attributed to Mr. Kissinger in the White House.

According to the report, he made a statement to the effect that the rejection of the foreign aid bill last October 29 was among the factors, I believe was the way he put it, that accounted for the refusal of the North Vietnamese to negotiate further on the administration's proposal.

I think this is an absurdity on its face, but to make such a statement here on the eve of our voting again on this bill, and try to lay on the Senate the responsibility for the failure of their diplomacy, seems to me to be an outrageous abuse of his position as the President's principal adviser on foreign affairs. It also prompts me to say that here, again, is an example of Mr. Kissinger in the White House claiming executive privilege while usurping the normal responsibilities of the Secretary of State. No longer is the Secretary of State the spokesman in this area. For Mr. Kissinger to say this, with his immunity from coming before the Senate or any legislative body, strikes me as an absurd position. If we asked him to come up and give us an explanation of this statement, he will say, "I am covered by executive privilege; I am not responsible to the Senate, or to the Congress."

He makes a statement which is published on the front page of the New York Times, and there is not anything any of us can do about it, as false as I believe that statement to be. The Senate's defeat of the aid bill could not possibly have had any effect on the North Vietnamese. In the first place, all of the Department of Defense's money can be used to prosecute the war and \$2.5 billion of that can be used to give aid to South Vietnam, Laos, and Thailand. They have great discretion in use of these vast sums.

There is only a relatively minor amount, compared to the whole operation in Southeast Asia, in this bill for South Vietnam. The North Vietnamese know that as well as anybody.

In addition, a similar approach, with a cease-fire, and so on, was turned down by the North Vietnamese before this latest effort.

I think this is a very serious abuse of the powers and influence of Mr. Kissinger under the present conditions, and is prejudicial to the discharge of the Senate's function. These statements appear just before we are about to vote on this bill, so that those who are uncertain about it, and have not had time to study the matter, will be influenced to

support the bill in toto, as well as, I assume, these increases in amounts.

I confess I was amazed at some of the votes last night adding \$100 million to this bill. People who, if my memory serves me right, traditionally have not been enthusiastic supporters of the concept of foreign aid, voted for those increases. But anyway, they won by a majority of four.

I must say sometimes after a vote like that I wonder why in the world I ever say anything about restoring the Senate's responsibility in any area, especially in foreign relations. We have passed various measures—the commitment resolution; we have the Case bill now, and we have a war powers bill—looking to trying to reestablish the responsibility of the Senate in our Government. Yet, when we get down to the serious matter of appropriation of money, and so on, it seems the Senate has no capacity to discharge that responsibility. We see time and again, whenever it involves enormous appropriations for the military and for this appropriation, it seems—

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

Mr. PROXMIER. I yield the Senator 1 more minute on the bill.

Mr. FULBRIGHT. And it seems outrageous that when we try to follow the President's recommendation—and I assume he means it—to move in the direction of multilateral aid and let other countries assume a part of the burden, the Senate turns around and votes more bilateral aid. If we assume foreign aid is worthwhile at all, then, when we get significant participation by other countries in the Inter-American Bank and the other banks, it seems to me absurd and improvident for us to insist on giving it all. We insist on paying the whole bill; we do not want anyone else to pay anything. I do not see how that makes any sense. We have just picked up an additional \$100 million.

Therefore, I certainly hope that the amendment of the Senator from Virginia will carry.

The PRESIDING OFFICER. Who yields time?

Mr. FONG. I yield myself such time as I may require.

Mr. President, I am amused and amazed by the statements made by my three colleagues. The distinguished Senator from Virginia, who offered the amendment, said that if we are going to cut down on our foreign aid programs, if we do not cut down here, where are we going to cut? I am amazed at the statement made by the distinguished Senator from Wisconsin, the chairman of the Foreign Operations Subcommittee, who stated that we cannot have it both ways, that we cannot raise the amount by \$100 million in the Development Loan Fund and then try to keep the amount in the Inter-American Bank. I am also amazed by the statement made by the distinguished Senator from Arkansas, the chairman of the Committee on Foreign Relations, that we are spending too much money and that we should not have raised the amount yesterday by \$100 million on the Development Loan Fund.

Let us look at the figures, Mr. President. The budget estimate as presented

by the President called for \$4.3 billion in foreign aid. After much discussion on the floor of the Senate and after much bickering and after conference with the House Foreign Affairs Committee, the Committee on Foreign Relations came back with a bill which cut the President's budget by \$1 billion—from \$4.3 billion to \$3.3 billion.

Then what did the Senate Appropriations Committee do? The Senate Appropriations Committee went further and cut the bill by another \$500 million from \$3.3 billions to \$2.8 billion.

So here we have a bill presented by the Appropriations Committee to the Senate which calls for a reduction from the President's budget of approximately \$1.5 billion. Yet, the distinguished Senator from Virginia says that if we are going to cut foreign aid, we had better cut it here. Let us look at the picture.

The amount authorized for the Development Loan Fund, which was agreed upon by the conference committee between the House and the Senate, and which is now on the President's desk, calls for \$206.5 million for the Alliance for Progress. The Appropriations Committee, in the face of the agreement for \$206.5 million, recommended \$50 million, a reduction of more than \$150 million. My amendment to bring that back to \$150 million was adopted yesterday. Even with that amendment, we are still below the amount of \$206.5 million which was agreed upon by the committee of the distinguished Senator from Arkansas and the House and Senate conference.

It can be seen, Mr. President, that we are not increasing the funds for foreign aid. We are decreasing them by \$1.5 billion.

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

Mr. FONG. I yield.

Mr. FULBRIGHT. When the Senator says "under the authorization," I point out to the Senator that because of the improvident way our funds have been spent—and we have a \$40 billion-plus deficit—we have to go under what was authorized. With the deficit we have, does not the Senator believe we ought to cut the size of Government programs somewhere?

Mr. FONG. We have already reduced the budget request. The Senator's committee, together with that of the Foreign Affairs Committee of the House, cut it by \$1 billion. The President called for \$4.3 billion, and the conference report came back with \$3.3 billion.

Mr. FULBRIGHT. The total in this bill is now \$300 million more than we gave this program in 1970. In 1970 our deficit was nothing like it is this year. It was, I believe, \$13 billion. This year it will be more than \$40 billion.

The Senator is only mentioning what we cut from what the President asked. The President can ask for the moon. This program is bigger than it was in 1970, and I do not see how we can afford that with a \$40 billion deficit facing us, three times greater than in 1970.

Mr. FONG. The conference report passed the House only last week. So all the considerations relative to our deficits

were considered, when the committee agreed on the amount of \$3.3 billion.

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

Mr. FONG. I yield.

Mr. JAVITS. Is it not a fact that, as a businessman, you select what you want to cut? You do not cut what you think will do the most good, and you cut what you can deal with conveniently and what you think should be cut. Did not this body make that decision yesterday? It decided the Alliance for Progress should be cut but not to the \$50 million bone. This is just trying to compare rabbits with apples when one argues that because the Senate did not cut a bilateral program drastically yesterday, that they have to cut a separate worthwhile multilateral program today by a greater amount.

The President of the United States told us of the importance of keeping our word if we want to bring people into these multilateral institutions. He said in his statement:

In regard to our participation in multilateral institutions, I attach the highest importance to meeting in full the financial pledges we make.

We did not want to go the bilateral route quite as drastically as the \$50 million represented, so we voted more money for that yesterday but still for below the administrations original request and below the Congress approved authorization level. But that did not mean that we were going to be blind enough to cut off our own self-interest in terms of the development of these multilateral organizations for the future.

I doubt that any Member of this body who voted for the \$100 million increase yesterday felt that he was going to take it out of this worthwhile multilateral institution today. The people who voted against it did, but not those who voted for it. I hope they will be constant to the policy and principles they support.

Mr. FONG. The \$100 million we added yesterday was far below the \$206.5 million that was authorized.

Mr. JAVITS. Exactly.

Mr. FONG. May I say that when they authorized \$206.5 million, they also authorized the full amount for the Inter-American Bank, and now this amendment wants to cut it down.

Mr. BYRD of Virginia. Mr. President, will the Senator yield at that point for clarification?

Mr. FONG. I will yield on the Senator's time.

Mr. BYRD of Virginia. This amendment does not deal with the World Bank.

Mr. FONG. I mean the Inter-American Bank.

Mr. President, I think it would be a very severe blow to our Latin American relationships if this body rejected the recommendation of the Appropriations Committee and reduced the amounts for the Inter-American Development Bank below the \$261 million figure in the pending bill. As the size and scope of our bilateral programs in Latin America have declined, our support for the Inter-American Development Bank has come to be regarded in Latin America as the

principal index of U.S. support and concern for the welfare and progress of that region.

The administration has stated unequivocally how central the Inter-American Development Bank is, both to the overall policy of increasing our reliance on multilateral assistance and to our relationships in the hemisphere. For example, on January 19, President Nixon said:

In regard to our participation in multilateral institutions, I attach the highest importance to meeting in full the financial pledges we make. In 1970, the U.S. agreed with its hemispheric partners on replenishing the Inter-American Development Bank. Our contribution to this Bank represent our most concrete form of support for regional development in Latin America . . . It is urgent that the integrity of this international agreement be preserved through providing the needed payments in full.

These Inter-American Bank contributions—together with our vital contributions to the International Development Association, the World Bank and the Asian Development Bank are the heart of my announced policy of channelling substantial resources for development through these experienced and technically proficient multilateral institutions . . .

And only this past Tuesday, the President reiterated this emphasis on the importance of these multilateral contributions in a letter to the House of Representatives, which was considering authorizing legislation for the balance of our pledge to the Fund for Special Operations of the Inter-American Bank, as well as U.S. contributions to the International Development Association and the Asian Development Bank. In that letter he said:

Our contributions to the Inter-American Development Bank . . . are essential elements in our development assistance policy . . . I strongly urge passage of these Bills—Bills which are truly a cornerstone to our search for peaceful development in the world.

Mr. President, the Senate itself, last October 19, went on record, by a vote of 49 to 31, in support of authorizing legislation for the balance of our pledge to the Fund for Special Operations of the IDB. The same legislation on Tuesday passed the other body with a margin of 130 votes. Can there be any doubt that there is the strongest recognition in the Senate and in the House of the importance of our support to the Inter-American Development Bank? And can there be any doubt that the one action that would undo this strong expression of support would be a reduction of the \$261 million provided in the present bill for the IDB? As the Washington Post commented editorially early this week on our making good on our pledge to the Bank, "Failure to do so would reverberate dismally through the hemisphere."

This body has consistently been in the forefront of those who believe that we should increasingly multilateralize our approach to foreign assistance. We have called on the administration to move in this direction. The administration has responded. And here today we have an opportunity to demonstrate whether or not we hold our convictions seriously. There would be little credibility left to

the many statements about multilateral assistance in this Chamber if we reduce today the amount recommended by the Committee for the Inter-American Development Bank.

It is now almost 2 years since the replenishment agreement, to which today's appropriation relates, was initiated by the 23 members of the Inter-American Development Bank at Punta del Este, Uruguay. And it is over a year since this body approved the authorizing legislation for these appropriations.

Mr. President, despite the fact that the Latin American countries have acted promptly on their contributions, we have not done so. Consequently, it has already been necessary to postpone the first installment payment for the Fund for Special Operations from June 30 of last year to June 30 of this year, with additional postponements of subsequent installments. It is obvious to everyone that we can easily dissipate a great deal of the good will that we earn through our contributions to this cooperative hemispheric institution by our repeated failure to meet the schedules agreed to with the other members and authorized by the Congress.

We are on a schedule with the 23 nations of Latin America. We have told them that we would do this. They have responded in their way, but we have not responded. What we have done in committee, in presenting this bill, in the amount asked for, is in response to an agreement with the 23 members of Latin America.

There is a similar situation with respect to the ordinary capital. A substantial part of the funds included in the \$261 million was originally due last June 30 and only a part could be made available last December under a continuing resolution. Failure to act now would undoubtedly result in another delay on our installment payments due this coming June 30, and our Latin friends would have a further basis to conclude that the United States is simply not very interested in carrying out its undertakings in the Inter-American Development Bank.

It goes without saying, particularly to those who are familiar with the problems of development, that no responsible banking institution can function adequately or effectively on the basis of stop-go financing such as we have been imposing on this Bank. The replenishment toward which today's funds are directed is a 3-year program designed to permit orderly commitment of funds. The IDB management will, if we refuse to provide the full amounts necessary to bring us up to date on installment payments, again be unable to plan ahead for a well-balanced program.

Mr. President, let us not talk in terms of support for multilateral institutions and for our hemispheric partners and then have our actions belie our words. We have encouraged the Inter-American Bank to aim for a lending program of \$900 million or more per year. Today's \$261 million appropriation is an essential step toward permitting that to come about. Drastic reductions would have to be made in the Bank's operations if we

respond to those who would reduce the recommended funding.

Mr. President, those of us who voted successfully yesterday for my amendment to add \$100 million to the bilateral alliance for progress appropriation in this bill did so in the conviction that inadequate provision is being made for the needs of our neighbors in this hemisphere. We believed that there is a strong U.S. national interest in seeing to it that the countries to the south of us can make progress toward their goals of economic and human development.

It, therefore, makes absolutely no sense to me for this body, as is now suggested, to turn around and reduce by \$100 million the resources that would flow to Latin America through the single most important and accepted instrument of hemispheric development financing, the Inter-American Development Bank. Such an action would simply nullify the step we took yesterday.

It would mean that highways, dams, job-producing industries, irrigation systems, and schools would not be built where there is a desperate need for them.

It would mean, in brief, that we would still be shortchanging both the peoples of the developing region nearest to us and a vital foreign policy interest of the United States.

And what could Latin Americans think of our action other than that this body is simply taking a cynical and hypocritical approach to Latin American relations. They could fairly conclude that we give with one hand and take away with another.

Anyone in this Chamber who has the least concern that Latin America is slowly slipping away from the traditional close and friendly ties we have enjoyed with it should immediately perceive the disastrous consequences that would follow from our failing to provide the full amount for the Inter-American Development Bank that the Appropriations Committee has so wisely recommended. I urge each one of my colleagues to reject any attempt to reduce the amounts presently proposed for carrying out our firm pledges to our Latin American friends through the Inter-American Development Bank. The \$261 million now in the bill deserves our full support.

I ask, Mr. President, that the amount which the committee has recommended not be reduced.

The PRESIDING OFFICER (Mr. BEALL). Who yields time?

Mr. BYRD of Virginia. Mr. President, how much time remains to each side?

The PRESIDING OFFICER. The Senator from Virginia has 8 minutes remaining. The other side has consumed all its time.

Mr. BYRD of Virginia. Mr. President, I yield 5 minutes to the distinguished Senator from Missouri (Mr. SYMINGTON).

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. SYMINGTON. Mr. President, I thank my colleague from Virginia for yielding to me.

This question of multilateral loans has come up on the floor of the Senate over many years. Those who do not really

care how money goes into these various foreign countries have supported and support both multilateral loans and bilateral loans. Their primary interest is to move our money out of the United States and into other countries; and they do their best to justify this policy.

Some other Members of the Senate vote for bilateral loans as against multilateral loans; others for multilateral loans as against bilateral.

But the past is not particularly important as we now consider the future. I fully support the amendment of the distinguished Senator from Virginia and ask unanimous consent that statements I made on this subject on August 23, 1967, and February 4, 1971, respectively, be printed in the RECORD at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. SYMINGTON. The past is the past, but now we have a different position as of today, which nevertheless would appear to be ignored by those who propose this bill.

I have before me an issue of the U.S. News & World Report for February 7, which points out that in the Eisenhower years there were deficits. The largest was \$12.9 billion.

In the Kennedy years, the largest deficit, although every year was a deficit, was \$7.1 billion.

In the Johnson years, the largest deficit was in 1968, \$25.2 billion.

In the Nixon years, the largest deficit as already estimated by the administration for fiscal year 1972 is \$38.8 billion, and respected economists tell me, when all the figures are in, it will be a great deal more.

It is interesting to note that 1 year ago this administration estimated the deficit would be \$11.6 billion. They now admit it will be at least \$38.8 billion. They also have already estimated the 1973 deficit at \$25.5 billion. If that deficit is exceeded as much in that year as was the excess this year, we will have a deficit totaling nearly \$100 billion.

Consider, Mr. President, the record of the past two decades—16 years of deficits and 4 years of surpluses and it shows a total red ink net of \$159.8 billion.

Those terrifying figures—terrifying from the standpoint of the present and future value of the dollar—should be considered as many communities in our country continue to default on such vital needs as school bonds all over the United States, to the point where we now hear of radically new plans for getting money for our schools, plans which can only be excessively punitive to those with limited incomes.

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

Mr. BYRD of Virginia. Mr. President, I yield an additional 2 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for an additional 2 minutes.

Mr. SYMINGTON. Mr. President, we know that our central cities, our urban, suburban, and rural areas are badly in need of money to maintain a decent

standard of living. At the same time, to my surprise, some in the Senate would add more money today in foreign aid than was recommended before this incredible deficit, became a matter of public record, the largest in the history of the United States except in a year of general war.

I would earnestly hope that this afternoon we would pay less attention to the problems of the people of other nations, nations we have been defending and financing for so many years, and more attention to the problems of the people of the United States.

We have already devalued the dollar. That dollar was still in deep trouble only yesterday. It may well be in deeper trouble tomorrow. And if the dollar goes down, capitalism as we know it could well go down also.

For these reasons I support this wise amendment of the Senator from Virginia and hope it is adopted by the Senate.

EXHIBIT 1

DANGERS IN THE \$900 MILLION REQUEST FOR FUND FOR SPECIAL OPERATIONS—INTER-AMERICAN DEVELOPMENT BANK

(Statement by Senator STUART SYMINGTON, Senate Floor, August 23, 1967)

Although the Senate Foreign Relations Committee favorably reported S. 1688 which would double the United States contribution to the Fund for Special Operations of the Inter-American Development Bank, my distinguished colleague, Senator Gore, and I felt we could not support a contribution of \$900 million to this soft-loan window of the Bank. Our reasons are detailed in the minority views accompanying the Committee's reports.

At this time I would make a few comments regarding this request for funds.

If approved, this additional contribution of \$900 million by the United States would increase the total contribution of the United States to the Fund for Special Operations (FSO), since its inception in 1959, to \$1.8 billion.

The amount of money sought from the United States has substantially increased with each request. Unless checked, there will be no stopping of this snowball effect.

Through the years, I have continued to support the lending institutions to which the United States is a contributor, such as the World Bank, the Inter-American Development Bank and more recently the Asian Development Bank, in their regular operations of making loans on a business-like basis in order to finance many worthwhile projects in the underdeveloped countries. It is a fact we all know, however, that other developed countries have not accepted their share of the financial responsibility of these lending institutions. As their economies continue to grow, even without consideration of what we have done with military and treasure to foster that growth, why should not they be expected to shoulder more of the burden.

I can no longer support the "soft-loan windows" of these lending institutions—International Development Association in the case of the World Bank, Fund for Special Operations in the case of the Inter-American Development Bank. These "windows" make loans at practically no interest, for 30-40-50 years, loans often repayable in the currency of the borrowing country.

Loans on such terms are nothing more than grants. Everybody knows that. Therefore they should be so designated, rather than this continuing questionable and slick effort to try to sell the Congress and the American people that they are "loans," and that they will be repaid.

It is argued that a number of the Latin

American nations are finding it difficult to service their short and medium-term debts, also that low interest, long term loans are the solution. As stated in the minority views filed by Senator Gore and myself, however:

"This argument appears to be a straightforward one in favor of encouraging fiscal irresponsibility on a continental basis. If this is even partly true, then the Latin American countries are acting unwisely in taking on an increasing volume of debts, and the United States is not helping its neighbors by underwriting this process."

If these countries continue to obtain these soft loans, or disguised grants, then much of the goal of these international lending institutions, namely to encourage self-help, will be meaningless.

This trend of increasing soft loans and declining hard loans was evidenced in the IDB's 1966 Annual report. That report stated that its soft loans last year totaled \$291.3 million, up more than \$90 million from 1965. But hard loans fell \$21 million to \$100.9 million.

It is argued that the balance of payments effect of these additional funds would be delayed until the 1970's; and that they would be relatively minor, as it is estimated the greater percentage would be tied to U.S. goods and services.

First, this argument would seem to imply that our balance of payments will be in a more favorable position in the 1970's—a premise difficult to believe in view of our 18-year continuing unfavorable balance of payments and the mounting costs incident to the Vietnam war.

Second, in regard to "tied-aid" it must be pointed out that any percentage figure of goods purchased in the U.S. can be misleading, as it does not take into account the so-called substitution effect. As stated by an Administration official:

"It is essential . . . that we demonstrate that our commercial trade surplus—which is a plus to our balance of payments—is not eroded when we contribute our goods and services through aid. The United States simply cannot afford to lose any commercial sales as a result of its aid efforts."

Of even more immediate importance than the balance of payments, however, are the needs of our own citizens, particularly in the areas of education, employment, housing and health. At a time when these needs are pressing and our resources are limited, it would seem that priorities should be established. As between domestic programs and foreign aid, it is clear to me that domestic programs must have the higher priority.

Congress must accept and exercise its responsibility, especially in that our fiscal and monetary problems, serious for years, are now approaching the critical stage.

THE INTER-AMERICAN DEVELOPMENT BANK
(Statement by Senator SYMINGTON,
February 4, 1971)

Mr. President, on January 11 an article in the Washington Post noted a report by the staff of the Inter-American Development Bank showing that the Bank had lent some \$273 million for irrigation projects in Mexico, so many of which have shown disappointing results.

According to the article, and indicating the wise warnings of our former colleague from Tennessee, Senator Gore, the Bank has often been criticized for its poor loan-making procedures; and these Mexican projects are but one more example of the need for that financial institution to operate on a more businesslike basis.

The new budget just submitted to the Congress last week includes a request for \$487 million in supplemental 1971 appropriations for the Inter-American Development Bank; also an additional \$500 million for fiscal year 1972.

Especially considering the heavy and grow-

ing financial problems now facing this Government, let us hope that these two requests for nearly \$1 billion, along with requests for funds for other financial institutions—especially those with soft-loan operations—will be more carefully scrutinized by the appropriate legislative committees and the Congress as a whole.

On any basis, and particularly at a time when the need for funds is so pressing here at home, it is hard to understand why the United States should contribute to such uneconomic development projects as those outlined in the staff report with respect to Mexico.

I ask unanimous consent that the article in question, "Bank Criticizes Loan for Mexican Project," be printed at this point in the Record.

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

BANK CRITICIZES LOAN FOR MEXICAN PROJECT
(By Charles E. Flinger)

The Inter-American Development Bank has discovered it has been lending money to irrigate land where most crops can't grow anyway—water or no water.

A staff report circulated among bank officials reports disappointing results from heavy bank lending for many Mexican irrigation projects. A draft of the summary was obtained by United Press International.

The loans for the projects number 23 and involve \$273.3 million, equal to 7 per cent of all the bank's lending and more than half of its loans to Mexico.

The staff report says that one of the projects undertaken with the development loan might be successfully converted to fish farming with some more investment but "gale force winds blow daily during nearly half of the year, restricting the adaptability of hybrid grains and other crops which are top-heavy and thus susceptible to blow-downs."

In another case, the bank staff found that irrigation was not very successful because the land involved was too hilly for the type of irrigation undertaken.

The bank has been criticized frequently for its weaknesses in loan-making procedures which should avert such uneconomic development projects.

The bank, mostly run by the borrowers—the Latin American members—has been urged to get on a more businesslike basis before.

It is now in a stage of transition. Its original and only president, Felipe Herrera, a Chilean, has resigned to return to Chile.

The president-elect, Antonio Ortiz Mena, a former Mexican finance minister, is due to take office March 1.

Mr. BYRD of Virginia. Mr. President, I yield myself such time as I need.

The PRESIDING OFFICER. The Senator has one minute remaining.

Mr. PROXMIRE. Mr. President, I yield the Senator from Virginia 3 additional minutes from the time on the bill.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 4 minutes.

Mr. BYRD of Virginia. Mr. President, I think the Senator from Missouri has put this matter in focus. This country is facing today the gravest financial crisis it has ever faced. Yet we come here with a foreign aid bill which extends the foreign aid authorization which the Senate voted down on October 29. The total figure in the pending legislation before the Senate today, as it has been amended on the floor is \$3,100,635,000.

The pending amendment would do

simply this. Instead of appropriating \$261 million for the Inter-American Bank, it would accept the House figure of \$150 million. They would still get \$150 million. The Inter-American Bank would still get \$150 million. I point out that the United States has put up 57.9 percent of all the money that has gone into the Inter-American Bank, leaving the remaining 40-some-odd percent to 22 Latin American countries.

The Senator from Hawaii laid great stress on the special operations fund. Mr. President, the United States has put up 77 percent of that fund. Seventy-seven percent of the special operations fund has been paid by the American taxpayers.

How long are we going to continue to take tax dollars out of the pockets of the hard-working wage earners of the United States and turn that money over to foreign countries? If we did not have this smashing deficit, then there would be some justification for it. There was some justification for it in the past.

However, as the Senator from Missouri pointed out, this country is in a condition that it has never been in before. It has never been in this position financially. The workingman's dollar is going down and down and is depreciating every day. And why is that? It is because of the way the Senate is acting and the way the House has been acting in the past and the way the administrations have been acting in the past.

Unless we are willing to face up to this and unless somewhere along the line we are going to draw the line and get the United States back on a sound track financially, the wage earners will suffer all the more by a depreciation of the dollar.

So if we are not willing to cut back a little bit—and this does not cut it all out—for the Inter-American Bank, and vote for this figure of \$150 million for a world international financial institution, it seems to me then that it is very unlikely that the Senate is willing to cut back on it, and the debt is likely to be even more astonishing in the coming year.

Mr. FONG. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 1 minute.

Mr. FONG. Mr. President, we are not making a gift here. We are buying shares in a bank. When the bank loans the money out, it gets the principal and interest back. When we put money in the bank, we are buying shares in the bank. If the Inter-American Bank lends money out, it is 7 percent and 8 percent money.

Mr. PROXMIRE. Mr. President, I yield 1 minute to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 1 minute.

Mr. SYMINGTON. Mr. President, if we are buying anything of any value it certainly does not reflect itself in this staggering deficit. Twenty years ago the United States had \$24.5 billion in gold, and owed \$7 billion in current liabilities redeemable in gold.

Today the United States has some \$10

billion in gold and owes \$35 billion it has pledged to redeem in gold.

From the standpoint of a corporation, therefore this country is broke, completely insolvent. No one in private business could think of getting a loan with a balance sheet like that.

The fact we have been using our printing presses, the excuses given for shoveling all this money out of this country no longer add up. The deficit of today so proves.

Mr. PROXMIRE. Mr. President, I yield 1 minute to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. FULBRIGHT. Mr. President, one of the greatest financiers and one of the

most successful men in the Senate, the Senator from Hawaii, says that we are buying shares in the bank, as if we were buying shares in the National City Bank or the Chase Manhattan Bank.

Mr. President, to leave the impression that we are making a good investment is absurd. The bank is a convenient vehicle for giving the money away. However, this is not a good investment. We are not going to get 8 percent return on the money, and we are not going to get anything back. This is a mechanism for distributing the money to Latin America. I do not want anyone to believe that we are buying shares as if we were buying shares in the National City Bank or in the Chase Manhattan Bank.

I submit that the Senator from Hawaii would not want to deceive his colleagues

by saying that we are making a good investment.

Mr. FONG. Mr. President, when we put money in the bank, the money is loaned out and is repaid to the bank. We still have our equity in the banks. We are not giving this money away. We are lending it out, and it is paid back. The bank is making money.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a summary statement of investments in and loans by Inter-American Development Bank, as of December 31, 1970. This is from the Government. This is an actual demonstration of what actually happened.

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

SUMMARY STATEMENT OF INVESTMENTS IN AND LOANS BY INTER-AMERICAN DEVELOPMENT BANK, AS OF DEC. 31, 1970

[In millions of dollars]

	Capital subscriptions		FSO ¹ contributions	Loans approved			
	Total	Paid-in ¹		Total paid-in	Ordinary capital	FSO	Total
Argentina.....	345.8	51.6	115.1	166.7	282.6	222.7	505.3
Barbados.....	4.1	2.1	.4	2.5			
Bolivia.....	27.8	4.1	9.2	13.3		82.0	82.0
Brazil.....	345.8	51.6	115.1	166.7	395.5	403.5	799.0
Chile.....	95.0	14.2	31.6	45.8	102.3	151.6	253.9
Colombia.....	94.9	14.1	31.6	45.7	141.9	165.2	307.1
Costa Rica.....	13.9	2.0	4.6	6.6	15.3	34.5	49.8
Dominican Republic.....	18.5	2.8	6.2	9.0	6.0	44.5	50.5
Ecuador.....	18.4	2.8	6.2	9.0	13.8	64.4	78.2
El Salvador.....	13.9	2.1	4.6	6.7	7.0	15.5	22.5
Guatemala.....	18.5	2.8	6.2	9.0	11.3	53.8	65.1
Haiti.....	13.9	2.1	4.6	6.7		12.3	12.3
Honduras.....	13.9	2.1	4.6	6.7	.5	46.9	47.4
Jamaica.....	18.5	2.8	6.2	8.0			
Mexico.....	222.3	33.1	74.0	107.1		267.9	228.0
Nicaragua.....	13.9	2.1	4.6	6.7		19.5	42.9
Panama.....	13.9	2.1	4.6	6.7		1.5	34.2
Paraguay.....	13.9	2.1	4.6	6.7		6.0	83.6
Peru.....	46.3	6.9	15.4	22.3		43.7	134.1
Trinidad.....	13.9	2.1	4.6	6.7			8.9
United States.....	1,173.5	150.0	1,800.0	1,950.0			
Uruguay.....	37.1	5.5	12.3	17.8		47.9	40.2
Venezuela.....	185.3	27.6	61.7	89.3		104.9	91.2
Regional.....						18.5	50.7
Total.....	2,763.0	388.5	2,328.0	2,716.5	1,486.0	2,021.6	3,507.6

¹ 50 percent of Latin contributions in dollars.

² \$35,600,000 of Latin contributions in dollars; rest in own currencies.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. FONG. Mr. President, I yield 2 minutes on the bill to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 2 minutes.

Mr. AIKEN. I had not intended to speak on this subject, but I am unable to understand the apparent hostility of some Senators toward Latin America. I realize that some three or four Latin American countries have done things which are offensive to us. But there are still some 16 countries which stand by us, which cooperate with us fully, in the United Nations and other places.

When it is said that none of the money loaned by the bank will come back to the United States, that is absolutely untrue. Some will return to some States, none to other States. I expect that States along the southern tier will get more benefit from it than others. But why in the world are some Senators recommending the dumping of hundreds of millions of dollars into other countries and cutting down on our most cooperative neighbors.

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

Mr. AIKEN. I yield.

Mr. MANSFIELD. Is it not odd that we seem to have interests in almost every part of the globe except the Western

Hemisphere? There are areas at our own back door, so to speak, areas where we are neighbors one with another. I would hope that we would wake up to the fact that we have not had a policy in Latin America for all too many years. It is about time that we start to pay attention. Otherwise, other nations will step in and may cause trouble.

Mr. AIKEN. Absolutely. There are others who would do that—let the Eastern Europe nations, the Asian nations, and the African nations fix our policies with Latin America, rather than ourselves doing it. It is extremely important that we reserve the right to have bilateral dealings with the Central and South American countries, otherwise we will not have many friends left on this earth.

I do not think any of this money will come back to Vermont, but that does not make any difference to me. I am concerned with the welfare of the whole Nation.

Mr. MANSFIELD. None of it will come back to Montana. Nevertheless, it is in our interest, I think, that we pay some attention to the countries of our own hemisphere.

Mr. AIKEN. I should think that by our paying attention to the countries of this hemisphere, that those who have had properties expropriated will stand a far better chance to receive compensation for them than by our welshing on Latin

America, giving them nothing, and forcing them into alliances elsewhere.

I say let us be friendly with those who have been friendly with us, and not turn our friends over to those who at this point are trying to do everything they can to downgrade us as a nation.

Mr. BYRD of Virginia. Mr. President, I want to make it very clear that this amendment is not directed against any country in Latin America; it is offered on behalf of the taxpayers and wage earners of this country who have to pay the bill.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired. The question occurs on the amendment of the Senator from Virginia (Mr. BYRD). The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Washington (Mr. JACKSON), and the Senator from

Wyoming (Mr. McGEE) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), and the Senator from Washington (Mr. MAGNUSON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), and the Senator from Ohio (Mr. SAXBE) are detained on official business. If present and voting, the Senator from Pennsylvania (Mr. SCOTT) would vote "nay."

The result was announced—yeas 36, nays 46, as follows:

[No. 32 Leg.]

YEAS—36

Allen	Eastland	Jordan, N.C.
Anderson	Ellender	Jordan, Idaho
Bible	Ervin	Long
Brock	Fannin	McClellan
Burdick	Fulbright	Proxmire
Byrd, Va.	Gambrell	Randolph
Byrd, W. Va.	Goldwater	Smith
Cook	Gurney	Spong
Cotton	Hansen	Stennis
Curtis	Hollings	Symington
Dominick	Hruska	Talmadge
Eagleton	Inouye	Thurmond

NAYS—46

Aiken	Hart	Pell
Beall	Hatfield	Percy
Bennett	Hughes	Ribicoff
Bentsen	Javits	Roth
Boggs	Kennedy	Schweiker
Brooke	Mansfield	Sparkman
Buckley	Mathias	Stafford
Case	McIntyre	Stevens
Chiles	Metcalf	Stevenson
Church	Mondale	Tower
Cooper	Montoya	Tunney
Cranston	Moss	Weicker
Dole	Nelson	Williams
Fong	Packwood	Young
Griffin	Pastore	
Harris	Pearson	

NOT VOTING—18

Allott	Hartke	Miller
Baker	Humphrey	Mundt
Bayh	Jackson	Muskie
Bellmon	Magnuson	Saxbe
Cannon	McGee	Scott
Gravel	McGovern	Taft

So the amendment of Mr. BYRD of Virginia was rejected.

Mr. FONG. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CASE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I shall yield time in a moment to the Senator from Missouri, but before I do so I should like to yield a moment to the Senator from Illinois to call up an amendment, so that it can be made the pending business.

AMENDMENT NO. 865

Mr. STEVENSON. I thank the Senator from Wisconsin.

Mr. President, I call up an amendment which I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENSON. I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. STEVENSON'S amendment (No. 865) is as follows:

On page 4, line 3, strike out "\$175,000,000" and insert in lieu thereof "\$225,000,000, to remain available until expended: *Provided*, That the funds appropriated under this paragraph shall not be available for obligation in excess of an amount equal to 40 per centum of all contributions (including contributions in cash and the value of food and in-kind contributions) provided for such relief and rehabilitation by any person, organization, or government".

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield 10 minutes on the bill to the Senator from Missouri.

MR. KISSINGER, THE STATE DEPARTMENT AND THE CONGRESS

Mr. SYMINGTON. Mr. President, this morning's New York Times carries a front page story by Terrence Smith with the heading "Kissinger Links Aid Bill to Talks." I will quote the two most pertinent paragraphs:

Mr. Kissinger, President Nixon's adviser for national security, told an unpublicized meeting of relatives of American prisoners of war last Friday that the unexpected Senate defeat of the aid measure might have led the North Vietnamese to believe that United States economic support for the Saigon Government would be ended shortly without any concession by Hanoi in the negotiations.

Three weeks after the Senate vote the North Vietnamese suddenly reversed themselves and declined to send a member of the Politburo to a meeting scheduled for Nov. 20.

Mr. President, this report, if true, is most disturbing, especially while Congress is still considering foreign aid legislation. It appears to be an attempt to brand in the public's mind those of us who oppose some aspects of foreign aid as something less than good Americans who are at least partially responsible for the failure of the President's peace overture. Mr. Kissinger offers no proof of his charge. The public is being asked to accept it as faith as they have been asked to swallow so many other charges that have emanated in the White House during the course of this miserable war.

It would have been far more appropriate for Mr. Kissinger to have made this charge before the Senate Foreign Relations Committee than before a group of relatives of prisoners of war. The report states that the meeting at which he spoke was:

One of a series of sessions he has held with them (the relatives) during the last year to explain the administration's policy on the war.

Dr. Kissinger can brief the press and talk to private groups but he will not meet with members of the Foreign Rela-

tions Committee. It is ironic that the President's top foreign policy adviser will answer questions from a TASS or AP correspondent but not those which trouble members of the Foreign Relations Committee.

Dr. Kissinger will not make himself available to Congress but other White House officials do. There is at least some dialog between the White House and Congress on domestic affairs. The Director of the Office of Management and Budget, the members of the Council of Economic Advisers, the President's Representative for Trade Negotiations, and other White House officials regularly make themselves available to congressional committees. Only yesterday the head of the President's Office of Telecommunications Policy, Clay T. Whitehead, testified before the Constitutional Rights Subcommittee on a matter about which the White House wanted to express its views. I see no reason why Congress should tolerate a situation where the White House can pick and choose who, when, and where it will permit Presidential advisers to testify before Congress.

Make no mistake about it, the handles of power throughout the Government are being centralized in the White House at a rapid pace. Our system of checks and balances is being fast eroded in the process and both Congress and the American people are the losers. In this connection, a trip I have just completed around the world convinces me that this investing of great power in the hands of a White House staff member who briefs the press and various groups on and off the record, but refuses to appear before the Congress, is seriously crippling the prestige of the State Department, to the point the effectiveness of our Ambassadors, in the main able and dedicated public servants, is a matter of grave concern.

Mr. President, in closing I wish to make two observations. The Senate defeated the foreign aid bill on October 29. Dr. Kissinger allegedly said that this defeat was a factor in the North Vietnamese decision to cancel the meeting scheduled for November 20. Notice of Le Duc Tho's illness, and cancellation of the meeting, was said to have been given to the United States by the North Vietnamese on November 17. Yet by November 11 the Senate, through the leadership of the Chairman of the Foreign Relations Committee, had already revived the foreign aid program and passed bills for both economic and military aid. The dead aid program was revived a week before the United States was notified that Le Duc Tho would not appear on the 20th.

Also, according to a report in yesterday's New York Times the North Vietnamese did not cut off negotiations, as the White House would have the public believe, but was willing to continue discussions at the working level. The news article states:

Neither Mr. Kissinger nor any other administration official, however, has explained why it was not possible to have some lower-ranking United States official, such as William J. Porter, the chief of the United States negotiating team in Paris, meet with Mr.

Thuy so as to sustain the momentum of the talks.

I ask unanimous consent to have both of the news articles to which I referred printed in the RECORD at this point.

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

KISSINGER LINKS AID BILL TO TALKS, SAYS DEFEAT BY SENATE WAS A FACTOR IN SUSPENSION OF SECRET PARLEY IN PARIS

(By Terence Smith)

WASHINGTON, February 2.—Henry A. Kissinger has expressed the view that the Senate defeat of the foreign aid bill last Oct. 29 was among a number of factors that led to the suspension of the secret negotiations between the United States and North Vietnam in November.

Mr. Kissinger, President Nixon's adviser for national security, told an unpublicized meeting of relatives of American prisoners of war last Friday that the unexpected Senate defeat of the aid measure might have led the North Vietnamese to believe that United States economic support for the Saigon Government would be ended shortly without any concession by Hanoi in the negotiations.

Three weeks after the Senate vote the North Vietnamese suddenly reversed themselves and declined to send a member of the Politburo to a meeting scheduled for Nov. 20.

Mr. Kissinger addressed the relatives in a private meeting at the White House last Friday. It was one of a series of sessions he has held with them during the last year to explain the administration's policy on the war.

In other conversations in the last week Mr. Kissinger has reportedly expressed the view that many factors may have influenced the North Vietnamese decision, including these:

The negative international reaction to the one-man South Vietnamese election on Oct. 3, North Vietnam may have believed that the spectacle of an uncontested election might reignite antiwar sentiment in the United States and erode support for President Nixon's continued backing of President Nguyen Van Thieu.

The pace of the withdrawal of United States troops. The withdrawals announced during the period may have persuaded the North Vietnamese that the American involvement was headed toward an early conclusion regardless of the progress of the Paris talks.

Implicit in the theory that the defeat of the aid bill may have contributed to the North Vietnamese reversal is the suggestion that the bipartisan coalition—antiwar senators, liberals disillusioned with foreign aid, and fiscal conservatives—might have inadvertently created obstacles to the secret peace talks.

Perhaps to avoid that implication, Mr. Kissinger has declined to speculate in public on the North Vietnamese motive in announcing that Le Duc Tho, a senior Politburo member, was unable to attend the Nov. 20 session because of illness. The United States responded that the meeting could serve no useful purpose without him, the theory being that lower-level officials could not make substantive decisions.

Hanoi did offer to send Xuan Thuy, the head of its Paris negotiating team, but the United States declined. As a result each side has accused the other of breaking off and thereby deadlocking the talks.

It was on Nov. 17, three weeks after the defeat of the aid bill and while the debate on the merits of the program was still raging, that North Vietnam advised the United States that Mr. Tho was ill. A reduced version of the measure was passed by the House of Representatives and sent to the White House on Jan. 25.

Mr. Kissinger outlined his views during a two-hour question-and-answer session with 25 wives and relatives of prisoners in the Roosevelt Room of the White House. His audience included the leaders of the major organizations of prisoners' families, including the board of the National League of Families of American Prisoners and Missing in Southeast Asia.

According to a source familiar with the meeting, Mr. Kissinger was applauded. Later he was thanked on behalf of the families for his efforts over the past 30 months, disclosed last week by the President, to negotiate a settlement of the war.

The families were asked to hold Mr. Kissinger's remarks in strict confidence.

For the first half of the two-hour session, it was said, Mr. Kissinger briefed them on the secret negotiations, which began in August, 1969, repeating much of what he said at his news conference last Wednesday.

He reportedly stressed the flexibility of the new eight-point American peace proposal, which includes a plan under which President Nguyen Van Thieu would agree to resign 30 days in advance of a new presidential election.

As an example of the Administration's flexible approach, Mr. Kissinger is reported to have said: "If the 30-day time period is too short, we are prepared to consider alternatives. If the North Vietnamese propose 40 days, or 50 days, we are not going to walk out of the room."

It was said that Mr. Kissinger also stressed, as he had in public, that North Vietnam had been stanch in its demand that the United States bring about the overthrow of the Thieu Government as part of any agreement involving the release of the prisoners.

He noted, the account continued, that the Vietcong spokesman in Paris, expecting that President Nixon would offer in his speech last Tuesday to set a timetable for withdrawal in exchange for the release of the prisoners, had rejected the idea in advance. Mr. Kissinger cited that as a demonstration of the fact that the other side would require political concessions as well as military ones in exchange for the prisoners' release.

U.S. RELEASES ITS OWN TEXT OF HANOI PEACE PROPOSALS

(By Terence Smith)

WASHINGTON, February 1.—The Nixon Administration today released its own text of the nine-point peace proposal it received from North Vietnam last June 26 and reiterated its willingness to try to negotiate an agreement on the basis of its provisions.

Except for minor grammatical differences, the text is virtually identical with the version made public by the North Vietnamese in Paris yesterday and published today in The New York Times.

In answer to a question, the White House press secretary, Ronald L. Ziegler, said that "of course" the United States was willing to negotiate on the basis of the North Vietnamese plan. "It has been on the table for months and that is what we have been negotiating about," he said.

Mr. Ziegler also acknowledged that Henry A. Kissinger, the President's adviser on national security, had turned down a North Vietnamese proposal that he meet alone secretly with Xuan Thuy, the head of Hanoi's delegation at the peace talks, in Paris on Nov. 20. His contention was that the negotiation could not be productive unless the North Vietnamese minister was accompanied by a member of Hanoi's political leadership.

NEGOTIATIONS DEADLOCKED

At the same time, Administration sources said, the North Vietnamese failed to respond to an American suggestion that they send another member of the North Vietnamese Politburo in place of Le Duc Tho, a senior

Politburo member, who was reported ill at the time. They also failed to empower Mr. Thuy to make substantive decisions in the private talks, the sources said.

Thus, from the record as revealed by both the Nixon Administration and North Vietnam, it appears that it was Hanoi that cut off the secret negotiations at the Politburo level and the United States that declined to continue them at the working level.

The net result was that the private negotiation between the two sides, which had been under way since August, 1969, settled into a deadlock that still continues.

ACCUSATION BY HANOI

The question of which side was responsible for the cancellation of the Nov. 20 meeting was raised yesterday when a spokesman of the North Vietnamese delegation in Paris charged at a news conference that it was the United States that had cut off the talks.

President Nixon, in his televised address to the nation last Tuesday, asserted that it was the North Vietnamese who had "called off" the Nov. 20 meeting. He noted in the speech that Mr. Kissinger had met seven times in Paris with Mr. Tho and Mr. Thuy, and five times with Mr. Thuy alone.

The rationale for the American refusal to meet with Mr. Thuy alone on Nov. 26 was presented by Mr. Kissinger in his news conference last Wednesday. He said that on Nov. 17, three days before the scheduled meeting, North Vietnam advised Washington that Mr. Tho was ill.

"Now everyone who has been engaged in these negotiations knows that in his absence no major change can occur," Mr. Kissinger said, referring to Mr. Tho.

"We tested it ourselves in our experience by meeting five times with Minister Xuan Thuy, it is simply a fact of the power relationship in Hanoi, that Le Duc Tho, being a member of the Politburo, has authority that no official of the Ministry of Foreign Affairs has."

Neither Mr. Kissinger nor any other Administration official, however, has explained why it was not possible to have some lower-ranking United States official, such as William J. Porter, the chief of the United States negotiating team in Paris, meet with Mr. Thuy so as to sustain the momentum of the talks.

A precedent for this was established on Oct. 11, when an official other than Mr. Kissinger—the Administration has declined to reveal who—presented the latest and most comprehensive of the American plans to the North Vietnamese.

Instead of offering a substitute for Mr. Kissinger, the United States replied on Nov. 19 that in light of Mr. Tho's illness, "no point would be served by a meeting."

The PRESIDING OFFICER. Who yields time?

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

Mr. SYMINGTON. I am glad to yield to the able Senator from Arkansas.

Mr. FULBRIGHT. I commend the Senator for bringing to our attention this statement by Dr. Kissinger. We all know Dr. Kissinger as an extremely able man. He is so able, in fact, that Mr. Buchwald says there must be five of him. He does so much work and moves so rapidly that he thinks there must be five Henry Kissingers. He does give that impression.

Mr. President, this system is a subversion of our constitutional processes. If the Senate wishes to give up any significant participation in our foreign policy, of course we can do it, but I think the Senator from Missouri raises a very important question, and that we must find—if we intend to keep some of the

influence which the Constitution gives to this body—ways to bring Mr. Kissinger before the Senate.

It does seem absurd that he makes the remark attributed to him on the front page of the New York Times. When he does so, he is no longer an actual personal adviser of the President; he is, for all practical purposes, the Secretary of State. When visitors come to this town from abroad who are interested in what our policy is, I am told, both directly by some of them and by others who are mutual friends, that the person they want to see is Mr. Kissinger. They want an appointment with Mr. Kissinger to find out what is the policy of this Government, and they know that is the place to find it.

Take ambassadors. It was said the other day that the Norwegians are considering abolishing many of their ambassadors. I think there is a lot of merit in that approach. We have two ambassadors in Paris, but the President does not use either of them to negotiate seriously. He sends Mr. Kissinger to Paris 12 times to talk to Xuan Thuy and Le Duc Tho, the two principal men. What good does it do to have two ambassadors there? To entertain visiting Senators? It would be much cheaper just to give the Senators an entertainment allowance and let them go to the Orion Hotel or somewhere.

The State Department's operation abroad is enormously expensive and serves little useful purpose in the decisionmaking process these days. It is most ridiculous to maintain a State Department of 10 or 12 thousand people, at a cost of \$4 or \$5 hundred million which does not have any real function, all its functions having been transferred to the National Security Council. But this is what has happened. This latest statement of Mr. Kissinger, I think, bears that out. And he makes this statement without any opportunity for us to refute it. I commend the Senator from Missouri for bringing it to the Senate's attention.

I still do not know what we can do, because the Senate refuses to use the power it has, the power of the purse, to bring any pressure to bear upon the Executive to allow participation of the Senate. I do not know what we can do, but I share the Senator's views about the urgency and importance of our doing something if we are to maintain our constitutional system of government.

Mr. SYMINGTON. Mr. President, I thank the able chairman of the Committee on Foreign Relations. All the people in this country as well as in other countries now know how this situation has been developing, because of the release of the Anderson papers. Whether fortunate or unfortunate, people in our land and other lands now have the facts as to just how our foreign policy is conducted today. This is all being watched carefully, by the people abroad in the State Department, and by those in foreign countries.

I have nothing but good will for Dr. Kissinger. He is a bright man with an excellent intellectual background.

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

Mr. BYRD of West Virginia. Mr. President, I yield the Senator 5 additional minutes from the time on the bill.

Mr. SYMINGTON. When you go to this degree in eliminating the State Department from high foreign policy decisions, as the Senator from Arkansas stated, in effect, you have changed the nature of our Government.

Again, on my recent trip several people asked, "If I come to Washington, do you think I would be able to see Dr. Kissinger?" No one mentioned anybody else.

We in the Senate Foreign Relations Committee read about these changes in organizational structure and functioning in the newspapers. I would hope that something is done to put the State Department back in the same respected position it once had in our Government.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 12067) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

Mr. JAVITS. Mr. President, in yesterday's debate on the foreign-aid bill, the distinguished chairman of the Foreign Relations Committee asked a question concerning OPIC's involvement in Chile which was not fully answered in the subsequent debate.

I have received some material on the Chilean situation that will shed some light on this question which is of such interest to the Members of the Congress.

Material I am submitting is a letter from OPIC President Brad Mills on the status of the controversial Anaconda claim.

It is my understanding that Senator FONG will place additional material in the RECORD on

- First, OPIC earnings;
- Second, OPIC reserves;
- Third, OPIC appropriation requests;
- Fourth, OPIC claims; and
- Fifth, OPIC fee structure.

This material will help to answer many of the questions now raised.

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

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

FEBRUARY 2, 1972.

HON. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

David M. Abshire, Assistant Secretary for Congressional Relations for the State Department, has asked us, by forwarding a copy of his letter to you, to comment further on the current Chilean situation and in particular the Overseas Private Investment Corporation's expropriation insurance coverage of investments of Anaconda Company in the Chilean copper mining industry. Since your constituent, Mr. George T. Wright, on whose behalf Mr. Abshire wrote you, is a stockholder in Anaconda, I can understand his concern.

In 1971 a number of investments of U.S. companies in Chile were taken over by the Chilean Government. OPIC is making every effort to help its insured investors to work out equitable settlements where possible.

With respect to Anaconda, the Agency for International Development (OPIC's predecessor agency) issued three contracts in 1967 providing for insurance against expropria-

tion of certain new investments by Anaconda and its subsidiaries in the Chuquicamata, El Salvador and Exotica copper mines in Chile. The Chuquicamata contract and the El Salvador contract were issued with respect to equity investments in the total amount of approximately \$160 million. The maximum coverage under the contracts totalled approximately \$235 million.

For the first two years of the contracts (the contract years ending December 28, 1968, and December 28, 1969) Anaconda, as was permitted under the contracts, elected "stand-by" coverage rather than electing to pay the much higher premium for "current" coverage. The effect of stand-by coverage was that there was no insurance protection in force against events such as expropriation occurring during the contract years in question. In 1969 Anaconda agreed to sell its entire interest in Chuquicamata and El Salvador to the Government of Chile.

A majority equity interest (51%) was transferred immediately, and the remaining 49% equity interest was agreed to be transferred between 1973 and 1981, at a time to be chosen by the Government of Chile. Anaconda has stated that it agreed to the sale, at the insistence of the Government of Chile, in order to avoid expropriation of its entire interest.

The Agency for International Development advised Anaconda in 1969 that it considered that no coverage continued under the contracts. AID emphasized that if the sale was deemed expropriatory, it was not covered because coverage had not been kept on current status; and that if it were voluntary, the transformation of the mining enterprises from private U.S. control to government-controlled companies without prior AID consent contravened the terms of insurance coverage.

Compania Minera Exotica S.A. was not affected by the 1969 sale transaction, and there is thus no dispute as to the insurance coverage for Anaconda's equity investments in Exotica of approximately \$11 million. There is, however, a dispute with respect to approximately \$11 million of additional coverage under such contract relating to debt. The debt coverage was with respect to a loan by Anaconda to Exotica. In 1970 the insured loan was paid and a new loan was obtained from a bank, with Anaconda becoming contingently liable as guarantor. This was done without notice to AID. It is OPIC's position that under the terms of the insurance contract this resulted in a termination of coverage, and that the insurance coverage does not extend to Anaconda's contingent liability as a guarantor of the bank loan.

If controversies arising out of the contracts of guaranty are not settled by negotiation, the contract terms provide for binding arbitration in accordance with the then prevailing rules of the American Arbitration Association.

In the 24 years these investment insurance programs have operated, they have helped to mobilize over \$5 billion of private U.S. investment in lesser developed countries around the world. A little over \$4 million has been paid out in claims to date. OPIC insurance contract obligations are backed by the full faith and credit of the United States Government and by substantial OPIC resources. While the situation in Chile faces OPIC with the prospect of sizeable insurance claims, OPIC has approximately \$100 million in reserves and retained earnings currently available to cover insurance claims without Congressional appropriation action.

I hope this detailed explanation will be of assistance to your constituent. If we can be of any further help, please feel free to call on us.

Sincerely yours,

[S] BRADFORD MILLS,
Bradford Mills

Mr. FONG. Mr. President, in an effort to provide my colleagues with a complete and well-balanced picture of the Overseas Private Investment Corporation (OPIC), I ask unanimous consent that the background fact sheets on OPIC earnings, OPIC reserves, OPIC appropriation requests, OPIC claims, OPIC fee structure, OPIC risk management, and the need for confidence in the insurance program be printed in the RECORD at this point.

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

EARNINGS

OPIC's primary source of income is from insurance premiums paid by U.S. investors for their insurance coverage.

The insurance program has earned from insured U.S. overseas investments \$140 million since its inception in 1948, contributing this amount to the Federal Budget, and helping the U.S. balance of payments.

The rate of earnings, net of expenses but excluding claims, has been rising steadily over the past several fiscal years. For example, in fiscal 1970 net earnings were \$21.3 million; in fiscal 1971, \$25.9 million; and for fiscal 1972 net earnings of \$32 million are budgeted.

The earnings of OPIC, since July 1969, are invested in U.S. government bonds. Had the full \$140 million of fee income received for the 21 years prior to the formation of OPIC been permitted to be invested, it would have earned an additional \$40 million which would have been available for OPIC's reserves.

With modest appropriations to supplement its earnings, OPIC would, in the next few years, be able to build up an insurance reserve adequate to meet reasonably anticipated claims, short of a catastrophic loss caused by widespread war or uncompensated expropriations of U.S. investments throughout one or more major developing countries.

RESERVES

OPIC's reserves as of December 31, 1971, are as follows:

1. Insurance reserves—\$85 million;
2. Guaranty reserves—\$70 million. (This figure is largely determined by the statutory requirement that the corporation maintain a fractional reserve of 25% against outstanding guaranties);
3. Unallocated earnings—\$23 million.

The insurance program has earned \$140 million in fees from U.S. investors since its inception in 1948. In FY 1970 Congress transferred \$50 million of earned reserves to the AID housing guaranty program. (In fiscal 1968 Congress also rescinded \$200 million in Treasury Borrowing Authority which had been available to provide prompt payment of insurance claims).

The requested \$25 million in appropriated reserves would raise amounts available for the insurance reserve to approximately \$110 million by the end of the fiscal year.

APPROPRIATION REQUESTS

In fiscal 1970 OPIC requested \$75 million for reserves; \$37.5 million was appropriated. In fiscal 1971 OPIC's request for \$37.5 million was again reduced by 50% to 18.7 million. Had OPIC's requests been approved by Congress an additional \$56.25 million would have been available to augment the current insurance reserve. The request for FY 1972, approved by the House, is for \$25 million.

In the President's fiscal 1973 budget, \$85 million is requested for OPIC reserves. This figure is based on replacing the \$50 million in earned fees, which was transferred by Congress to the AID housing guaranty program in fiscal 1970, plus \$10 million of interest on this income which would have been earned

had it been invested by OPIC, plus a new appropriation request of \$25 million.

CLAIMS

Since the beginning of the investment insurance program in 1948 only \$4.2 million, net of recoveries, has been paid in insurance claims.

This historical experience is subjected to change, reflecting the growth of the insurance portfolio, and experience gained in negotiated settlements of investment disputes.

As of December 31, 1971, 21 claims totaling a face value of \$250 million had been filed with OPIC. The bulk of this amount is represented by two large claims: one for \$104 million against expropriation of the International Telephone and Telegraph Company's investment in Chile; another for \$84.6 million for the expropriation of the Kennecott Copper Company's investment in Chile's El Teniente mine.

There are indications that negotiations between insured U.S. investors and host country governments may lead to settlements which would substantially reduce or eliminate many of these claims, including the two largest ones cited above.

Even if not, OPIC is liable to cover only the actual amount of the investment, which in a number of cases is less than the current face value of the insurance.

OPIC FEE STRUCTURE

OPIC increased its insurance fee rates by nearly 50% last March from 1½% to 1.5% per annum. The problem here is to arrive at the soundest possible fee structure which will maintain the investment incentive nature of the program intended by Congress. U.S. businesses are competing for the largest potential markets in the world against other industrialized countries, most of which offer their investors lower rates, and greater protection than OPIC. For example, the comparable rate of investment insurance in Germany and Japan is ½ of 1% per year.

RISK MANAGEMENT

OPIC has begun to explore ways in which the political risks of investment in developing countries can be more fully shared by the investors themselves, by other countries, and by private insurers. OPIC has adopted a number of guidelines aimed at reducing its exposure to political risks, particularly in large and sensitive projects such as extractive industries. Just recently OPIC was able to reinsure some \$250 million—or 10% of its maximum current insurance liability with Lloyds of London, and is attempting to sell an additional \$250 million in the American, European and Japanese markets. In this connection, it is interesting to note that when OPIC asked Lloyds what it should do to reduce its political risk exposure and attract even larger private underwriters the answer came back: "sell more insurance in more places."

NEED FOR CONFIDENCE IN THE INSURANCE PROGRAM

OPIC must have a program which inspires confidence of U.S. investors—many of them smaller and medium-sized—to have their valid claims paid promptly. To the smaller businessman it is especially true that "time is money" and long delays in receiving valid claims payments could destroy their confidence in the program. Further, it is interesting to note that the companies with whom the government of Chile has indicated its willingness to talk settlement are those which hold valid OPIC investment insurance coverage. From this it can be argued that OPIC insurance can make an important contribution to a negotiated settlement in such cases.

Mr. McGEE. Mr. President, I would like to speak in support of the Export-

Import Bank and the excellent contribution that it has made to supporting U.S. exports and helping our Nation's balance of payments.

Over the past 37 years, billions of dollars of export sales have been made which would have been lost without the financial assistance of the Export-Import Bank. And additional billions of dollars of export sales have been financed through the private banking sector which were only financed by our Nation's commercial banks because Eximbank was willing to guarantee repayment of these loans. These export sales would not have been made without Eximbank's help.

The millions of jobs that they represent are located in every State of the Union—on farms, in small business, and in large corporations.

Eximbank loans are approved by members of a board of directors who are appointed by the President of the United States, with the advice and consent of the Senate. It is the responsibility of this board to insure that Eximbank loans are made only when they are essential to consummate the export sale.

To help accomplish this, the Bank requires users of the medium-term and short-term discount programs to certify to Eximbank that their export loan would not be made without Eximbank assistance.

To eliminate any possibility that the Bank competes with private sources of funds, Eximbank 2 years ago adopted a policy of financing only 50 percent of an export transaction, and requiring the borrower to obtain private financing or other sources of funds for the remaining 50 percent.

The policies have been remarkably successful in dramatically expanding Eximbank's support of U.S. exports while at the same time obtaining maximum private participation in the Bank's loans. Indeed, today not a single commercial bank complains that Eximbank's loans are taking business away from them.

To further insure that Eximbank's loans are not only essential for the completion of the export sale, but also conform to the policies of the administration and the Federal Reserve Board, all significant Eximbank loans and guarantees must be approved by the National Advisory Council on International Monetary and Financial Policies composed of the Secretaries of Treasury, State, and Commerce, the Chairman of the Federal Reserve Board, and the Chairman of Eximbank.

It is interesting to note that the National Advisory Council unanimously approved the Bank's recently inaugurated short-term discount program, thus indicating their satisfaction and approval that the program was structured in such a way as to preclude any concern that its operation would run counter to Federal Reserve Board monetary policy.

Eximbank's activities increase U.S. export sales. It has been estimated that every billion dollars of U.S. exports generates 87,000 jobs in the United States. Thus the billions of dollars of exports supported by Eximbank have resulted in millions of jobs for Americans—jobs which enable them to enjoy the highest standard of living in the world.

I firmly support the efforts of the Export-Import Bank to assist our Nation to increase its exports and improve its balance-of-payments situation.

Mr. ROTH. Mr. President, with the appropriation bill currently before the Senate, we approach the final step in consideration of the foreign assistance program for fiscal year 1972. Foreign aid has fared badly in the Senate this year. Last October, for the first time ever in this body, the authorizing legislation was voted down—by a resounding margin of 41 to 27. Although a substitute measure was later adopted allowing the program to continue for 2 years, the October vote stands as a clear warning that the Senate has no confidence in the foreign aid program, as currently constituted.

I am among those who believe we need to take a hard look at foreign aid. My reservations about the program led me to vote "no" last October. However, I supported the later substitute bill, and I support the appropriation measure before us today, because I believe the future of foreign aid should not be decided in a hasty or haphazard way. Our current aid programs involve many nations throughout the world. It seems clear to me that an abrupt shutoff of all aid funds would do unwarranted damage to our foreign relations. It is my hope that by allowing the present program to continue for a year or two longer, we are providing an opportunity for an orderly assessment of foreign aid's strengths and weaknesses and for the development of sound new proposals that will merit the support of the people and the Congress and will further the interests of the United States.

We should make the best use of this opportunity. During the next year or two we should subject our foreign assistance effort to a thoroughgoing reexamination. In carrying out that reexamination, we should give priority to formulating a clear and convincing rationale for foreign aid.

Some might say that the question of rationale is essentially a theoretical issue and therefore unworthy of much attention. I cannot agree. It seems to me that confusion over why we provide foreign assistance is at the root of much of the frustration and dissatisfaction with the aid program.

We hear many criticisms of foreign aid. Yet most of these boil down to a single complaint—that foreign aid is not producing the results we desire.

The problem, I believe, is that we do not have any realistic notion of what results we want. If we read the Foreign Assistance Act we find that, in providing foreign aid, we are seeking to build a more peaceful world, safeguard the security of the United States, and strengthen democratic institutions in foreign countries. The act also contains provisions aimed at using foreign aid to promote U.S. exports, protect U.S. investments overseas, impede trade with Communist countries, and win support abroad for American foreign policies. To read this list of foreign aid objectives is to come away with

the impression that it is an all-purpose nostrum for our international ills.

Naturally, it is not. And the contradiction between reality and our proclaimed aspirations is now too obvious to ignore. We need to sweep aside the rhetoric of the past and undertake a rigorous analysis of our foreign aid goals.

This is especially true of our economic assistance programs. In the past there has been a tendency to make inflated claims for economic aid in order to win congressional support. We are now seeing the results of such exaggeration in the widespread disillusionment with our efforts to assist the developing countries.

Encouraged by the success of the Marshall Plan after World War II, we expected to see similarly rapid results in the developing countries. We underestimated the obstacles to modernization in those nations, and, after 20 years of providing aid, we are weary of a task that seems endless.

We have grown skeptical about foreign aid's potential to contribute to a more secure and peaceful world. Some of the principal recipients of our assistance have been involved in international conflicts, and we have ourselves not been able to avoid continuing military entanglements overseas. We are also more dubious about the prospects for using foreign aid to encourage the growth of democratic institutions and to build support for U.S. policies overseas. How much better it would be if, when in the future we consider foreign aid, we acknowledge that economic development is a difficult and uncertain process and that we plan our aid program on the basis of a clear understanding of what we can reasonably expect to achieve.

There are four principal arguments usually made for foreign aid—that it strengthens national security, that it brings economic benefits to our country, that it gives us political influence in dealing with foreign countries, and that it serves humanitarian ends. We ought to test the validity of these arguments as they apply to each of our aid programs. I hope that the Senate will give priority to this task and that in the months ahead we can develop a coherent definition of our purposes in having a foreign aid program. Otherwise, I do not see how we can continue to justify the program to the American people.

We should also scrutinize closely the institutions and procedures we have developed to administer foreign aid. Over the years we have erected a ramshackle structure of programs to channel U.S. resources to foreign countries. Under the heading of foreign aid, we find programs that supply capital—both as grants and loans—offer technical assistance, provide arms and military training, sell surplus agricultural products, and guarantee private investments abroad. The network of procedures and regulations under which these programs operate is equally complex and sometimes self-contradictory.

Our relations with the countries that receive aid are conducted in a variety of

ways. In many cases we deal directly with the recipients through bilateral programs, but we also participate in consortia with other countries, and channel funds through international financial institutions. We will need to examine the whole range of our foreign assistance efforts to determine which activities are worth continuing, which should be modified, and which should be discarded.

One area which deserves special attention is our relationship with the international organizations engaged in promoting economic development. Multinational aid programs have been with us for many years; some of them go back to the end of World War II. In this field we now find a wide variety of institutions—the World Bank and its associate organizations, the Inter-American Development Bank, the Asian Development Bank, and many others. The United States has been a regular contributor to these organizations, thereby supplementing the resources we provide a developing countries through our bilateral programs.

Now we are being urged from many quarters to rely more heavily on the international agencies. What is advocated is a shift in emphasis that would make the multinational agencies a principal channel for our development assistance and would decrease our bilateral programs.

Why this growing interest in the international agencies? One argument made for turning to the multinational institutions is that we will thereby reduce the risk of becoming involved in local conflicts overseas. In other words, we will have a better chance of avoiding future Vietnams.

According to this line of thinking, our bilateral programs carry a danger of military entanglement. As we commit resources to other nations and become involved in advising them how to strengthen their economies and modernize their societies, we tend to identify their security and prosperity with our own, to a degree that may not be justified by our own interests. Letting the international lending institutions serve as intermediaries means that our association with the developing countries is less intimate.

Another reason that internationalizing aid seems attractive is that many of us are anxious to be rid of the burden of administering an aid program. When we give aid, we want to be sure that it will be productively utilized; but to do so means that we often have to urge reform on the developing countries. Increasing agricultural output may require land reform. Inflationary monetary policies may have to be curbed to keep the benefits of our assistance from being diluted. Tax policies may have to be changed if the fruits of development are to be broadly distributed among the people.

Any country finds it hard to accept outside advice on such matters. For us to offer such advice creates friction between the United States and the coun-

tries we are assisting. We can avoid this friction if we transfer the burden of administering aid to the multinational agencies.

Finally, I think many people feel that multilateral aid provides a way of assisting the poor countries that is more in keeping with our new view of America's role in the world. Where once we felt impelled to assume wide-ranging responsibilities for the economic well-being and military security of other free nations, we now recognize that these countries have become more capable of providing for their own defense and development. President Nixon summed up the new American attitude in his 1970 foreign policy message when he stated:

America cannot—and will not—conceive all the plans, design all the programs, execute all the decisions and undertake all the defense of the free nations of the world.

One way of sharing these responsibilities is to strengthen the international lending agencies. They provide a forum in which we can urge other nations to increase their contributions to our collective development efforts.

These arguments in support of multilateral aid are attractive. We would certainly like to avoid new Vietnams, we would gladly be rid of the irksome chore of administering an aid program, we would like to put our relations with the developing nations on a plane of partnership rather than paternalism, and we would be pleased to have other industrialized nations shoulder more of the foreign aid burden.

However, before we in Congress endorse such a far-ranging redirection of our aid effort, we should take care to inform ourselves fully what the consequences of internationalizing foreign aid will be. It will inevitably mean that we will have less direct control over which countries receive our funds and how they are administered. This may be all to the good, but I think that before we take such a step we should examine closely the capabilities of the international lending agencies to administer the funds and the compatibility of their lending procedures and development philosophy with our interests.

I am struck by the fact that many of those who advocate turning to the multilateral agencies are also concerned about what they consider to be the failure of our bilateral aid program to stimulate political and social reform in the developing countries. I would suggest that our influence for reform is likely to be even weaker if we use the international development banks as intermediaries. Certainly, a study of these agencies should be a priority goal of any congressional effort to restructure aid.

The task we have ahead of us is not easy. But we have obviously reached the end of the road with our current aid program, and we cannot prudently go further without a thorough examination of the terrain over which we expect to be traveling. What we will need first of all is to provide ourselves with a legible road map, in the form of a carefully thought-out rationale for our aid program.

The urgency of our task is clear. A recent survey in my State of Delaware showed that 78 percent of the 19,000 respondents believed that the aid program had not been successful. We cannot expect to win the support of the American people for new foreign assistance measures unless we take the trouble to answer the many questions that have been raised about our aid effort.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the pending amendment be limited to 20 minutes, to be equally divided between the able mover of the amendment, the Senator from Illinois (Mr. STEVENSON), and the able manager of the bill, the Senator from Wisconsin (Mr. PROXMIER).

Mr. FULBRIGHT. Mr. President, reserving the right to object, is this the Stevenson amendment?

Mr. BYRD of West Virginia. Yes.

Mr. FULBRIGHT. I have in mind offering a substitute to that. When the Senator says 20 minutes, is that 10 minutes to a side?

Mr. BYRD of West Virginia. Ten minutes to a side. I have cleared this with the author of the amendment. The distinguished Senator from Arkansas (Mr. FULBRIGHT), on his substitute, will have 30 minutes, equally divided.

Mr. FULBRIGHT. I have no objection.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the further consideration of the pending bill, time on any amendment in the first degree be limited to 30 minutes, to be equally divided between the mover of such amendment and the manager of the bill.

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

Mr. BYRD of West Virginia. This, Mr. President, is of course with the understanding that, in accordance with the order previously entered, time may be yielded from the time allotted on the bill to any Senator on any amendment, motion, appeal, or point of order, with the exception of nondebatable motions. I have cleared this request with the manager of the bill and with Senators who contemplate offering amendments.

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

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. I was not on the floor, and I did not understand what the request was.

Mr. BYRD of West Virginia. May I say to the able assistant Republican leader that I have reduced the time on amendments in the first degree, on the pending bill, from 1 hour to 30 minutes to be equally divided. The previous order providing for the yielding of time from time on the bill to any Senator—

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

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. Has the Senator made this provision for a deadline for consideration of the foreign aid appropriation tomorrow?

Mr. BYRD of West Virginia. I have not. I had hoped that by cutting the time on amendments, the Senate could complete action on the pending business at a reasonable hour tomorrow. By a reasonable hour, I would hope, say 2 or 2:30 p.m.

Mr. JAVITS. We have discussed a proposal which to me is essential to preserve our rights on the pending measure and to keep the two-track system going that, in any case, at 2:30, if this was not finished, we would go to the EEOC measure.

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

Mr. BYRD of West Virginia. I yield 1 additional minute.

Mr. JAVITS. If we are in the middle of a rollcall or just about to go to third reading, nobody is going to be that silly. But I did think, in deference to the fact that we are waging quite a struggle here, that 2:30 seemed like the logical hour to the leadership when, on the record, we would go to the other bill.

Mr. BYRD of West Virginia. The distinguished Senator from New York (Mr. JAVITS) previously discussed this aspect of the pending business with the distinguished majority leader and me. We have the understanding that at about 2:30 p.m. tomorrow, if the action on the pending measure has not been completed, it will be set aside, and the unfinished business will again be taken up.

Mr. JAVITS. Exactly.

Mr. BYRD of West Virginia. I know of only three additional amendments. With the time reduced on each of those three amendments, I feel that the Senate should be able to complete action on this bill by 2:30 tomorrow afternoon.

Mr. GRIFFIN. I thank the majority whip for that information.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the routine morning business, the Chair lay before the Senate the foreign aid appropriations bill, with the understanding that it is not the unfinished business and that it does not displace the unfinished business, except temporarily.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I yield 5 minutes to the senior Senator from West Virginia.

ORDER FOR RECOGNITION OF SENATORS ROTH, BROOKE, AND BUCKLEY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks of the distinguished Senator from Illinois (Mr. STEVENSON), the able Senator from Delaware (Mr. ROTH) be recognized for not to exceed 15 minutes; that he be followed by the able Senator

from Massachusetts (Mr. BROOKE) for not to exceed 10 minutes; and that he be followed by the able Senator from New York (Mr. BUCKLEY) for not to exceed 10 minutes.

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

FEDERAL WATER POLLUTION CONTROL ACT

Mr. RANDOLPH. Mr. President, the Senator from Kentucky (Mr. COOPER) is in the Chamber. As we know, he is the ranking minority member of the Senate Committee on Public Works.

I report from the Committee on Public Works an original bill to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972.

Mr. President, I ask unanimous consent that a letter dated February 1, 1972, from Mr. William Ruckelshaus, Administrator of the Environmental Protection Agency, be printed at this point in the RECORD.

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

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., February 1, 1972.

HON. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you may know, authority under Section 5(n) of the Federal Water Pollution Control Act expired on June 30, 1971. Authority under that provision was extended by Public Law 92-50 and Public Law 92-137 through October 31, 1971.

I am forwarding herewith a draft bill which would extend the authority of Section 5(n) from the date of its expiration through the end of the fiscal year.

It is respectfully recommended and urged that the Congress extend the authority of Section 5(n) as expeditiously as possible.

Sincerely yours,

WILLIAM D. RUCKELSHAUS,
Administrator.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the bill as reported.

Mr. GRIFFIN. Mr. President, reserving the right to object, the Senator is asking unanimous consent to proceed to the immediate consideration of the bill?

Mr. RANDOLPH. That is what we would like to do because the Environmental Protection Agency has indicated that without certain action in the Senate, which we propose today, there will not be the payment—

Mr. GRIFFIN. The distinguished, ranking Member on our side is on the floor.

Mr. COOPER. Mr. President, we have been considering this subject in the committee since the Senate returned. I have talked with every Member on the minority side. We all know that this must be done. It is a very critical situation. We are only providing funds until the

end of this fiscal year to assure the payment of salaries and expenses, \$9 million, and \$15 million to meet the contract obligations.

Mr. GRIFFIN. I have no objection.

Mr. COOPER. I wholly concur with the chairman of the committee.

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

The legislative clerk read as follows:

A bill (S. 3122) to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972.

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

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

Mr. RANDOLPH. Mr. President, I have no desire to speak on this measure. It has been clarified by my distinguished colleague from Kentucky as to why we ask for this legislation. I would have made that explanation. I am delighted that it has been made.

The Senate has previously acted, but we have not had any action yet from the House—and that is no criticism—but this is rather in the nature of stop-gap legislation.

If dedicated and capable employees are to be paid for their services, passage in both Senate and House will take care of the problem. We trust that it can be speedily handled not only here, as we are doing now, but also in the other body.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 3122) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3122

A bill to extend sections 5(n) and 7(a) of the Federal Water Pollution Control Act, as amended, until the end of fiscal year 1972

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

SECTION 1. Section 5(n) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.), is further amended by inserting after the first sentence thereof the following: "There is authorized to be appropriated not to exceed \$9,000,000 for the period commencing November 1, 1971, and ending June 30, 1972, for the purpose of salaries and related expenses incurred during that period under this section, in addition to funds made available under Public Law 92-50 and Public Law 92-137."

SEC. 2. Section 7(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.) is amended by striking "and for the four-month period ending October 31, 1971, \$4,000,000." and inserting in lieu thereof "and for the fiscal year ending June 30, 1972, \$15,000,000."

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After recognition of the two leaders under the standing order, the following Senators will be recognized in the following order, and each for not to exceed the time stated:

Senator STEVENSON, 15 minutes; Senator ROTH, 15 minutes; Senator BROOKE, 10 minutes; and Senator BUCKLEY, 10 minutes.

At the conclusion of the unanimous-consent orders recognizing Senators, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes. At the conclusion of routine morning business, the Chair will lay before the Senate the pending business, H.R. 12067, which is the bill making appropriations for foreign assistance and related programs. Rollcall votes are expected on that bill and on amendments thereto, the pending question being the amendment offered by the distinguished Senator from Illinois (Mr. STEVENSON) on which a time limitation agreement has been entered limiting the time to 20 minutes, to be equally divided.

Mr. President, if action has not been completed on the foreign aid appropriation bill at a reasonably early hour tomorrow—say, 2:30 p.m.—the leader will set that bill aside and will return to the unfinished business. It is hoped that action can be completed on the foreign aid appropriation bill by 2 p.m. or 2:30 p.m. tomorrow, at which time, the Senate will resume consideration of the unfinished business.

There will be rollcall votes tomorrow.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5:02 p.m.) the Senate adjourned until tomorrow, Friday, February 4, 1972, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 3, 1972:

DEPARTMENT OF JUSTICE

Ralph E. Erickson, of California, to be an Assistant Attorney General.

Dale Kent Frizzell, of Kansas, to be an Assistant Attorney General.

Henry E. Petersen, of Maryland, to be an Assistant Attorney General.

DEPARTMENT OF DEFENSE

Kenneth Rush, of New York, to be Deputy Secretary of Defense.

Eberhardt Rehtin, of Maryland, to be an Assistant Secretary of Defense.