tribution to mass popularity for the party and socialism, but also the best way to cut the ground from under the real nationalists and separatists who would appear and compete for popularity in a genuinely democratized atmosphere.

Another view, more widespread in Zagreb than many Serbs are prepared to believe, holds that the answer to the first basic question is regrettably yes, but the answer to the second is that the remedy now being applied is almost as deadly as the disease it is meant to cure.

Some people find particular alarming President Tito's statement, in his strongest post-purge speech, that the rot had started with the 1952 Congress of the Yugoslav Communist party, and that he personally had never liked that Congress.

For the "progressive" Communists who have dominated the party established since 1966 to call in question the 1952 Congress is to call in question most of the things that distinguish Yugoslav from Soviet communism.

So far, there are at most only marginal signs, like the recent flurry of arrests in Zagreb and elsewhere and pressures against "liberal" Communist leaders in the Serbian, Macedonian and Slovene parties, that this kind of alarm is justified.

It is discounted by those who are convinced—perhaps a little anxiously—that political and economic forces with a vested interest in the level of pluralism and decentralization already achieved are now too numerous and too powerful for the clock to be turned back more than an hour or two, even by Tito.

SENATE—*Monday, February 7, 1972*

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

PRAYER

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

Almighty God, who at the beginning gave man freedom under grace to have dominion over his own life, bless the people of this Nation and all whom they have set in authority, that this may be a good land where liberty is cherished and truth and righteousness mark our common endeavor. Set us free from pride and self-interest and all that obstructs Thy spirit in our national life. May we learn to lose the lower self and find the higher self in service and sacrifice and love. Guide the President and the Congress and all who assist them that the peace of the world and the betterment of all mankind may transcend all lesser concerns.

In the Redeemer's name we pray. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON ACTIVITIES UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Government Operations:

To the Congress of the United States:

In accordance with Section 214 of Public Law 91–646, I am transmitting today the first annual report of each Federal agency whose activities are governed, in part, by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

The agency reports describe initial steps which have been taken under the Act to provide for the uniform and equitable treatment of persons displaced from homes, businesses or farms by Federal and federally assisted programs and to establish uniform and equitable real property acquisition policies for these programs. The reports cover the period January 2, 1971 through June 30, 1971.

To assure equitable treatment and essential uniformity in administering the law, I requested in a letter to Federal agencies, dated January 4, 1971, that a number of actions be taken. First, the Office of Management and Budget was asked to chair an interagency task force to develop guidelines for all agencies to follow in the issuance of regulations and procedures implementing the Uniform Relocation Assistance Act. The Departments of Justice, Transportation, Defense, and Housing and Urban Development, and the General Services Administration were requested to assist in this development. These guidelines were issued February 27, 1971, and supplemental instructions were issued on August 30, 1971. As noted in the attached reports, the agencies have now promulgated regulations and procedures to implement the Act pursuant to the guidelines.

Secondly, I requested Federal agencies administering mortgage insurance programs to determine whether guarantees could be given to individuals who were displaced and might otherwise be ineligible because of age, physical, or other conditions. Studies completed early in 1971 indicated that such guarantees could be made, and I am advised that these agencies are now fully implementing Section 203(b) of the Act.

Thirdly, I directed the Secretary of Housing and Urban Development to develop criteria and procedures whereby all Federal and federally assisted programs could use the authority provided by Section 206(a) of the Act to construct replacement housing as a last resort. These criteria and procedures to assure uniform and equitable policies and practices by all agencies have been published in the Federal Register, and the Department is evaluating comments received for consideration in the preparation of final instructions on this subject.

The Department of Housing and Urban Development, pursuant to my request, is also developing criteria and procedures for implementing section 215 of the act. That section concerns loans for planning and other preliminary expenses necessary for securing federally insured mortgage financing for the rehabilitation or construction of housing for displaced persons. These procedures and criteria should be issued shortly.

I also directed the Office of Management and Budget to form and to chair a Relocation Assistance Advisory Committee. This committee includes representatives of the Departments of Agriculture; Defense; Health, Education, and Welfare; and Transportation; the General Services Administration; the Office of Economic Opportunity; and the United States Postal Service.

This Committee will continually review the Government's relocation program for the purpose of making recommendations to the Office of Management and Budget for improvements in the guidelines and for new legislation. In the interests of uniform and equitable administration of the law, it will also provide a vehicle for coordinating the relocation programs of each of the agencies.

Executive branch review of the relocation assistance program and of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 has disclosed a number of problem areas which require legislative consideration. The principal areas identified are detailed as enclosure 4 of this report, while other problem areas are identified in individual agency reports. Corrective legislation will be submitted to the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *February 4, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, February 4, 1972, be dispensed with.

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

WAIVER OF THE CALL OF THE THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 575, H.R. 7987.

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

AMERICAN REVOLUTION BICENTENNIAL MEDALS

The bill (H.R. 7987) to provide for the striking of medals in commemoration of the bicentennial of the American Revolution was considered, ordered to a third reading, 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. 92-603), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The bill authorizes the American Revolution Bicentennial Commission (created by Public Law 89-491 to plan, encourage, develop, and coordinate the commemoration of the American Revolution Bicentennial) to utilize the facilities of the Bureau of the Mint on a fully reimbursable basis to strike a series of commemorative national medals.

Specifically, the Commission would be authorized to arrange for the striking of a medal commemorating the year 1776 and its significance to American independence, and, in addition, a maximum of 13 separate medals commemorating historical events of great importance recognized nationally as milestones in the continuing progress of the United States of America toward life, liberty, and the pursuit of happiness.

The sizes of the various medals, their metallic composition, and the emblems, devices, and inscriptions thereon are to be determined by the Commission, subject to the approval of the Secretary of the Treasury. The medals are to be furnished to the Commission by the Secretary in lots of not less than 2,000 for each design or size, at prices equal to the cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses. No medals may be produced under authority of this legislation after December 31, 1983.

BACKGROUND OF BILL

H.R. 7987 is an administration bill, submitted jointly by the American Revolution Bicentennial Commission and the Bureau of the Mint.

A companion bill, S. 1766 was introduced in the Senate by the chairman of the Banking Housing and Urban Affairs Committee. Senator Sparkman, for himself, and Senators Bennett, Proxmire and Tower. A similar bill, S. 2162 was introduced in the Senate by Senator Dominick. After consideration the committee agreed to report H.R. 7987.

The American Revolution Bicentennial Commission is an independent Federal Agency consisting of four Members of the House of Representatives appointed by the Speaker, four Senators appointed by the President of the Senate, 12 heads of Federal departments or agencies designated by status as ex officio members, and 17 public members appointed by the President. The chairman is the Honorable David J. Mahoney, of New York.

The Commission named an advisory panel on coins and medals, chaired by ARBC Commissioner George E. Lang, of New York, and including outstanding experts in the numismatics arts, as well as Government officials, to develop a program for the issuance of special medals and coins and/or currency to commemorate the events leading up to the creation of the United States of America before and during the War of Independence. The provisions of H.R. 7987 include only those recommendations of the panel, as endorsed by the Commission and by the administration, relating to the issuance of commemorative medals. There are no coinage or currency aspects to the pending bill.

It is your committee's understanding and intent that medals struck under the authority of this legislation will be made widely available to the American people at reasonable prices to assure the broadest possible public participation in this phase of the bicentennial's many proposed activities marking the Nation's birth and development. Proceeds from the sale of the medals are to be used in the furtherance of the bicentennial celebration.

Under instructions from President Nixon and Director Shultz of the Office of Management and Budget, all Federal agencies are to cooperate with and assist the Commission in carrying out its assignment to make the bicentennial, in the President's words, "a focal point for a review and reaffirmation of the principles on which the Nation was founded and for a new understanding of our heritage." The Bureau of the Mint, in accordance with such instructions, is planning to provide extensive assistance to the Commission's commemorative medals program, based on its expertise and experience in the production and distribution of numismatic materials, and hopefully plans to have the first medal in the projected series ready for issuance by the Commission on or before July 4, 1972.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971, UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the Ervin amendment, which is pending, occur at 4 p.m. today and that the time, after the disposition of the three nominations which will be taken up at the conclusion of morning business, be equally divided between the manager of the bill and the sponsor of the amendment, the Senator from North Carolina (Mr. ERVIN).

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

Mr. MANSFIELD. For the information of the Senate, that will be a rollcall vote.

Mr. MANSFIELD subsequently said: Mr. President, earlier today, I asked unanimous consent that the vote on the Ervin amendment occur at 4 o'clock this afternoon. That consent was granted. Since then, I find that some Senators vitally interested in this bill have raised objection. So I ask unanimous consent that the consent agreement be vitiated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time under the standing order.

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

VIETNAM

Mr. BROCK. Mr. President, for 20 years this Nation has been involved in the affairs of Vietnam. From the time of President Truman's first commitment of large-scale military aid to the South Vietnamese in 1950, we have sent billions of dollars in military supplies, millions of dollars in economic aid, and hundreds of thousands of our young to that far-off land. In the last decade, this Nation has made the ultimate commitment—it has sacrificed the lives of 55,000 of our sons, 55,000 parts of our Nation's future—so that another nation might be free.

Incredibly, prior national administrations have done all this without ever bothering—until very recently—to appreciate or understand the character of the nation we were helping and the nature of the people with whom we were dealing. It was not until the mid-1960's, long after our troop strength in South Vietnam had been built up into the hundreds of thousands, that our Defense Department had one academic Vietnam specialist in its employ. Even today, only a handful of our Nation's universities and colleges have programs in Southeast Asian studies. And while our broadcast media has done a superb job in reporting the day-to-day events of the war, not once in 20 years has any of the major outlets devoted so much as 1 hour to a systematic study of the culture and history of Vietnam.

American self-confidence is at the base of our tremendous historical success, but overconfidence is also at the root of such matters as our tragic failure in Vietnam. We were put there by a policy which presumed upon the basic idealism of the people of this land, but which had the mistaken objective of imposing our ideology, our methodology, our goals, and our standards on the Vietnamese. No matter that Vietnam contains political and social cultures more than 2,000 years older than our own. Our democratic methods created in this once raw and untamed land the world's greatest political, social, and economic success. So, in the minds of our leaders in the early 1960's, our democratic methods were best for the Vietnamese. And because we knew what was best, they believed it was our right to impose our standards on the Vietnamese—even against their will.

What was done in South Vietnam in the early and mid-1960's was not imperialism in the traditional sense. It was, instead, a devastating kind of cultural imperialism. It allowed us to justify to ourselves some of the most shameful acts an American Government has ever committed. In 1963, this Government took it upon itself to engineer the coup which led to the assassination of the one man who might have salvaged his nation with-

out the death and destruction of the past 8 years, the mandarin President Ngo Dinh Diem. They did this, not because his people were against him, but because he did not fit the fashionable American standard of what a third-world nationalist was supposed to be. Diem was murdered with no idea of who might replace him—and no one could. So we replaced him ourselves with a series of puppet governments, a series which ended only with President Thieu. To shore up our puppet governments, and our ridiculous schemes for recreating South Vietnam in our own image, we were forced to send in more and more of our own people.

Less than 20,000 American advisers soon evolved into 549,000 American troops. While the Tet offensive in 1968 showed that the North Vietnamese and the National Liberation Front could not defeat us, it also showed that they had an impressive ability to inflict huge damage. For the first time in our Nation's history, we were in a war we could and would not win. Not all our machinery, not all our technical superiority, not all our military genius enabled us to impose our will on the Vietnamese people. Indeed, the more troops we sent in and the harder we fought, the worse the situation became.

And so, the thought soon came to the architects of these policies that the war must be wrong. If the best of our technical expertise, our democratic good will, half a million men, and $120 billion could not work, these men concluded, it was not that our methods and our standards were inadequate, it was that, somehow, the South Vietnamese were unworthy of us and unworthy of our support. We had not erred—they had. Because of their inability and unwillingness to adopt to our goals and our techniques, they did not deserve our support. And so we were justified in abandoning them.

It was not the first time that we have done this. We have regarded other sections of the world as if they were our children and have reacted in anger and bitterness, out of a sense of betrayal when they did not respond to our guidance. But rarely has this attitude caused more damage than it has in the past few years in our dealings with the distant and unfamiliar land of Vietnam.

For now this Nation is a world power with world responsibilities it has never had before. We are expected to behave in a mature and thoughtful fashion. We are not expected to act as if we were a parent bitter over his child's inability to make a football squad or gain admission into our alma mater. Yet that is exactly how many who fostered our programs have behaved in the past few years. Arrogant, prideful men, they seek now to justify their own tragic mistakes and punish the South Vietnamese for their "ingratitude" by sacrificing the freedom of 17 million people.

Daniel Ellsberg allegedly among the best of the "new breed" of thinkers brought in by the Kennedy-Johnson administration, a man who used to accompany the South Vietnamese army on its forays into the bush, steals secret documents in a vain attempt to end the war he did so much to expand. The New York Times, one of the earliest supporters of our involvement in Vietnam, carps at President Nixon for failing to end immediately a war it took 7 years to build up. The Bundy brothers, the Rostows, Harriman, Clifford, and the rest all back away from any responsibility for the mess they created.

In their colossal conceit, these men are still seeking in Vietnam to find mirror images of themselves. But now they are seeking it on the other side. North Vietnam has now become a center of enlightened "agrarian reformism." One candidate says, for example, he looks toward a united Vietnam under Hanoi's rule after we leave the South.

It does not matter to these men that only once in the 2,000-year history of Vietnam has the country been united, and then only for a 63-year period. It does not matter that the northern part of Vietnam has traditionally been the enemy of the south. It does not matter that the Northern Vietnamese have been hated by the other Indochinese peoples as hostile and aggressive neighbors who lust for their agricultural resources.

It does not matter, for Vietnam itself does not matter to these men. What is called "repression" under President Thieu in the south is trumped up, while the iron-handed dictatorship of the old men in Hanoi is ignored. South Vietnam is portrayed in this country as if it were Hitler's Germany, and North Vietnam as if it were an idyllic land of milk and honey.

What people seek in these misrepresentations of reality is not a better future for Vietnam, but a political future for themselves. Perhaps some seek to force this Nation to share their own sense of failure. I for one cannot accept such a consequence. Nor can I accept lightly the "new politics" of this tragic situation—even in the heat of a political campaign.

The Senator from Massachusetts, who once gave such unqualified support to the war which was escalated under his brother's administration, now asserts that his "opposition to the continuation of the war in Vietnam is full and unqualified." The Senator from Maine, who introduced Lyndon Johnson's war plank on the floor of the 1968 Democratic National Convention, now says that—

> It is not good enough—indeed it is indefensible—that people are still dying, at our hands, in a war that is wrong . . . a war most Americans rejected long ago.

Indeed, it is not good enough. But why was it good enough in 1968.

The North Vietnamese anticipated the present turn of events, for they, unlike those who ran the war from our side, took the time to understand our country, its strengths and its weaknesses. General Giap, the brilliant strategist who commands North Vietnam's military, believed that our will could be undermined if we could be dragged into an inconclusive military stalemate.

In speaking to the political commissars of the 316th Division of his army in the early 1960's, Giap spoke of the shortcomings of a democratic culture in the kind of war he had planned for Indochina:

> The enemy will pass slowly from the offensive to the defensive. The blitzkrieg will transform itself into a war of long duration. Thus, the enemy will be caught in a dilemma: He had to drag out the war in order to win it and does not possess, on the other hand, the psychological and political means to fight a long drawn-out war. . . .

Giap said that public opinion in a democratic country will insist upon an early end to the "useless bloodshed," or its legislature will insist on a final date by which expenditures must be ended. National unity will slowly erode. Political leaders will rush to disassociate themselves from the war they led the nation into. In the end, Giap predicted, the democratic nation will accept any settlement it can get. North Vietnam could win at the conference tabie, he said, what it could not win on the battlefield, at the polling booth, or in the hearts and minds of the South Vietnamese people. It had only to wait.

These statements were available to the policymakers of the Kennedy-Johnson administration. Indeed, President Diem, until he was murdered with the complicity of the Kennedy administration, resisted large-scale American military intervention in his country, knowing that our intervention would only play into the hands of Hanoi and undermine his country's unity, pride, and sense of self-respect. But we insisted. After all how could Diem presume to know more about his country than the Bundys and the Kennedys and the Hilsmans and the rest of the merry men of Camelot.

These statements by Giap are still available. But they are ignored by the people who helped create the conditions which allowed Giap's strategy to come close to success. Sadly, even that is not surprising. Take the junior Senator from Maine, for instance. Look at the men who advise him—Averell Harriman, Cyrus Vance, Clark Clifford, Paul Warneke—the very same men who masterminded our destructive strategy in Vietnam, the same men who now would use the South Vietnamese as scapegoats for their mistakes, the same men who cannot bring themselves to realize that there is not an American solution for every problem, who cannot understand that if we cannot do something for somebody, that somebody might be better able to do it for himself.

But I doubt that even General Giap, in his most hopeful moments, expected the kind of statements made recently, statements which served notice on the leaders in Hanoi that some would ask our President, like Neville Chamberlain 30 years ago, to make peace at any price; to sacrifice the South Vietnamese as Chamberlain sacrificed the Czechs, to sell out those who have fought for their independence for so long, many of them courageous Roman Catholics who gave up everything they had in the north to flee religious persecution, all of whom have suffered and sacrificed so that they could enjoy a future of their own making.

The Senator from Maine recently spoke of the North Vietnamese and the National Liberation Front, saying:

> We are asking them to stop fighting and concede Saigon's control over most of the

countryside, abandoning their supporters to the police power of an enemy regime.

The second part of this statement is significant in that it is inaccurate. We are not asking the North Vietnamese and the NFL to "abandon their supporters to the police power of an enemy regime"; we are asking them instead, to submit to a free, internationally regulated political struggle so that the bloodshed can end and the will of the South Vietnamese can be expressed.

But the first part of the Senator's statement is more significant. It is unreasonable, he says, for us to ask Hanoi to stop fighting—to stop trying to get through death and destruction what they cannot win otherwise. Should we, on such terms as they dictate, give them what they want, allow them to win from us through negotiation what they cannot and have not won from the South Vietnamese through terror, through war, through murder and mutilation? For myself, I prefer the President's attempt to stop the killing with a ceasefire, to begin the peace with a settlement fair to all.

The junior Senator has told Hanoi what President Nixon should do. Would he do as much? Is it not possible that criticism of our peace offer voiced in this country before Hanoi had even had time to study it, may undermine the chances for a peaceful settlement until after the November election? The risk of falsely raising the hopes of Hanoi, by demonstrating a lack of national unity, is not worth its price.

Only a few short years ago, the Senator from Maine could stand before the American people and say:

> We believe that the credibility of our word as a Nation is at stake, and that its loss would be an enormous setback for the forces of freedom. We believe that containment of expansionist communism regrettably involves direct confrontation from time to time and that to retreat from it is to undermine the prospects for stability and peace.

Yet now, after seeing the failure of strategy he supported in Vietnam during the Kennedy-Johnson years, the Senator has changed his tune. Now that we have the first President in a decade who has shown that the freedom of the South Vietnamese is better guaranteed without large-scale American support, the Senator describes this President's actions as "unleashing terror and destruction to prop up a corrupt dictatorship" and as "immoral."

If the lack of a election opponent is evidence of corruption, the Senator need not look so far afield to invoke his criticism. I wonder if those in the Congress who have been so fortunate would argue with such an evaluation.

In the final analysis, nobody can escape their responsibility for the tragic failure of liberal internationalism in Vietnam by seeking to blame the Nixon administration or the South Vietnamese for his own failures. Nobody can bring the war to a faster end by nitpicking at the President's peace initiative. As David Brinkley pointed out right after the President released his proposals if the North Vietnamese were confident of their ability to defeat the South Vietnamese, they would agree to a ceasefire, give us back our prisoners, and then resume the war once we had left. The North Vietnamese and the NFL want nothing less than our surrender.

I believe there is still a chance to bring this sad and too long war to an early end. I want to take advantage of that chance. And so, I ask my colleagues, I beg them, to resist the temptation to allow pride or opportunism or shame to overcome reason. President Nixon is making a courageous, high-minded, and noble attempt to end this war on terms just to all parties. He has my fullest and complete support. He deserves yours.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Idaho (Mr. CHURCH) is recognized for a period of not to exceed 15 minutes.

RECOGNITION OF SENATOR CHURCH

The PRESIDING OFFICER (Mr. Moss). The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks a statement prepared by the distinguished Senator from Maine (Mr. MUSKIE).

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

(See exhibit 1.)

THE STATE OF THE AGING

Mr. CHURCH. Mr. President, recently I told the White House Conference on Aging that our Nation seems to be falling behind, rather than advancing, in terms of achieving genuine security and well-being for older Americans.

Nevertheless, my message was not one of pessimism.

Instead, it was one of challenge.

That challenge, very briefly stated, is that the 1970's can be either a period of triumph or one of despair for older Americans.

We can seize this historic opportunity to translate the recommendations of the 1971 White House Conference on Aging into action—immediate and long-range.

Or we can fumble and fritter away our opportunity, with the result that the elderly will taste more disappointment and despair.

Quite bluntly, older Americans of today have already waited too long for too little.

They will not be willing—nor will their successors—to wait until the White House conference of 1981 for action to begin.

For these reasons, I have requested time to make the leadoff address today—the first in what might be called a state of the aging message to be delivered by members of the Committee on Aging and others.

Our purpose is to press home certain facts to the Congress and the administration about the issues now facing the elderly, the significance of the recently concluded White House Conference on Aging, the immediate and long-range opportunities for legislative action, and some thoughts about the future of aging Americans.

And my own personal goal is to help generate impetus for bipartisan congressional and administration efforts to make the 1970's a memorable decade of achievement.

To begin, I would like to make a few comments on comparative costs. What are we talking about when we ask for reforms that would help older Americans?

Well, we could abolish poverty among the elderly for what it costs to run the war in Southeast Asia for just 3 months.

We could broaden medicare coverage to include out-of-hospital prescription drugs for what we now spend for an aircraft carrier.

We could establish a comprehensive manpower program for older workers for the cost of one submarine.

Given such incongruities in our present spending patterns, it is easy to understand why the 1970's could become a decade of despair for older Americans.

They see a nation which boasts a gross national product of more than $1 trillion, but in which nearly 5 million older Americans subsist below the poverty line.

They see a nation where the median family income is almost $10,000, but in which nearly one-fourth of all aged couples have incomes below $3,000.

They see a nation in which $70 million is requested for military aid for Spain, but in which only $30 million is appropriated for service programs to enable elderly Americans to live independently.

But they also see a nation where there is new reason for hope. Through the voices raised at the White House Conference on Aging, all of us have heard a stirring declaration for action.

And that call has already produced momentum on two key fronts.

Throughout 1971, the Congress struggled with a reluctant administration for more adequate funding for the Older Americans Act. And rightly so. A budget assigning the Administration on Aging approximately the same amount of money that was allocated to the Pentagon for publicity purposes was not worthy of a great nation.

We questioned the administration on these spending priorities. And finally, we won some limited victories, including a $15 million increase in appropriations.

But it took a White House conference to turn around an administration that was first willing to settle for $29.5 million for the Older Americans Act, about $1.45 for each senior citizen. It took a White House conference to demonstrate that the elderly were deeply dissatisfied. And it took a White House conference to provide the necessary impetus to secure a $100 million appropriation for the Older Americans Act, the highest in its history.

There is also no doubt in my mind that the conference helped to marshal support for establishing a national hot meals program. For nearly 2 years, the administration had opposed this measure. During the week of the conference, though, the Senate rejected this advice

and approved the nutrition program for the Elderly Act, S. 1163, by a vote of 89 to 0. This measure, which was sponsored by the Senator from Massachusetts (Mr. KENNEDY), is now before the House of Representatives. And, I understand that the House is scheduled to take action today on this proposal.

And behind it all, there is a firm bipartisan attitude in Congress when it comes to issues affecting older Americans. No where is this better demonstrated than in the Committee on Aging, on which I serve as chairman. We may have 11 Democrats and nine Republicans on our committee. But in our treatment of the issues affecting the elderly, we try to conduct our business in a bipartisan manner.

What is now necessary is a joint effort by Congress and a willing administration to construct a sound and coherent program for the aging.

HOW REAL IS THE ADMINISTRATION'S "GAME PLAN"?

Before discussing what form this action program should take, an examination of the administration's "game plan" is essential. This is not done in a partisan vein because no administration to date—whether it be Democratic or Republican—has really come to grips with the predicament of the elderly.

Despite the crying need, the administration, until recently, exhibited a narrow, negative attitude. Not only did it fail to propose new programs of its own, but it resisted, opposed, and even blocked several congressional initiatives.

Until last week, the administration opposed the enactment of the Nutrition Program for the Elderly Act. Yet, 8 million older Americans have diets insufficient for good health. And the administration's own White House Conference on Food, Nutrition, and Health strongly supported this type of legislation.

The administration has opposed legislation to create a midcareer development services program for older workers. But today, nearly 1.1 million persons 45 and older are unemployed. They account for less than 4 percent of all enrollees in our Nation's work and training programs, although they represent 21 percent of the total unemployment in the United States and 37 percent of all joblessness for 27 weeks or longer.

The administration has argued against the establishment of a National Senior Service Corps, although 4 million older persons may want to participate in this program. And many pilot programs under Mainstream—such as Green Thumb and Senior Aides—have shown beyond any doubt that community service employment is good for the elderly as well as the localities being assisted.

The administration opposed establishment of a National Institute of Gerontology and an Aging Research Commission. Yet our Nation probably spends no more than 8 cents per person for biomedical aging research. And the low priority assigned to aging research continues to be one of the major problems in the field of gerontology.

The administration has presided over the continued decline of the Administration on Aging. Today, AOA is no longer the strong Federal focal point which Congress intended. Instead, it is a crippled agency with no real clout in the Federal bureaucracy.

To make matters worse, the administration now proposes sharp cutbacks in the scope of coverage under medicare and medicaid. Medicare protection has already eroded to the point that the elderly, as a group, are paying almost as much in out-of-pocket payments for health care as the year before this historic law went into effect.

But the fundamental weakness in the administration's game plan is the failure to develop a real income strategy to provide security in retirement. Its policy of adding a few dollars every 2 years to monthly social security checks is just not going to get the job done.

Cost-of-living adjustments will also provide little protection if the administration continues to insist that this escalator should be pegged to an inadequate base. All this will do is perpetuate deprivation for persons who now receive low benefits.

We in the Congress have long supported automatic adjustments to protect the elderly from inflation. However, there is one crucial difference: The Congress wants to raise social security benefits to a more realistic level before employing this escalator mechanism. Only in this manner will older Americans have any meaningful protection from raising prices.

The retirement income crisis which now affects millions of older Americans is much too deep for the administration's shallow treatment. It cries out for much more far-reaching action on several key fronts. And it deserves no less than a national commitment to eliminate poverty for the elderly and to allow them to share in the economic abundance which they have worked most of their lives to create.

Yet the administration's income strategy has been pursued, to a large degree, in a half-hearted manner with no realistic goals.

In 1970, for example, the administration was first willing to settle for a 7-percent increase in social security benefits. Later it upped the ante to 10 percent when an avalanche of criticism forced reassessment. But the significant point is that neither of these proposals would even have kept pace with the rise in prices since the last social security increase.

Only because of bipartisan congressional insistence did the elderly win a 15-percent raise. And then the administration threatened to veto this measure because of its "inflationary" impact. But fortunately the measure was tacked onto a tax proposal which the President could not veto.

Again last year, the Congress and the administration had another go-around on social security. This time high-level administration spokesmen urged the Congress not to rock the boat by approving a raise in excess of 5 percent. Later the request was eased up to 6 percent. But, once again, this increase would have been wiped out by the time the elderly received their first checks. and once again, a bipartisan Congress ignored the advice of the administration and approved a stopgap 10-percent raise.

The net impact of this action is that social security recipients are now receiving about $4 billion more in benefits than they would have received, if the administration had prevailed. Equally significant, we would now have thousands more on the poverty rolls if the Congress had accepted the Nixon recommendations.

Now I turn to the President's address to the delegates at the White House conference. In some respects, his remarks represented a step forward, particularly his proposal for increased funding for the Older Americans Act. However, his statement fell far short of prescribing what is really needed to come to grips with the basic problems confronting the elderly—relating to income, health, and housing. And once again, this was symptomatic of the administration's failure to establish realistic goals.

The President, for example, recommended that H.R. 1 be approved "without delay." At the outset, I wish to express my support for early action on H.R. 1. In terms of numbers of persons affected, this could quite possibly be the most significant domestic legislation considered during this session. But many important changes are still needed to improve this bill and to eliminate some of its undesirable provisions. And I, along with other members of the committee, will have more to say about that later.

If the Congress were to accept H.R. 1 without any modifications, the elderly find themselves on the same old economic treadmill. The 5-percent increase in social security benefits would not become effective until this June. Even more significant, this raise may not be sufficient to keep the elderly even in their desperate race with inflation. By June, the jump in the cost-of-living, since the 1971 social security increase, which became effective last January, may well be in excess of 5 percent.

Additionally, the proposed $1,560 income floor for a single aged person is nearly $300 below the existing poverty line. By the time this income standard becomes effective, it will fall substantially below the poverty index.

There are also very crucial omissions of fact in the President's address. He did not, for instance, inform the delegates that his administration made no request for a social security increase for 1972. The 5-percent raise was principally the result of bipartisan efforts in the House of Representatives. Nor did he tell the delegates that his administration was first considering a $65 income standard for its welfare reform proposal for the aged. With such a low threshold, this was tantamount to no welfare reform at all Now that standard has been doubled, but once again largely because of bipartisan congressional efforts.

During the last 3 years, our employment rate has jumped from 3.4 to 6 percent, adding nearly 2.5 million persons to the jobless rolls. Today more than 5.2 million individuals are looking for work. More than 1.1 million have been searching unsuccessfully for 15 weeks or more.

All age groups have felt the crunch of these economic policies—whether in the form of massive layoffs, shorter work weeks, smaller paychecks, rising prices, high interest rates, or just slow business. But older persons and their families have been especially hard hit.

Many have discovered that they have lost more than jobs. Thousands have also lost their pension coverage as well—even though they may have worked most of their lives for this little "nest egg."

And the elderly—perhaps more so than any other age group—have been especially hard-pressed by inflation. As prices go up, their limited purchasing power goes down.

REASONS FOR OPTIMISM

Yet, despite my earlier skepticism about administration policies, I still find many hopeful signs for 1972 to be a year of decisive legislation victories for older Americans.

First, White House Conference Chairman Arthur Flemming has repeatedly emphasized the need for early action to implement the policy recommendations of the 3,400 conferees. Second, the President's White House Conference speech has provided a possible signal that the administration may look more favorably upon categorical programs for the elderly.

Third, issues related to aging now enjoy strong bipartisan support in Congress. This has been demonstrated time and time again. It may be revealed when Congress stands up and demands that social security benefits be raised to a much more realistic level. Or it may be demonstrated when bipartisan efforts turn an inadequate funding request for the Older Americans Act into a $10.5 million victory for the elderly. Fourth, I believe that the Congress is ready, willing, and able to act on several major proposals during this session. Important momentum was generated during the week of the White House Conference, and I look for this impetus to continue during the months ahead.

THE CHALLENGE

Our Nation is now being challenged—as it never has been before—to develop and implement a national policy on aging. This will, of course, require a full fledged action campaign in several areas if the later years are to be a time for dignity and self respect.

Nowhere is this more evident than in the area of economic security. Today more than 4.7 million older individuals 65 and older fall below the poverty line, neary 100,000 more than in 1968. And for the first time since poverty statistics have been tabulated, their impoverished number have increased, instead of decreased.

Today older Americans are more than twice as likely to be poor as younger Americans. One out of every four persons 65 and older—in contrast to 1 in 9 for younger individuals—lives in poverty. And the threshold, I might add, is a "rock bottom" standard. According to the Census Bureau, it is $1,852 for a single person and $2,328 for an aged couple.

Perhaps one of the most economically disadvantaged groups in our society now is the aged widow. Approximately 50 percent live in poverty. And as they grow older, they seem to grow poorer.

Equally alarming is the high incidence of poverty among elderly minority groups. Their likelihood of being poor is nearly twice as great as for the white aged population, and four times as great as for our total population. Approximately 48 percent are victims of poverty, compared with 23 percent for elderly whites. Especially disadvantaged is the aged Negro woman who lives alone or with nonrelatives. More than 88 percent—or nearly nine out of every 10—are considered poor or marginally poor. And there is strong evidence to suggest that they suffer from greater extremes of impoverishment. More than 59 percent, for instance, have annual incomes below $1,500.

Another area of retrogression, in many respects, is in the field of health care. Today, less than 7 years after the passage of medicare, the threat of costly illness is still too real for too many older Americans.

Medicare now only covers about 43 percent of their health care expenditures. And that coverage is being eroded further with proposed cutbacks and rising medical costs.

The sad truth is that serious illness strikes with much greater frequency and severity at a time in life when incomes are most limited. Persons 65 and older have health bills averaging almost $800 a year, nearly six times that for youngsters and three times that for individuals in the 19 to 64 age category.

If our Nation is to assure true economic security in retirement, we must resolve the serious medical cost problems which pose an intolerable drain upon their limited incomes.

Our Nation has also made little progress in terms of maximizing employment and service opportunities for older persons. Many older workers are now being eased out of the work force. Only about 17 percent of all persons in the 65-plus age category have jobs, usually part-time and in lower paying employment.

Many persons now in their 40's or 50's are also discovering that advancing age may become a problem long before traditional retirement. It may occur when age may make it difficult to locate new employment, although we now have a law prohibiting such discriminatory practices. In large part, this is rooted in other fundamental problems which work to the disadvantage of middle-aged and older persons:

Inflexibility in adjusting employment patterns during the later working years;

False stereotypes about the undesirability or feasibility of employing older workers; and

The lack of training opportunities to prepare older workers for new and gainful employment.

Little improvement has also been made in developing a comprehensive and coordinated system for the delivery of vitally needed social services. According to a recent report by the Gerontological Society, no community in the United States has developed a comprehensive network of services to meet the varied and changing needs of the aging. And that message should be of major concern for all Americans, because an effective social service system can enable the elderly to live independently, instead of being institutionalized at a much higher public cost.

An effective income strategy must be complemented by social service delivery systems which are far superior to those that now exist. Adequate income will be of little consolation to aged persons who are unable to go to the doctor, the supermarket, or visit friends because suitable transportation is unavailable or inaccessible.

Much of this lack of progress or retrogression, in some respects, is reflected in the elderly's living environment. Less than one-quarter of a century ago, our Nation announced a goal for a decent home and suitable living environment for all Americans. But this objective is far beyond the means of too many older Americans. Nearly 6 million are estimated to live in dilapidated, deteriorating, or substandard housing.

Yet, our housing programs have lagged behind their demonstrated needs. Only about 350,000 units have been constructed for seniors under Federal programs during the past 10 years. This is only about the equivalent of the net gain in their population during any one year.

Large numbers of aged homeowners are also finding themselves in a "no-man's land" for housing. Rapidly rising property taxes and maintenance costs are driving them from their homes. And alternative quarters at prices they can afford are simply not available.

Complicating everything else is the fact that the elderly are among the chief victims of our Nation's most pressing problems: such as the decline in our cities, the migration from rural areas, the disintegration of our public transportation system, and the sheer wastefulness of a nation which overspends for military hardware while tightening its fiscal belt for human investment expenditures.

WHAT NOW MUST BE DONE

But even these problems can be solved if we insist on an appropriate national commitment and a soundly conceived strategy. And this session of Congress provides a splendid opportunity to launch a comprehensive action program to implement the goals of the White House Conference on Aging.

First and foremost, early action is needed to make H.R. 1 as strong as possible in terms of ending poverty for the elderly. Several features adopted by the administration—such as full social security benefits for widows, a liberalization of the retirement test, an age-62 computation point for men, and cost-of-living adjustments—provide a solid basis for genuine reform of our social security program.

However, essential finishing touches are necessary to perfect this measure. Heading the list, in my judgment, is the need for more substantial increases in social security benefits. And this raise should be retroactive to January 1, instead of taking effect in June.

The 5-percent increase proposed in the House-passed bill, though welcome, is simply not enough.

For these reasons, I am urging—as I have previously in my omnibus social security-welfare reform proposal—across-the-board increases in social security benefits which would average about 12 percent. This raise would also be weighted to provide larger percentage increases for persons who now receive low social security payments. Under my proposal, persons with very low benefits would receive benefit increases averaging about 21 percent.

My bill also would abolish old-age assistance and would replace it with a new income supplement program to be administered by the Social Security Administration. For persons who now receive social security benefits and old-age assistance—about 2 million older Americans—this would provide an efficient, single-step service. Another advantage is that the Social Security Office has the trust and respect of most aged persons; it does not have the same negative connotations associated with the local welfare office.

Particularly significant, my proposal would establish an income standard which would be sufficient for abolishing poverty among all older Americans. In contrast, H.R. 1 fixes the income floor for single persons only at $1,560 per year. This is certainly a step forward. But the income standard in H.R. 1 would still leave millions of elderly persons in poverty. For these reasons, I urge the Senate to raise the threshold in H.R. 1 to an amount which would wipe out poverty once and for all. Moreover, I recommend that there be cost-of-living adjustments to make this standard inflation-proof for low-income older Americans in the future.

Important as a realistic income strategy is, we must not overlook the need for further improvements in medicare through H.R. 1. For many older Americans, the single greatest threat to their economic security is the high cost of illness. Gaps still exist in medicare, causing a further drain upon their limited pocketbooks.

Two vital reforms, in my judgment, are needed: first, the elimination of the premium charge for doctor's insurance and second, coverage of out-of-hospital prescription drugs under medicare. These measures were strongly supported by the 1971 Social Security Advisory Council, as well as the delegates at the White House Conference on Aging. Now, I believe, is the time to extend this essential protection to the elderly.

Other changes are also necessary to improve the health care provisions in H.R. 1. Since other members of the committee will focus on these measures, I shall concentrate on two provisions, which may seriously cut back the availability of health care to the elderly:

The increase in the deductible for doctor's insurance from $50 to $60; and

The $7.50 copayment charge for medicare patients for each day in the hospital from the 31st to the 60th day.

The copayment charge, alone, could add $225 to the hospital bill of an older American. Ironically, this provision is likely to fall most heavily upon the very person medicare is supposed to help the most—the individual who may be exposed to costly health care expenditures because of a prolonged period in the hospital.

These increased levies, I believe, should either be stricken or substantially reduced by the Senate.

Another area for early action during this session is the establishment of a strong Federal spokesman to represent the elderly in the highest councils of Government. Recent reorganization moves during the past 5 years have raised very serious questions about the capability of the Administration on Aging to serve as an effective advocate for older Americans. Today, AoA is a weak agency with very little authority. Its program responsibility has been reduced by two-thirds during the past 2 years.

In short, we need a new, strong, and coordinated apparatus to serve as a cornerstone for a cohesive and comprehensive Federal approach on aging.

Within a few days, I shall introduce legislation to implement this objective. Basically, the bill will be patterned after the recommendations of the committee's advisory council on the AoA or a successor. Their proposal—later adopted at the White House Conference on Aging—called for:

Establishment of an independent office on aging at the White House level to formulate policy and monitor programs on aging;

Creation of an advisory council to assist this office and to prepare an annual report on the progress made in resolving the problems of older Americans; and

Elevation of the AoA by placing it under the direction of an Assistant Secretary on Aging in HEW.

Enactment of this measure, I believe, can provide the operating governmental framework for developing coordinated policies on behalf of aging Americans. And early action on this proposal becomes imperative, because June 30 is the deadline for extending the Older Americans Act.

Equally important, Congress should act promptly to enhance employment and service opportunities for aging Americans. With unemployment continuing to mount, mature workers are finding that they are among the first to be fired, but the last to be hired. Many now stand in need of a flexible manpower program which is responsive to their needs. Large numbers are jobless because their skills have been outdistanced by technology or because they are seeking the work of a bygone era.

For these reasons, I urge the administration to reassess its opposition to the Middle-Aged and Older Workers Employment Act. For thousands of unemployed or underemployed workers 45 and over, this measure could provide the training, counseling and other supportive services to enable them to move back onto the payrolls or to more productive work. It also authorizes placement and recruitment services in communities where there is a large scale joblessness because of a plant shutdown or other permanent reduction in the work force.

Another area meriting early attention is broadened service opportunities for older persons. Several mainstream pilot projects have amply demonstrated that there are thousands of older Americans who are ready and able to serve in their communities. We do not need any more proof that these programs will work. What is needed now is a genuine national commitment to build upon the solid achivements of these projects. And enactment of the Older American Community Service Employment Act, S. 555, can provide a basis for converting these projects into permanent, ongoing national programs.

HOUSING

Far-reaching action in the housing field is also essential if we are to assure a full and satisfying life for the elderly. We must begin at once to eliminate the conditions which force many older Americans to live in inferior and unsuitable homes simply because they cannot find or afford better housing. The chairman of the Subcommittee on Housing for the Elderly (Mr. WILLIAMS) will discuss in greater detail the committee's recommendations for improving housing programs for the aged; and my remarks will be brief.

Basically, I have two points to make. First, legislation should be considered during this Congress to make home repair services available for elderly homeowners who would otherwise have difficulty paying for these costs. Many urban and rural neighborhoods are deteriorating because essential home repairs must be delayed for several reasons—limited income, failing health, or the lack of necessary skills to perform the fixup work. But these blighted neighborhoods can be renovated with the establishment of a national home repairs program, utilizing the skills of older persons to assist aged homeowners.

Second, the administration should, I believe, spell out more clearly its housing goals for older Americans. This should be done early to enable appropriate congressional units to act on administration proposals during this session. In this fashion, a comprehensive housing package—combining the best features of congressional and administration initiatives—could be developed.

Concluding my list of suggestions for early action is a proposal that legislation should be enacted early this year to authorize mini-White House Conferences on Aging every 2 years. These periodic conferences would permit more intensive review, one at time, of specific issues raised at the 1971 conference—such as retirement income, health, housing, and others. Equally significant, this would establish a continuing mechanism for developing and implementing the policy recommendations of the 1971 conference. It would also provide vital followup work to assure that the proposals outlined by the 3,400 delegates lead to concrete action instead of more words. This concept, I am pleased to say, has been enthusiastically endorsed in the report of the 1971 White House Conference. In the very near future, I shall introduce legislation to implement this proposal.

WHAT MORE MUST BE DONE? THE LONG RUN

My earlier remarks have been directed essentially at action that can and should be taken now to meet immediate challenges. But the development and implementation of a national policy on aging would be incomplete without also establishing long-range goals and direction.

As chairman of the Senate Committee on Aging, I believe that the committee can play an important role in focusing on crucial issues with far-reaching and long-term implications for the aged of today and tomorrow. For example, the allocation of work and income is still a major unresolved problem in our country today. Instead of the "all or nothing" principle—100 percent full-time employment during the adult years and then complete inactivity during the retirement years—new lifetime work patterns must be considered.

Greater experimentation, for instance, with phased retirement, trial retirement, and sabbaticals, will be essential, particularly if the trends toward shorter workweeks and longer periods of leisure time continue.

The resolution of this crucial problem has a far-reaching impact for all age groups. This point cannot be understated, because more than seven out of every 10 children born today can expect to reach age 65. And they can expect to spend longer periods in retirement—perhaps a third of their entire lives.

But how will these retirees make use of their new free time? Will it lead to fulfillment and enjoyment, or just boredom and frustration? All age groups, now and in the future, have a very deep interest in these fundamental issues.

Another major question requiring immediate attention is the crushing burden of the property tax upon the aged homeowner. Many now find themselves financially paralyzed because their property taxes have doubled, or even tripled, during the past 10 years.

In 1970, property taxes hit an all-time high of $37.5 billion, nearly 35 percent higher than in 1967. This tax, moreover, frequently takes a much greater chunk out of an elderly homeowner's limited budget because it is regressive in the extreme. Renters also feel the pinch since landlords usually shift this burden to the tenant.

Several potentially helpful measures—such as the proposal sponsored by the Senator from Missouri (Mr. EAGLETON) to provide a credit for low- and moderate-income homeowners and renters who are 65 and older—have been introduced during this Congress, and can provide welcome relief. But in view of recent State supreme court decisions, other alternatives may have to be considered for the financing of our elementary and secondary schools. For these reasons, the Committee on Aging will focus on several issues of vital concern to aged property owners and tenants, such as:

If a substitute for the property tax is developed, what type of an impact will it have on the aged? Will it provide substantial relief for the elderly homeowner or tenant? Will it protect them from extraordinary burdens?

If the property tax is still retained, what would be the most effective method for providing relief for aged homeowners and tenants? Should it take the form of a Federal tax credit or rebate for individuals confronted with etxraordinary burdens? Should Federal assistance be made available to States which provide such relief?

Or, should other alternatives be developed?

Additionally, the committee will work with senior citizen organizations, educators, and others in the development of an effective system for the delivery of social and health services. The necessity for coordinating social and health services is now widely talked about, but it is still rarely practiced. But the much-sought goal—to assist aged persons to live independently, instead of being institutionalized—will not really be resolved until that principle is widely applied.

Another key concern is to find ways to involve the elderly more in programs meant to serve them. They must have a role, a voice, and an input in the decisionmaking process. One possibility is that our national policy should encourage the development of what might be called community councils of older Americans. Elderly council members could work with governmental and private agencies to make programs more responsive to the special needs of the elderly.

Eventually, as in the case of the council of elders in Boston, these units could incorporate and become contracting agents for such programs.

Establishment of these community councils can also enable the elderly, more and more, to manage the programs which are now meant to serve them. There are many experts and professionals in the field of aging. But there is really no expert like the elderly person who has lived and experienced the very problems we are attempting to resolve.

NEED FOR EARLY AND BIPARTISAN ACTION

Now 1972, it seems to me, can be a year in which we break away from false, fixed notions about aged and aging Americans. It can be a year in which we take advantage of the momentum of the White House Conference to make certain that its goals are implemented.

As we move toward these goals, we must also remember that the field of aging will be the big loser if the politics of expediency is practiced for narrow, partisan advantage. The elderly need the cooperation of Republicans, Democrats, and Independents alike.

The administration and Congress must also work together if we really intend to solve their problems, rather than debate them.

Today there are more than 20 million Americans who are 65 or older, about one out of every 10 Americans. The elderly's combined numbers are nearly equivalent to the total population in 20 of our States.

Equally important, each year 1.4 million Americans have their 65th birthday. And by the year 2000, approximately 45 million individuals will have become newcomers to this age group.

Today our Nation has a unique opportunity to make advancing age a time of fulfillment, instead of neglect and despair. Perhaps even more significant, there is already broad agreement on many crucial policy goals and the course of action our Nation should take now and in the future. In many respects, the report or the White House Conference is a ringing reaffirmation of recommendations advanced by the Committee on Aging and its advisory councils.

With this broad base for support, our Nation can begin to develop, for the first time in its history, a comprehensive workable national policy for the elderly American.

EXHIBIT 1

HEALTH CARE FOR THE ELDERLY

(Statement of Senator MUSKIE)

I said in 1961 that "our democracy may well be judged on the contributions it makes to those who have given so much during their active life in building the strength of our communities, states, and nation." I still feel that way.

We have made a great deal of progress in dealing with the problems of the aged. But, as the White House Conference on Aging last fall made clear, we still have an enormous distance to go.

What we need most is a new way of thinking about our aged citizens. We are talking about one out of every ten citizens. And in fifty years, 15 percent of all Americans will be over 65; a third of these people, fifteen million, will be over 75.

The Maine delegation to the White House Conference summed up best, I think, the mental approach we have to take. In their eloquent "The Credo of the Elderly—A Philosophy of Aging," they said:

America must consider and decide ways of achieving purposeful, primary goals to give aging man the choice of a return to a fuller existence, or America shall continue to relegate aging man to the back door stoop of history so he may invisibly and unnoticed slide into extinction. The last choice is not acceptable.

I agree with this credo. My distinguished colleagues of the Senate Committee on Aging are discussing today various aspects of the problems we must face. I want to talk about a field in which I have some special experience, the health problems of the elderly.

My special responsibility on the Aging Committee is as Chairman of the Subcommittee on Health. In addition, I have felt that health ranks with income as the twin issue of crucial importance to almost all older Americans.

I want to outline briefly the dimensions of the current health care crisis as it affects the elderly. In doing so, I will draw upon the findings of hearings conducted last year by my Subcommittee on Health of the Elderly as well as other special studies and inquiries made by that Subcommittee.

Then, I want to turn to the health recommendations of the White House Conference on Aging. These recommendations—if implemented promptly and effectively—can serve as a meaningful agenda for the '70's in the field of health care for our senior citizens.

The key to the health picture today for older Americans is rising costs and reduced programs. This situation is well documented in a report of the Senate Committee on Aging entitled, "A Pre-White House Conference on Aging Summary of Developments and Data," released immediately prior to the Conference. The following paragraph from that report summarizes the current crisis:

"Health care costs keep going up for all Americans. But for the older person the problem is compounded. He has only about half the income of those under age 65, but—even with Medicare—he pays more than twice as much for health services. He is doubly likely to have one or more chronic dis-

eases than young people, and much of the care he needs is of the most expensive kind. And, while costs go up, services available under Medicare and Medicaid go down—a process which was accelerated considerably in 1971."

Several illustrations—out of many which could be cited—will demonstrate the problem of rising costs.

The premium for Part B of Medicare has increased greatly since the program went into effect in July of 1966. At that time the Part B premium was $3.00 monthly. By July 1 of 1971, the figure stood at $5.60 a month. And on December 31 of last year, the Administration—through HEW Secretary Richardson—announced that, as of July 1, 1972, the monthly premium would be raised to $5.80. That means the elderly will be paying almost twice as much for B premiums as they did when Medicare began.

Secretary Richardson made yet another announcement—earlier in 1971—that again led to increased health care costs for the elderly. On October 1 of last year, he declared that the deductible on the hospital bill of the elderly would increase to $68 on January 1, 1972. This deductible for Part A Hospital Insurance was $40 when Medicare began in 1966. Subsequent increases were to $44 in 1969; to $52 in 1970; and to $60 in 1971.

And still another increase in cost was placed on the shoulders of the elderly who became ill at the start of 1972. Medicare beneficiaries with hospital stays of over 60 days began paying—as of January 1, 1972—$17 a day for the 61st through the 90th day, up from the prior cost of $15 daily.

Charging Medicaid recipients for benefits received has recently emerged as a new problem affecting the indigent elderly citizen who is trying to cope with medical expenses.

In March of 1971 the Governor of California proposed co-payment charges for the welfare poor on Medi-Cal, which is the Medicaid program in California. The Department of Health, Education, and Welfare in Washington approved this plan in May of 1971, under a waiver of its regulations allowing States to initiate "small-scale experiments" in welfare administration.

A Medi-Cal Reform Bill became law in October of 1971. It required co-payment for provider services and prescription drugs.

The Administration—through HEW—ruled that the Governor of California could implement on an experimental basis the co-payment plan in the so-called reform legislation. The HEW ruling allows California to experiment with the co-payment approach for 18 months, beginning January 1 of this year.

The HEW approval of the California co-payment plan represents the first time that any jurisdiction has been permitted to impose charges on those receiving Medicaid. Such payments are prohibited by Federal law, but HEW lawyers have maintained that the law does not exclude experimenting with them, which is what was authorized in California.

My Subcommittee on Health of the Elderly conducted a hearing in Los Angeles in May of last year which attempted to assess the impact of cutbacks in Medicare and Medicaid. At the outset of that hearing, I said:

"Recent cost-cutting cutbacks and regulations have saved money, but at the price of denying urgently needed health care to our older citizens. By placing limits on care available and by increasing costs, we have merely decreased the health and happiness of our older people. Too often, the choice for them must be made between food and medicine."

Witnesses at my Los Angeles hearing discussed the co-payment provisions of Medi-Cal and other Medi-Cal cutbacks as well, including limiting reimbursements to two doctor visits a month; requiring prior authorization by a State consultant for all except emergency hospitalizations; and a slash of 10 percent of reimbursements to providers of health services.

—Dr. Robert Peck, Chairman of the Los Angeles Chapter of the Medical Committee for Human Rights, called the co-payment provisions "heartless and hopeless." "And if, in fact, the doctors will attempt to collect this one dollar per visit," Peck asserted, "they will find they will spend five dollars in the collection procedure and will end up not collecting after all."

One month after implementation of the Medi-Cal cutbacks, Los Angeles County faced a backlog of 26,000 cases. Dr. John Anthony Smith, President of the Interns-Residents Association of Los Angeles County, told us that the hospital where he is employed in Los Angeles saw 1,164 Medi-Cal patients in April of 1971, 218 of whom were referrals by private physicians. The 218 were a ten-fold increase over referrals of the previous month.

Another witness, Dr. Hugert L. Hemsley, President of the Charles Drew Medical Society of Los Angeles, testified that the Medi-Cal cutbacks were depleting the poverty area of badly-needed medical resources.

Further cutbacks—in both Medicare and Medicaid—are written into the provisions of H.R. 1, which is scheduled to reach the Senate floor sometime soon.

H.R. 1 would increase the deductible under medicare part B supplementary medical insurance from the present $50 to $60, effective January 1, 1972.

H.R. 1 would also make the elderly subject to a $7.50 daily copayment charge for each day in the hospital from the 31st to the 60th day. Under present law, the patient is subject to the $68 deductible, and, after meeting that charge, pays nothing on his hospital bill through the first 60 days.

H.R. 1 contains at least four cutbacks affecting medicaid.

One provision in H.R. 1 would repeal the existing provision requiring States to have comprehensive medicaid programs by 1977.

A second H.R. 1 provision requires maintenance of effort by the States for only the basic medicaid services. States can thereby reduce—without prior HEW approval or utilization control—other services, including outpatient prescription drugs, dental care, and eyeglasses.

Another H.R. 1 provision would impose cost sharing on medicaid recipients.

A fourth provision in H.R. 1 is designed to encourage greater outpatient care under medicaid. To accomplish this, there would be a cutback of Federal matching funds for medicaid by one-third after 60 days of care in a general or tuberculosis hospital; 60 days of care in a skilled nursing home unless the State establishes an effective utilization review program; or 90 days of care in a mental hospital.

From this summary it is easy to see what we face: for the elderly seeking decent health care, there are rising costs and reduced programs. We see this situation in announcements from HEW. We see this situation in the medicaid copayment schemes in California implemented with the approval of the administration. We see this situation in those provisions of H.R. 1 which, if enacted, would lead to further cutbacks in medicare and medicaid.

What did the President have to say about the health care crisis when he spoke to the delegates at the White House Conference on Aging just last month? And how did his remarks compare to the response of the delegates themselves to the serious and deepening health problems of the elderly?

The President—I am sorry to report—gave scant attention to health care in his remarks to the Conference delegates.

Mr. Nixon spoke of eliminating the $5.60 monthly premium for part B of medicare. Yet—as I have already indicated—the administration announced afterwards, New Year's Eve, that as of July 1 of this year the elderly would be paying $5.80 a month for this premium, making the charge about double the amount when medicare began. So where does the President and his administration stand on this issue?

The President also spoke of the desirability of extending Medicare to cover prescription drugs. Yet, the President's own Task Force on the Aging—almost two years ago—made this same recommendation.

Eliminating Medicare Part B premiums and extending Medicare to cover prescription drugs are both worthy objectives. Both were favored by the delegates to the White House Conference, as indicated in their recommendations. And I have been a strong supporter of these two Medicare reforms—restating my support for both on the floor of the Senate as recently as November 11 of last year.

It is comforting to know that the delegates to the White House Conference came forth with solid recommendations in the health field, which—if followed by quick and meaningful implementation—can lead to improved health care now for America's senior citizens.

The President has failed to lead—but the elderly are here to show us the way. What do they tell us?

First, the mental health special concerns session recommended the early establishment of a Presidential Commission on Mental Illness and the Elderly, with responsibility for implementing recommendations made at the White House Conference on Aging, and also charged, in general, with policymaking and oversight responsibilities in this long-neglected area. I am deeply gratified by this Conference recommendation, because it supports the bill which I introduced on December 1, 1971—S. 2922—for the creation of such a Commission. A proposal for this Commission came from a recent report of the Senate Special Committee on Aging—"Mental Health Care and Elderly: Shortcomings in Public Policy"—which was prepared at the direction of Senator Church and myself.

Second, the Conference section on physical and mental health asserted that "the U.S.A. must guarantee to all its older people health care as a basic right" and the delegates went on to say that "A comprehensive health care plan for all persons should be legislated and financed through a National Health Plan." I am in strong agreement with these sentiments.

I am a cosponsor of the Health Security Act that will provide national health care for all Americans. The time has come for this kind of program. As I said at Einstein Medical College last year, we need a Medical Bill of Rights for all Americans.

I said:

"The first medical right of all Americans is care within their means. Admission to a hospital or a doctor's office should depend on the state of an individual's health, not the size of his wallet.

"The second medical right of all Americans is care within their reach. Even if we guaranteed the payment of health costs, millions of our citizens could not find sufficient medical services."

Third, the Conference section on physical and mental health also declared that special attention must be given "to the development of adequate, appropriate alternatives to institutional care." Legislation which I have cosponsored in the Congress—S. 882—would promote this objective by authorizing payment under Medicare for services performed by a household aide.

In addition, there is no doubt but that we have to move toward new and more extensive alternatives to institutional care. We need to do that and we need to think about systems of community health care for the elderly.

Fourth, conferees at the section on physi-

cal and mental health urged that "Special attention should be given to increasing the funds available for basic research and for operational research with a strong suggestion that a gerontological institute be established within the National Institutes of Health to provide the essential coordination of training and research activities." This purpose would be realized through S. 887 which I have cosponsored.

We need to pass S. 887. We will not be able to help the aged with their special problems as much as we should until we understand more. We need to know more about the processes of aging and we need to encourage our best scientists to work in this field.

Fifth, the Conference delegates were deeply concerned—as I am—with the cutbacks in Medicare that have threatened to erode completely this program which even now pays only 43 percent of the medical expenses of the elderly. I have outlined earlier some of the suggested cutbacks in Medicare and Medicaid contained in H.R. 1. The section on physical and mental health at the White House Conference called for "expanding the legislation and financing of Medicare" while a national health plan is being worked out by the Congress and the Nation. The hearings on "Cutbacks in Medicare and Medicaid"—conducted by my Subcommittee on Health of the Elderly—have vividly demonstrated the severe impact that any further diminution of Medicare would have on our Nation's older population. The Conference delegates are aware of this. I can only hope that the present Administration can and will show the same sensitivity to this—and every other—health care imperative for senior citizens.

We have at this moment a unique opportunity to move ahead in health—and in every area of concern to the elderly. White House Conference Recommendations are linked to election year momentum to provide this special chance to help those who have done so much for us. This is an opportunity that we must not pass by.

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

Mr. FONG. Mr. President, I appreciate deeply the opportunity this colloquy affords for the discussion of the needs of older Americans. The distinguished senior Senator from Idaho (Mr. CHURCH) is to be commended for suggesting this important discussion. This is in keeping with his outstanding record of leadership as chairman of the Special Committee on Aging. As ranking Republican member of that committee, I want to thank him for his excellent work in behalf of our older Americans and for his cooperation with all members of the committee.

As in the past, it is my pleasure to share with him our bipartisan concern. I pledge my continued support to him in this regard—so essential to progress for our elderly.

The questions which he has raised relative to the needs of older Americans are problems of great concern to me and all members of the Committee on Aging, and I know these problems will be thoroughly discussed in our committee.

Mr. President, every Senator knows how difficult it is to schedule a time for colloquy suitable for all who want to participate. This morning is no exception.

Because some in the gallery may be unaware of this, and because of the importance of the discussion in which we are now engaged on needs of older Americans, I feel I should mention this scheduling problem.

Senators MILLER, FANNIN, SAXBE, BROOKE, and STAFFORD, who are also members of the Special Committee on Aging and vitally interested in its work, wanted to participate in this colloquy, but were prevented by important commitments elsewhere.

It is now 9 weeks since completion of deliberations at the 1971 White House Conference on Aging called by President Nixon.

Nine weeks is a very short period, but it is appropriate that the Senate take a look now at where we stand and make a preliminary evaluation of what may be expected to follow the Nixon Conference on Aging.

Such assessment must be made on the basis of rather clear priorities which were reaffirmed by more than 3,500 delegates who came from all over the Nation to make recommendations for a sound national policy for older Americans.

Despite great diversity of experience and interests among the more than 20 million older Americans it is perfectly clear that our obligation to all of them demands that we respond effectively to their primary needs for economic and social independence, that we expand opportunities for involvement in community and national life, and that we change society's attitudes which now so often isolate them from America's mainstream.

In practical terms, this calls for minimum national commitments which will:

First. Assure all older Americans of an income sufficient to avoid the deprivation and degradation of poverty;

Second. Protect the income of older persons from the ravages of unbridled inflation;

Third. Remove ceilings on their share of America's great bounty including that which they may earn during their later years.

Fourth. Guarantee all Americans that their own efforts to achieve adequate and decent retirement incomes through private pension plans, and similar savings programs, shall be protected throughout their lives and that there be no denial of earned benefits through caprice or changes in employment.

Fifth. Expand opportunities for older men and women to make continuing contributions to America either through employment or volunteer service activities.

Sixth. Assure older Americans of safety of person as fully as possible—through development and implementation of more effective police protection, better safety standards in institutions where the elderly may be housed, and vigorous efforts against any and all threats to their safety.

Seventh. Increase availability of necessary services—at costs within reach of retirees—including comprehensive health care; decent housing; adequate nutritional services; readily accessible transportation; and worthwhile recreational and educational programs to broaden personal horizons, combat loneliness, and enrich the quality of life.

President Nixon recognizes the necessity of meeting these commitments. Certainly all members of the Senate Special Committee on Aging will do what they can to support the President in efforts he has already begun or will initiate in the future toward their achievement. Such support may be expected whether steps taken are through Presidential executive action or require additional legislation.

The magnitude of the task before us—and the task is a big one—should not deter us from addressing it as quickly and fully as possible.

No realist questions that our goals, and those of the White House Conference, will take time. No one expects this massive job to be done overnight, or even this year.

My contacts with older persons persuade me that older Americans understand this. But they have already been patient a long time. They should not be expected to continue acceptance of what for too many years was too often a counterfeit concern for their needs—a counterfeit concern which paid lipservice, which raised unreasonable hopes, and which then dashed them to the ground because the promises were not capable of delivery.

An end to counterfeit concern, and a beginning of valid responses to the plea of older Americans is, in my judgment, at hand. In truth, I believe that such a beginning is well underway through actions taken during the past 2 or 3 years and additional progress which may be instituted within weeks.

This is reinforced by testimony by Presidential Consultant on Aging Arthur Flemming and Commissioner on Aging John Martin at our committee hearing last Thursday which related to White House Conference followup.

Within weeks, the President will deliver a message on aging. It will at least address itself to the most pressing needs of older persons.

Within weeks, final passage of H.R. 1, the social security amendments now before the Finance Committee, should bring realization of several earlier major recommendations by President Nixon on behalf of older persons.

Noteworthy in this bill is provision for automatic cost-of-living adjustments in social security benefits. I take pride in the fact that the proposal, originally introduced by Senator JACK MILLER, was first given serious support by Republican members of the Senate Special Committee on Aging and by President Nixon. We are pleased with the bipartisan endorsement which has since evolved for this important measure to protect social security benefits against inflation.

H.R. 1 will offer other badly needed improvements in social security. Included will be general benefit increases, provision of 100-percent benefits to older widows, liberalization of the earnings test, and more realistic and fair minimum benefits for workers with many years of covered employment.

The latter proposal—involving a new concept in minimum benefits for those long in the work force—is extremely important. Too little attention has been

paid to it and what it will do for lower income workers.

In simplest terms, this change will assure social security beneficiaries, who have 30 years coverage, a minimum benefit of $1,800 a year at age 65. For the insured worker and spouse the minimum would be $2,700 a year.

Even more important for today's retirees with low incomes—and there are far too many—is the provision in H.R. 1 for a beginning of President Nixon's Older Americans Income Assurance recommendation.

It changes old age assistance provisions of the Social Security Act so as to offer income supplements which would bring every person 65 and over up to a national income standard regardless of whether they have regular social security benefits or not.

This older Americans income assurance plan, urged last year by President Nixon, is the most far-reaching legislative proposal to take the elderly out of poverty sent to the Congress in over 30 years by any President.

Probable adoption of this amendment is especially pleasing to me because the concept was first offered as legislation by my predecessor as ranking Republican member of the Committee on Aging, the late Senator Winston L. Prouty, of Vermont, and because it has long been urged by Republican members of the Special Committee.

Like the proposed new approach to minimum regular social security benefits, the President's income assurance plan, and details of its operation, have received too little attention in the news media. In consequence, it is little understood by older Americans.

Most importantly it will be a long step toward meeting income problems of single and widowed older women and other persons who had little or no chance to qualify for social security. Among the latter are countless retired public employees—whose contribution to America has been second to none—such as policemen, firemen, and teachers.

I do not believe the payment levels under income assurance provisions of H.R. 1 are quite high enough. I am sure President Nixon shares my belief. But adoption of this proposal will be a dramatic and far-reaching stride toward eliminating poverty among the elderly.

Initially the Federal income standard would be $130 monthly per individual and $195 per couple. In 1974 it would rise to $150 and $200. This, of course, is as passed by the House and may be amended in the Senate.

The manner of qualification for individual income supplement deserves special emphasis.

Certification and administration will be by the Social Security Administration, not by welfare offices.

A person whose income from other sources falls below the Federal standard may go to his or her social security office to make application and that office will process it.

Recipients will be treated with dignity due a person to whom America owes a great debt.

My emphasis on H.R. 1 in these remarks should not be interpreted as suggesting that I believe this one bill is either the beginning or end. I emphasize it only because of its immediate importance and time limitations on me today.

The truth is: America, and particularly the National Government under leadership of President Nixon, is engaged now in a major movement to improve the lot of older Americans.

Other aspects of America's dynamic involvement in creation of a new, realistic, compassionate and understanding policy toward the elderly will certainly be covered by other Senators in this morning's colloquy.

The 1971 White House Conference on Aging still lives.

Under instructions from President Nixon, the Honorable Arthur Flemming, distinguished Chairman of the Conference, and the administration's whole apparatus in aging is vigorously at work promoting continued involvement of older persons themselves in Conference objectives.

It was quite evident from Dr. Flemming's testimony before our committee Thursday that there is a real commitment to action. Other Senators this morning will undoubtedly comment on this in greater detail than my time permits.

That the highest levels of the administration are involved is manifest by the President's appointment of a Committee on Aging in his Domestic Council under chairmanship of HEW Secretary Elliot Richardson. Participation as members of this committee by other members of the President's Cabinet, assures a level of coordination of Federal activities in aging on a scale totally new in Government.

The President's personal concern is also shown by this appointment of Dr. Flemming as Presidential Consultant in Aging on a continuing basis. This concern unquestionably will be reaffirmed in the President's forthcoming message.

While we look to the future—and much remains to be done—it would be a great error to ignore progress made in the past 3 years. This Government has not been idle.

My time allows me only to mention a few examples. Other Senators will certainly, in the course of this colloquy, elaborate upon them and add others.

When we have passed H.R. 1, we will have increased social security benefits by over one-third in this short period.

President Nixon's price control program is striking vigorously at the terrible toll of rampant inflation which hits so hard at retirees.

The President's initiatives for improving care and standards in nursing homes will greatly help the quality of life for the elderly least able to care for themselves.

Increasing money for the Administration on Aging by fivefold will permit major expansions in services for older persons.

Growth in opportunities to older Americans for new involvement in life's mainstream are provided through increased funding of numerous programs including RSVP, the retired senior volunteers program, the foster grandparents program, and others.

To these ongoing items of encouragement to older Americans must be added the President's proposals for elimination of premium payments for part B of medicare, and new legislation on private pension programs to assure that they provide maximum benefits to participants.

America is on the move in the field of aging.

Let us resolve that we will all do what we can to maintain and accelerate momentum generated by the President and the White House Conference.

Older Americans deserve the best that we can offer: income adequacy; independence; full availability of necessary services and facilities; and opportunities for involvement in family, community, and national life.

Mr. President, I yield the remainder of my time to the distinguished Senator from Maryland.

Mr. BEALL. Mr. President, I thank the distinguished Senator from Hawaii for yielding to me, and congratulate him on his leadership and work on behalf of the problems of the aging that are so much in the national attention these days. I also congratulate the Senator from Idaho for sponsoring this colloquy on this very important subject.

Mr. President, the 20th century has seen tremendous strides in man's efforts to conquer disease, raise his standard of living, and in doing so prolong the life of each of us. While many, I would be inclined to say most Americans, are able to make adequate arrangements for their old age, an appalling number reach the twilight of their life without the resources to provide them with even the basic necessities of life.

I have a particular interest in and a fondness for America's senior citizens because these are the men and women who, by their hard work, patriotism and selfless efforts, have made 20th-century America the wealthy, powerful Nation that it is today. The Nation owes these senior citizens a decent standard of living, personal comfort, and self-respect. During his address to the White House Conference on the Aging, President Nixon stated:

> We will be guided by this conviction: any action that enhances the dignity of older Americans enhances the dignity of all Americans. For unless the American dream comes true for our older generation, it cannot be completed for any generation.

The time has now come for definitive actions designed to solve the practical problems that confront our senior citizens. The findings and recommendation of the White House Conference will soon be forwarded to Congress along with the President's legislative proposals which are designed to implement them. The 92d Congress, if it chooses to do so, can go down in history as the Congress that accepted the challenge of meeting the needs of America's elderly citizens.

Obviously the No. 1 problem is to provide an adequate income. If each senior citizen can be assured of an income sufficient to meet his basic needs then we have come a long way down the road to solving this pressing national problem.

H.R. 1 contains provisions that could provide a minimum income floor under the elderly. Social security benefits can and should be increased, and future increases should be geared to the cost of living so that these benefits will be inflation proof. H.R. 1 also calls for the repeal of the $5.60 per month payment for part B medicare. In addition, Congress should consider substantially raising the ceiling on the amount a person may earn and still receive his full social security benefits. This would enable the elderly to remain active, constructive and productive citizens—if they are able and willing to do so. The time has come for us to greatly liberalize the tax deduction for medical and dental care for the aging. A realistic-graduate scale for these deductions would grant a degree of financial relief to these citizens while at the same time directly contributing to their physical and mental well-being.

Mr. President, I think it is appropriate to mention once again the bill that passed the Senate in late November and will, if approved by the House, provide a comprehensive nutritional program within title 4 of the Older Americans Act. I was delighted to hear the Honorable Arthur S. Flemming, Special Consultant to the President on Aging, unequivocally declare the administration's support for this program.

With the President's leadership, this landmark measure should clear the House of Representatives and become law later in this session. Dr. Flemming went on to state his determination to see that this program is fully implemented at the earliest possible date.

Mr. President, I ask unanimous consent that my remarks of November 30, 1971, with regard to enactment of S. 1163 be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. BEALL. Mr. President, two areas of health care which should not be overlooked in any discussion of the problems of the aging are the obvious needs for additional research into the special health problems of senior citizens. Second, we must examine ways to provide adequate, long-term care for the elderly without automatically resorting to the expensive and frequently unsatisfactory institutions which now seek to fulfill this need. Practical alternatives must be found if our senior citizens are to derive the enjoyment from life that they so justly deserve.

During the first session of the 92d Congress, the Senate passed, with my support, a Federal tax credit—up to $300—for the property tax and/or rent of our retired citizens. Unfortunately, this provision was deleted from the Revenue Act of 1971 by the Joint House-Senate Conference Committee. I believe that a realistic approach should be implemented as soon as possible so as to provide immediate relief for our senior citizens who are property owners. In the long run we must seek imaginative new ways to finance State and local governments without such heavy dependence upon the regressive property tax. I would also hope that the President's Committee on School Finance will propose a viable alternative to the property tax which has traditionally supported our public school systems. This reform, coupled with the concept of revenue sharing—which has unfortunately remained stalled in Congress would offer significant relief for the hard pressed property owners in general and the elderly property owner in particular. Once State and local governments have received alternative sources of income it might become practical for Congress to devise a system that would dramatically reduce or eliminate the obligation of senior citizens to pay property taxes. Progress in this area would directly contribute to improving the housing conditions of our senior citizens, free still further their limited financial resources, and thus contribute to their general well being.

In closing, Mr. President, I would like to commend the President for the initiative that he has shown in efforts to come to grips with the problems confronting our nation's senior citizens. The dramatic increase in the budget for the Administration on Aging, and his strong commitment to meeting the needs of our elderly citizens clearly indicates to me that 1972 can be and should be a historic year of decision. I would be remiss if I did not pay similar tribute to Dr. Arthur S. Flemming, whose distinguished career as an educator, as Secretary of Health, Education, and Welfare, and in a multitude of other capacities, clearly qualifies and equips him for the task he has been asked to undertake. I look forward to working closely with the President, with Dr. Flemming, with Secretray Richardson, and with Commissioner Martin as well as with my colleagues on the Subcommittee on Aging as we seek to convert the ideas generated by the White House Conference on Aging into practical workable solutions to the problems confronting America's senior citizens.

Mr. President, President Nixon has clearly stated, not only his willingness but also his determination to lead this Nation in its efforts to solve the problems of the elderly. The executive branch is marshaling its existing resources, and the Nation's will for this effort. I believe that the executive branch is to be commended for its efforts to date, and the time has now come for the Congress to fully accept its responsibility to our senior citizens. I would hope that the 92d Congress would not only be prepared to accept this challenge but would relish the idea of contributing to this truly significant national effort.

EXHIBIT 1

[From the CONGRESSIONAL RECORD, Nov. 30, 1971]

NUTRITION PROGRAM FOR THE ELDERLY UNDER THE OLDER AMERICANS ACT OF 1965, AS AMENDED

Mr. BEALL. Mr. President, as the ranking Republican on the Senate Labor and Public Welfare Subcommittee on Aging, I strongly support S. 1163, a bill which authorizes a 2-year program of grants to the States for needed nutritional programs for senior Americans.

Mr. President, the overriding problem of senior Americans is inadequate income with the result that the income of nearly 5 million persons 65 and older is below the poverty level. Inadequate income is undoubtedly the reason why the nutritional food intake of senior Americans is often below the level deemed adequate. Food is a major expenditure for senior citizens, ranking second only to housing expenses and comprising about 27 percent of their limited budget.

S. 1163, builds on the successful experience under title IV which is the research and demonstration section of the "Older Americans Act." The nutritional projects funded under title IV have been most successful in responding to the nutritional needs of senior citizens. I am pleased that Maryland, in nearby Prince Georges County, had a demonstration project under title IV known as "Project Compas" which is being funded for its third year at the $62,918 level.

In addition, these nutritional projects have been successful in responding to other needs of senior citizens. For example, studies have indicated that the serving of meals in a group setting can overcome isolation, which is often a serious problem of senior citizens. The group meals also serve as a focal point for the delivery of other services to the aged.

Under this program $100 million is authorized in fiscal 1973 and $150 million in fiscal 1974 for grants to the States. Maryland, with 443,561 senior citizens over 60, would receive approximately $1.5 million in fiscal 1973 and $2.2 million in fiscal 1974. These funds would be used to underwrite the costs incurred by local projects for equipment, labor, management, supporting services, and food. To be eligible for Federal funds, a State would submit a plant to HEW which would guarantee that any nutritional project funded would provide at least one hot meal per day providing a minimum of one-third the recommended daily dietary allowance for an elderly citizen. The hot meal would be provided at least 5 days a week.

Mr. President, it is most appropriate that the Senate take action at this time, for at this very moment the White House Conference on the Aging is underway. This Conference will explore the full spectrum of senior citizens problems—income, housing, nutrition, transportation, education, and health, and property taxes—it is hoped that the Conference will provide the Nation, administration, and the Congress with the guidance and requirements necessary to meet the problems of aging. The ultimate test of the White House Conference will be the action taken to improve the living conditions of senior citizens. Senior citizens make up approximately 10 percent of the Nation's population and they are perhaps the most forgotten minority in the country. This is particularly tragic, for these senior Americans have worked hard to earn their retirement and are responsible in no small part for the high standard of living that the Nation enjoys today. The bill being considered by the Senate today, I hope, is indicative of the action that will follow the White House Conference. I, for one, intend to study carefully the recommendations and do all I can to make certain that senior Americans will be able to live their retirement years with the independence and dignity they deserve.

Mr. CHURCH. Mr. President, the distinguished Senator from Indiana (Mr. HARTKE) wished to participate in this colloquy, but he cannot be present at this time. I ask unanimous consent that a statement prepared by him be printed at this point in the RECORD.

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

STATEMENT BY SENATOR HARTKE

Mr. President, I regret that I am not able to be present to engage in a colloquy with my distinguished colleagues of the Senate

Committee on Aging. Nonetheless, I would like to offer a few remarks on the problems of the elderly in contemporary America. Both as a member of the Senate Committee on Aging and through my travels I have witnessed the misery and suffering that daily confronts the elderly American. What I have witnessed leads me to one conclusion—we must make a national commitment to end the social and economic injustice that presently afflicts twenty million senior citizens and will affect millions more in years to come.

The elderly of this country are entitled to a life of dignity and economic security. They have the right to expect that the country they served through their most productive years will not forsake them in their time of need. I believe that every older person should have enough income to buy nutritious food, decent housing, adequate clothing and proper medical care. This past December delegates to the White House Conference on Aging recommended essentially the same goals. It is my sincere hope that the recommendations of the delegates be given priority consideration. It would add insult to injury if those proposals are simply pushed aside and forgotten.

Like the President, I feel legislative action for the aging should be forthcoming this session. Also, I am particularly concerned with some of the provisions of H.R. 1. Unfortunately, the President has not recognized the many inadequate provisions of H.R. 1. Therefore, I have introduced legislation that I hope my colleagues on the Finance Committee will favorably consider. The main thrust of the legislation that I have introduced is to provide for a 10 percent increase in social security cash benefits, an increase in the amount of money an older American can earn without suffering any loss in social security benefits, coverage under medicare of prescription drugs needed to treat chronic illness and reduction in the waiting period for disability benefits from six to three months. It is my opinion that this legislation will overcome the inadequacies of H.R. 1 and provide the economic independence for older Americans that is so essential if we are to break down the last segregation in America—segregation of the aged.

In addition to economic obstacles, the delegates to the White House Conference recognized that major barriers for the elderly exist in the areas of health, housing, transportation and other social services. If we are ever to have a better world for the elderly, we must provide the resources, and meet the service as well as the economic needs of the elderly. There has been some experimentation in providing services for the elderly but the existing programs are insufficient. Recently, Congressman John Brademas and other members of the House subcommittee with jurisdiction over the Older American's Act introduced legislation to bring about far reaching changes in providing services for the elderly. I have introduced similar legislation in the Senate. This is a broadly based and comprehensive effort to meet the needs of the elderly. It will establish programs to provide a full scale of health, education and social services for the elderly. The legislation is aimed at the coordination of the presently existing but fragmented services and the creation of new programs to deal with those needs that have been neglected in the past.

These are but a few examples of the type of activity that needs to take place if the needs of the elderly are to be resolved. The needs of the elderly have been neglected for too long. We must make economic and social justice for the elderly a reality. We need only the will and the commitment to concentrated purposeful action.

The PRESIDING OFFICER (Mr. CHURCH). Under the previous order, the Senator from West Virginia (Mr. RANDOLPH) is recognized for not to exceed 15 minutes.

STATE OF THE AGING: AN EMPLOYMENT POLICY FOR OLDER WORKERS

Mr. RANDOLPH. Mr. President, the recent White House Conference on Aging represented a notable achievement, not just for 20 million Americans now past 65 but for all Americans.

It brought together 3,400 delegates from every State in the Union and from all walks of life to deal with the every day realities facing the elderly. It provided a forum to consider a broad spectrum of issues—ranging from income, health, and transportation to long-term care, the special problems of minorities, and the rural aged. It even included a special session on aging and blindness, at which I had the privilege to speak. And the relationship between old and blind cannot be understated. Nearly half of all new cases of blindness will occur among persons 65 and older.

Equally important, the Conference provided an opportunity for a good, honest exchange of ideas. It was also a time to challenge many notions about aging, to take stock of existing programs, and to consider what future direction our policies should take.

That process was initiated more than 1 year ago when 6,000 community forums were held throughout the Nation. There, the elderly and others laid the groundwork for much of the discussion and policy proposals at the national conference. At these "speak out" sessions, older Americans discussed their problems fully and frankly. They told us in down-to-earth language what it means to be old, what it means to be poor, and what it means to be neglected after working most of their lives to make our Nation as great as it is today.

Even more importantly, the White House Conference developed an action plan with well-defined goals to make the later years a time to look forward to, rather than to fear or regret. And that is a major reason I have joined the Chairman of the Senate Committee on Aging (Mr. CHURCH) in this colloquy on the State of the Aging.

As chairman of the Subcommittee on Employment and Retirement Incomes for the Committee on Aging, I will direct my remarks primarily to issues and policies concerning job and service opportunities for the so-called older worker.

THE CRITICAL YEARS

Many key indicators now strongly suggest that the critical years in the work lives of adults occurs during their middle forties or early fifties. This is the time when large numbers of mature workers may find themselves in an impossible situation—they are too old to hire but too young to retire. Yet, this is precisely when their responsiblities are growing. At this point, the older worker is typically paying out on his car, home, furniture, or schooling for his children. And the loss of a job can create a double dilemma, not only in terms of his immediate responsibilities but also his economic situation 10 or 20 years from now—when his anticipated retirement benefits will be reduced markedly.

Along about 40 or 45, unemployment begins to increase. Once unemployed, the older worker runs a greater risk of being without a job for a longer period of time. For unemployed persons 45 and older, the average period of being without work is about 16 weeks. This is nearly 35 percent longer than the national average. Today about 1 of every 3 unemployed persons 45 and older—in contrast to 1 in 5 for younger individuals—has been searching for work for 15 weeks or longer.

Another very serious and growing problem is age discrimination in employment, even though legislation was passed more than 4 years ago to outlaw such practices. With unemployment continuing to mount during recent months, the pressures for forced or early retirement have been intensified. Now large numbers of older workers are finding themselves involuntarily retired because of subtle forms, and in some cases overt acts, of age bias.

In addition, many employed older workers find themselves in "dead-end" type jobs with no chance of advancement. As a consequence, large numbers are now underemployed.

Despite the very severe problems confronting mature workers, our Nation lacks an effective and coordinated manpower policy to maximize their employability. By whatever barometer one would choose to use, they have been largely ignored or overlooked in our work and training programs. Last year, persons 45 and older represented only 3.7 percent of all enrollees in our manpower programs. Yet, their proportion of the total unemployment, long-term joblessness, and the civilian labor force is at a level 6 to 10 times above their participation rate in existing work and training programs.

1971: HIGHEST UNEMPLOYMENT IN 10 YEARS

Before discussing what concrete steps can be taken to increase employment and service opportunities for older workers, a few comments about our unemployment situation would be appropriate.

Last year we were informed by high-level administration officials that 1971 would be a good year. Yet the evidence at the end of the year leads to only one conclusion: 1971 was a disastrous year for all workers, and especially for older job holders.

It was a year in which the jobless rate hovered at 6 percent. It was a year in which unemployment was at or near the 5 million mark. And it represented the highest unemployment in 10 years.

Unfortunately, those disconcerting facts do not stop here. Unemployment compensation payments, for example, reached an all time of $4.8 billion, nearly 73 percent higher than during fiscal 1970. The number of major labor market areas with substantial unemployment grew to 60, a tenfold increase when compared with January 1969.

During this same period, joblessness has jumped sharply from 2.7 million to 5.1 million, for an astounding 89 percent increase. Today more than 1.2 million workers have been unemployed for 15 weeks or longer, and 600,000 have been searching for more than 6 months.

Middle-aged and older workers—individuals 45 and older—have also felt the

crushing effects of our widespread joblessness. Nearly 400,000 were added to the unemployment rolls during the past 3 years, representing a 67 percent increase since January 1969. Today 1 million mature workers are looking for work.

Yet, these figures—depressing as they are—reflect only a portion of the overall dismal jobs situation for mature workers. They do not, for example, include the labor force "dropouts," those who have given up the active search for work. Today, there are nearly 2.5 million men in the 45 to 64 age category who have withdrawn from the work force, oftentimes involuntarily. Assuming that just 25 percent of these individuals wanted and needed jobs—and this is probably a very conservative estimate—there would be another 625,000 middle-aged and older men added to the unemployment rolls. And this does not even include the many women in this age bracket who have also dropped out of the labor force.

A classic example of the high level of hidden unemployment in the United States was revealed in a recent Federal study right here in Washington, D.C. Under the standard method of calculating joblessness, the unemployment rate was 4.8 percent. However, if the "dropouts" were also added to this figure, the level would soar to about 13 percent.

However, even those lucky enough to have jobs are feeling the economic squeeze in other ways. Many older workers are now being asked to accept pay cuts, and in some cases rather steep reductions, only as an alternative to becoming unemployed. Yet, their household and family responsibilities continue to grow. Moreover, many workers in their forties and fifties are reaching a plateau in their capacity to increase their earnings by occupational advancement or promotion.

The net impact of these trends is that we may now be witnessing the emergence of a new class of elderly poor including:

Persons in their late fifties or early sixties who are now being eased out of the job market;

Individuals who take actuarially reduced social security benefits only as an alternative to sporadic work patterns prior to retirement; and

Workers who have just given up after prolonged periods of fruitless search for employment.

The latest poverty statistics provide additional evidence to support this ominous warning. From 1969 to 1970, for example, there was a 100,000 increase in poverty for persons aged 55 to 64, from 2 million to 2.1 million. In addition, another 100,000 persons 65 and older were added to the poverty rolls during this same period.

These trends, however, are not inevitable. They can be reversed because our Nation certainly has the ingenuity and capability to resolve these pressing employment problems.

What is needed now is a joint effort by the administration and Congress to translate the far-reaching goals of the White House Conference into action programs for mature workers.

EMPLOYMENT FOR OLDER PERSONS

One of the cornerstones of any national employment and training program for older persons must be based upon this very fundamental principle: Our policies must be sufficiently flexible and responsive to meet the many and varied needs of mature workers. A different approach or thrust, for example, may be necessary for varying age groups.

Most older Americans, and especially senior citizens, prefer to have meaningful choices depending upon their desires, capabilities, and needs. At a very minimum, these basic alternatives should be available:

To work or retire;

To work part time or full time; or,

To work for pay or as a volunteer.

Unfortunately, many elderly persons do not have these choices today. Increasingly our Nation seems to regard earlier and earlier retirement as inevitable, and perhaps even desirable. During the past 30 years, for instance, labor force participation for men 65 and older has declined from 42 to 27 percent.

But instead of forcing retirement at an earlier or arbitrary age, we should attempt to offer aged persons greater freedom of choice. One such option is service by the elderly in their communities. Today a growing need exists for the development of a national service corps. Many communities are practically crumbling at the core because they are unable to provide vital public services for their citizens. And one of the largest untapped sources of talent today is the older worker.

A major advantage of community service employment, in my judgment, is that it can be tailored to the special needs of the elderly participants. Equally, important, it can provide a dignified means for older Americans to help themselves by helping others.

Establishment of a national senior service corps is long overdue because there is so much that needs to be done in our country: in hospitals, community beautification, schools, libraries, conservation of our natural resources, antipollution programs, and a whole host of other areas. We have several prototypes under Mainstream which show beyond any doubt that these programs work. Now we need to go beyond the demonstration stage to a new national program which utilizes the talent and experience of older Americans. And the Older American Community Service Employment Act, which would provide new service opportunities for persons 55 and older, would be a major step forward in making this goal a reality. For these reasons, I urge early and favorable action on this measure, a bill which already has strong bipartisan support in the Congress.

Today many crucial services are not provided simply because of manpower shortages and the absence of adequate facilities. One striking example is in the field of day care.

It is now estimated that there will be a need for perhaps 500,000 additional day care workers during the next 10 years—particularly if more and more women continue to enter the workforce. Older persons, I strongly believe, can provide a valuable source of talent for providing these services. Several programs, such as Foster Grandparents, have clearly demonstrated the natural empathy between the elderly and young children.

In acting on day care legislation during this session, serious consideration should be given to adopting a provision to encourage the employment of older persons in these programs. For elderly individuals, this could provide an effective means to supplement their retirement income. Equally important, the young children in our Nation would be provided quality and personal care.

These same reasons would also be applicable for expanding the Foster Grandparent program, which enables elderly persons to render supportive services for neglected, retarded or disadvantaged children. Once again, I urge that this successful program be fully funded. Additionally, I urge that the concept of the Foster Grandparent be broadened to include services to homebound older Americans.

Today, many older Americans believe that retirement will shut them off from any meaningful participation in their communities. Quite frequently, this can lead to medical or psychological problems which purposeful activity might have avoided.

For many of these individuals, serving as a volunteer in their localities can be a time for fulfillment in allowing them to remain active during their later years. Many of these individuals have lived vigorous lives. And there is absolutely no reason for them to retire from life simply because they retire from their jobs. They have marketable skills, and can still make valuable contributions in a wide range of activities, including: rendering services in hospitals or nursing homes; tutoring young children; assisting schools as playground monitors or teachers aides; and many others.

One of the most potentially effective volunteer programs for older persons is RSVP, the retired senior volunteer program. For the coming fiscal year, I urge that RSVP be fully funded to provide more opportunities for older Americans to render services in their communities.

EMPLOYMENT FOR THOSE NOT "RETIRABLE"

A comprehensive employment program for mature workers must also take into account the special needs of those who are not retirable, particularly individuals in their forties and fifties. There are now about 42 million persons who are in the 45-to-64 age category. Yet, our Nation still lacks an effective and comprehensive policy to increase their opportunities for employment.

Lack of job opportunities for mature workers constitutes a tragedy, not only for them and their families, but also for our Nation. No economy can reach its maximum productive capacity when some of its most experienced, talented, and skillful players are sitting on the sidelines. In the same manner that any successful operation needs the blend of seasoned veterans and fresh new talent, so does our work force.

Much more can be gained, I firmly believe, through a national effort to establish a comprehensive program to provide training and other services to

enable mature workers to compete in our technologically advanced society. And my Middle-Aged and Older Workers Employment Act can be an important step forward in achieving this goal. Already 18 Members of the Senate have joined me in sponsoring this legislation, which can provide the training and other essential supportive services to enable unemployed or underemployed individuals to move into new and better paying jobs.

Increasingly, it is becoming apparent that many older workers are without jobs because of circumstances beyond their control:

Their skills have been rendered obsolete by technological advances;

They lack the necessary training to move onto gainful employment; and

Massive layoffs have contributed to the widespread unemployment throughout the Nation.

Many of these individuals can, however, become productive citizens again with a flexible and coordinated manpower program which is responsive to their special needs.

The Middle-Aged and Older Workers Employment Act, I strongly believe represents a sensible and effective effort for meeting the unique and growing employment problems confronting older persons. There has long been a need for this approach, and I urge early enactment of this legislation.

Equally significant, we must not overlook legislation which has already been enacted into law. In many cases, these measures can also help to remove the barriers to job opportunities for older workers.

One significant example is the Age Discrimination in Employment Act, which was approved with bipartisan support in 1967. However, much more is needed than the passage of legislation. Effective enforcement and proper funding are also crucial. In fact, the implementation stage usually determines, to a very substantial degree, the success or failure of hard-won legislative victories.

Most candid authorities acknowledge that job discrimination on the basis of age is still a real problem today. This conclusion has been documented time and time again at hearings I have conducted as chairman of the Subcommittee on Employment and Retirement Income. Most recently, this was brought to the attention of the subcommittee during its hearing in Miami on the subject of "Unemployment Among Older Workers."

Unfortunately enforcement of the age discrimination law has been carried out in a very timid manner by the Department of Labor. The first suit was not filed until late in 1969. And only a small number of court proceedings have been instituted since that time.

Moreover, enforcement of the law is the responsibility of the Wage and Hour and Public Contracts divisions. However, these units also oversee the Fair Labor Standards Act, the Walsh-Healey Public Contracts Act, the Davis-Bacon Act, and several other related statutes. But, less than 10 percent of their time is allocated to age discrimination activities.

Since insufficient time is being devoted for enforcement of the act, it is no wonder that the age discrimination law is being thwarted. Quite clearly, the Wage and Hour and Public Contracts Divisions need to be beefed up to strengthen the enforcement of the act. For these reasons, I urge that the Congress approve full funding to hire additional personnel to enforce the law fully and effectively. Additionally, I recommend that these new individuals be assigned on a full-time basis to implement the act.

Today, many older persons are still being deprived of an opportunity to carry on their livelihood because of advancing age. But a job should not be off limits simply because a man's hair is "graying" a little bit at the temples. And, it is high time that we launched a systematic and forceful effort to eliminate employment bias solely because of age.

A PROGRAM FOR THE 1970'S

For far too long a time, our Nation has lacked comprehensive and coordinated policies to maximize employment and service opportunities for older workers. With unemployment continuing to remain at a persistently high level, many middle-aged and older persons will need further training to prepare them for technological changes in our society as well as new opportunities for public service jobs.

My policy proposals, I believe, represent a sound and sensible effort to launch a long-awaited national employment policy for older workers.

The benefits of this undertaking await us at all levels.

For many unemployed workers today, a job can provide a financial passport for independence and self-respect.

The worker's family will also benefit because a regular paycheck can mean a richer and fuller life.

And our Nation will benefit when persons on the welfare or unemployment rolls move back on to the payrolls and become taxpayers.

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

NURSING HOMES

Mr. MOSS. Mr. President, I join the members of the Senate Special Committee on Aging this morning as we present our state of aging message.

I am going to speak briefly on the subject of nursing homes. In this regard, I find myself in a rather unique position, for it is within this area that the administration has made its one major effort to help older Americans.

There seems to be little doubt that before June of last year, when the disintegration of plans for the White House conference caused the appointement of Dr. Arthur Flemming, the administration had a poor record on the subject of aging. I was moved to comment in 1969 that apparently aging ranked in Mr. Nixon's priorities just above raising funds for the Democratic National Committee. Few of us will ever forget the statements by Robert Finch, then Secretary of Health, Education, and Welfare, and other spokesmen who announced a shifting of policies from caring for the aged to caring for the young.

But with Dr. Flemming's help the White House conference must be counted a success. The delegates met their responsibilities admirably and issued a mandate to the Congress and the Executive. We ask the question today whether the administration will lead the way to improvement and whether we in the Congress can expect cooperation. We certainly hope for cooperation.

My subject today is nursing homes principally because I have been chairman of the committee's Subcommittee on Long-Term Care for the last 7 years.

This subcommittee has conducted numerous hearings, including some 19 in our current series which began in July 1969. These hearings have led to legislation, in fact, to the very legislation on which the Department of Health, Education, and Welfare is relying for its recent enforcement efforts.

While my first concern has always been America's most underrepresented and declassed minority, the 1 million who suffer the compound burdens of illness and advanced age I would join my colleagues as they highlight other issues.

Perhaps 16 million out of our 20 million elderly need more substantial income.

Medicare still only covers 47 percent of their health costs with premiums and deductibles rising continuously.

Some 6 million live in substandard housing.

Escalating real estate taxes rip into fixed retirement incomes are to the point of becoming confiscatory in many of our States.

We must come to grips with these important problems this year. Left neglected they will only return in amplified form an unwelcome legacy for the future.

With the same urgency, Mr. President, we must attack the problems of some of our nursing homes where unsanitary conditions, poor food, lack of dental care, theft, lack of adequate controls on drugs and negligence leading to death and injury are the order of the day.

More and more these conditions are being brought to public attention. Individuals and groups from levels all of society have protested these abuses.

We have encountered some resistance; some nursing home associations have sought to prove that abuses are few if not nonexistent. But others such as the American Nursing Home Association have been more positive. They admit the great problems and stress the reasons for them are inherent in our society. If only a fraction of the evidence we have received is valid then we have a serious problem.

President Nixon took notice of these conditions in a June speech before the American Association of Retired Persons. He promised the Secretary of Health, Education, and Welfare would announce proposals in implementation of his pledge to eliminate substandard homes. The Secretary did announce an eight point plan, the progress of which my subcommittee has been monitoring. At the

same time the President promised that nursing homes would receive special attention at the White House Conference on Aging.

On this last point we can be positive. Nursing home problems received anything but special attention at the White House Conference. There was but one special concerns session on long-term care and that was an afterthought.

As far as the President's eight-point plan is concerned, it is still too early to judge but I was genuinely impressed by the testimony of Under Secretary John Veneman whose assurances were most welcomed.

On the whole, however, this eight-point package is strictly enforcement. It calls for the training of 2,000 State inspectors, the addition of 150 people in HEW enforcement, the consolidation of responsibility for enforcement in one individual as responsible and the insistence on compliance with Federal standards or face the cutoff of Federal funds.

Enforcement is certainly necessary. I have been asking the Department of Health, Education, and Welfare to take a vigorous role and enforce the standards that my 1967 bill wrote into law. But enforcement is only one of the five major problems in this field.

The other four upon which we need discussion are:

LACK OF A CLEAR POLICY WITH REGARD TO THE INFIRM ELDERLY

The rhetoric speaks of care and concern, but the reality is poor care, no care, or just plain neglect. We continue to follow the policy used by other societies for the ill elderly, and that is abandonment. When families are confronted with what to do with a loved one grown old, there are currently no acceptable options available.

To deal with these root causes, I have introduced legislation providing under medicare:

First. Up to 100 days in a nursing home for all Americans over 65. Such care is available at present only to a narrow minority of elderly who have acute post-hospital, post-operative needs.

Second. Establish outreach services, mobile health units, homemaker services, and expanded home health services which would look toward treating the elderly in their own homes.

Third. Senior citizen day care centers so working families could have the security of knowing their senior citizens had supervision by day.

Fourth. Authorizing on an experimental basis the subsidizing of a family to take care of their elderly in their own homes.

SECOND MAJOR PROBLEM: THE ABSENCE OF THE PHYSICIAN FROM THE NURSING HOME SETTING

Almost none of our medical schools emphasize geriatrics as a specialty. Doctors, generally speaking, avoid the nursing home; they find the work unattractive and unrewarding. In nursing homes, the practice of medicine is conducted almost entirely by telephone. The committee discovered that doctors nationwide do not view bodies of patients who have died in nursing homes before signing death certificates.

As a solution to these problems, I have introducing legislation including:

First. A bill to create a National Institute of Geriatrics within the National Institutes of Health.

Second. A bill to provide followships and categorical grants to medical schools to establish pre- and post-doctoral programs in geriatrics.

Third. A bill authorizing up to $500,000 to six medical schools to establish departments of geriatrics.

Fourth. A bill to encourage medical schools to train a new category of health professionals called "physicians assistants" who could work with and at the direction of physicians, and ease the current medical shortage.

THIRD MAJOR PROBLEM: THE RELIANCE ON UNTRAINED AND INADEQUATE PERSONNEL

There are about 1 million patients in nursing homes and about one-half million employees, or a ratio of 0.5 nurses per patient, compared to average ratios in hospitals of 2.6 nurses per patient. The bulk of nursing home employees or aides and orderlies are overworked and underpaid. It is little wonder that there is a turnover rate of 75 percent.

Legislative solution: My bill authorizing HEW to establish inservice training programs for aides and orderlies and to work out with colleges and professional organizations such as the American Nurses Association, a career ladder whereby aides with experience and educational training could progress from aides to LPN's to finally become registered nurses.

The last major problem is the lack of built-in financial incentives in favor of poor care.

Currently medicaid payments to nursing homes typically provide a flat rate of perhaps $14 a day. This amount is immediately cut back when the patient becomes ambulatory. The incentive is thus to keep the patient in bed. Further, this $14 a day is not enough to provide the kind of care that is needed. Thus we employ a system where 80 percent of the nursing homes are for profit institutions, and tell them that the only way that they can make money is by cutting care and services. Each individual operator can decide for himself how much to allocate to care and how much to profit. There is absolutely no accountability. If one cuts back on food and nursing staff, you can make a fortune on $14 a day.

The solution that I have suggested for this problem is: Encourage States to adopt incentive reimbursement systems such as the Connecticut "points system" where a nursing home, in effect, is graded and placed into classes A, B, C and so forth. The better the nursing home in the State's estimation, the higher the rate of reimbursement. A class A home, for example, might receive $18 a day, a class B home, $17 a day and so forth.

These reforms are greatly needed and I hope we can act quickly to enact some of the bills that I have introduced. Other bills that I have introduced will plug major gaps into the existing law and provide greater tools to aid HEW in their enforcement effort. Of these S. 2924 is most significant. This bill will apply the life safety code of the National Fire Protection Association to intermediate care facilities. ICF's as they are called are currently the only category of federally assisted nursing homes which are not required to comply with this rigid fire code. It is worth noting that the last three nursing home fires that we have had, Salt Lake City in September, Honesdale, Pa., in November and Cincinnati this January have been in intermediate care facilities. Most experts agree that the code should be applicable.

As a companion measure to this bill I have introduced S. 2923 to provide FHA insured loans to help nursing homes purchase fire safety equipment. If we are going to insist on higher standards then we must be willing to help pay for them.

A bill to provide Government loans to enable nonprofit and proprietary nursing homes to purchase fire safety equipment.

A bill to provide for "campuses for the elderly," which would center in one location the broad spectrum of housing for the elderly, from acute hospital services on one end of the spectrum to housing for the ambulatory elderly on the other.

I am suggesting that we have a long ways to go to make our nursing home system. But I should like to end on a positive note. We recently held hearings entitled "Positive Aspects in Long-Term Care."

At these hearings I was genuinely impressed by the impressive and innovative programs which function so well in some of our nursing homes. The proposals ran the gamut from unit-dose drug systems to bringing some efficiency into the nursing homes dispensing of drugs to a unique program to train nursing staffs.

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

Mr. EAGLETON. Mr. President, under the previous order am I now to be allocated 15 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. EAGLETON. Mr. President, I yield to the Senator from Utah such time of my time as he may require, but not to exceed 15 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. MOSS. I thank the Senator from Missouri.

Mr. President, Marshall Horsman of the Beaumont Convalescent Center in Beaumont, Calif., talked about his implementation of a plan of "sensitivity training" for his staff. Each member of the staff must play the role of a patient for a full 24 hours. The experience of being totally disabled and dependent on the staff for food and comforts is very helpful in causing the staff to see things through the eye of the patient and results in better care, contends Mr. Horsman.

These are hopeful signs, and I am sure most of us who have been in this field for some time will agree that conditions in our nursing homes have greatly improved in the last few years. I am sure that we can expect further improvement in the near future. Working together, all of us, the Government, the provider and the employees of nursing homes can, I am sure hasten the day when going into

a nursing home will not be looked upon as the first step of an inevitable slide into oblivion.

A FEDERAL ADVOCATE FOR OLDER AMERICANS

Mr. EAGLETON. Mr. President, one of the hallmarks of a civilized society is the degree to which that society esteems, and provides for its older members. If this Nation is to become truly civilized in this respect, there are responsibilities that must be met by all of the public and private institutions through which society operates—responsibilities that clearly are being shirked at present.

First and foremost, the Federal Government has a responsibility to guarantee an income above the poverty level for every older American and to protect that income against inflation.

Clearly, we have failed miserably in this responsibility. Today nearly 5 million older people—one out of every four—live in poverty. Fifty-one percent of all single or widowed elderly women have incomes below the poverty level.

These income problems begin even before persons reach age 65. Middle-aged and older workers, that is, those aged 45 and older, are a special case in today's troubled economy. As compared with the rest of the work force, proportionately more older workers are unemployed. They stay unemployed for longer periods of time and fewer opportunities and governmental resources are available to help them get back on the job. Since January 1969, the number of unemployed middle-aged and older workers has nearly doubled. About one out of every three unemployed persons 45 and older has been out of work for 15 weeks or longer. One out of five has been unemployed for longer than 27 weeks. Millions of others are not represented in these figures. Discouraged by their inability to obtain work, they have ceased looking for a job and have withdrawn from the work force altogether.

In many cases, loss of work today means a forfeiture of future security as well, in the form of nonvested pension benefits. The Labor Subcommittee of the Committee on Labor and Public Welfare, is currently conducting studies to inquire into the loss of pension benefits which so often occurs when a worker is laid off in midcareer.

We know that older workers have the accumulated skills and the strong motivation which employers claim are in short supply. They have the disciplined habits acquired through a lifetime of work. Yet, our youth-oriented society has a tendency to shunt this older group aside and to ignore the enormous resource it represents.

We also have a responsibility to make certain that our older citizens have access to adequate health care. Typically, older people have one-half the income of other Americans but their health care costs are twice as high. Today, older Americans as a group have out-of-pocket expenses for medical and hospital costs nearly equal to those for the year immediately preceding the advent of medicare. There are a number of causes underlying this condition—greatly increased costs, more awareness of need for services and a larger number of elderly, among other things—but it serves to point up the widely felt need for an improved health service program for senior citizens.

Meeting these and other needs will require the best efforts of all of us who are seeking to improve the circumstances under which older people live in our society—circumstances which today too often make for a cruel and impoverished existence. The Committee on Labor and Public Welfare's Subcommittee on Aging, which I have the honor of chairing, has sought to meet its responsibilities to senior citizens by working for the passage of legislation that deals directly with many of their major problems.

In the last session of Congress, we were successful in having enacted S. 1163 which provides funds to the States to conduct nutrition programs for those aged 60 and over—programs that furnish meals in a group setting and, further, deliver meals to the elderly homebound. We have conducted hearings on legislation to improve the employment conditions of middle aged and older workers by greatly expanding the modest existing program of community service employment (S. 555) and by authorizing special counseling and training programs for these workers (S. 1307). We expect to act on this legislation in ample time for floor action during the current session.

We have also conducted hearings on legislation relating to biomedical and behavioral research in aging and problems associated therewith. Legislation under consideration includes S. 887, my bill to establish a National Institute of Gerontology and S. 1925, introduced by the distinguished junior Senator from New Jersey (Mr. WILLIAMS) which would promote research in aging by establishing a comprehensive and systematic plan for such research. Additional hearings on this subject will be conducted in California under the chairmanship of the ranking majority member of our subcommittee, the very able senior Senator from California (Mr. CRANSTON).

In an effort to assist a part of our older population that is among the most impoverished, I have offered an amendment to H.R. 1 that would make immediately effective the minimum income provided therein in the adult assistance program, thus eliminating the 3-year phasein period contained in the House bill. Another amendment I have offered to H.R. 1 would insure that no person now receiving aid to the aged, blind, or disabled will receive a lesser amount under the new Federal program.

Beyond these concerns, the elderly face enormous problems in other areas such as housing, transportation, education, nursing homes, and so forth. It can truly be said that their needs and interests cover nearly the whole spectrum of governmental activity.

Unfortunately, there has been a dearth of the kind of leadership and coordination that is required if the various departments of the Federal Government responsible for particular areas of concern to the elderly are to function effectively. The Older Americans Act of 1965 established the Administration on Aging within the Department of Health, Education, and Welfare with the intention that it be a high level agency that could act as a focal point within the Federal Government for the interests of older Americans.

The Administration on Aging, however, has never fulfilled the high expectations held for it. Under both Democratic and Republican administrations, it has been downgraded and partially dismantled. Hearings held separately by our Subcommittee on Aging and jointly with the Special Committee on Aging have revealed an almost total lack of confidence in the ability of the Administration on Aging, buried three levels down in HEW, to act effectively as an advocate for the aging or as a coordinator of Federal programs for the aging.

Prior to the establishment of the Senate Special Committee on Aging, an analogous situation existed in this body. Numerous committees have jurisdiction over the problems of older Americans, each pursuing its own goals with little regard for the activities of the others. The Special Committee on Aging was created to overcome the difficulties resulting from this fragmentation of authority by focusing on the whole host of interrelated problems afflicting our senior citizens.

The record established by the Special Committee on Aging over the last decade has been magnificent. Without intruding upon the legislative authority of other committees, it has greatly influenced their work and that of Government at all levels through its leadership and advocacy of the cause of older Americans.

This experience provides a striking example for the executive branch. There, too, responsibility is diffused and leadership and coordination are lacking. The expiration this June of the Older American Act provides us with an opportunity to revive the hope embodied in the original act when passed in 1965. It has become evident that we cannot count on a minor office buried in the vast reaches of the Department of Health, Education, and Welfare to provide the leadership that is needed.

I intend to begin hearings next month that will develop the information necessary to determine the best possible organizational structure on the Federal level for older Americans. We have the benefit already of a number of studies and reports on this subject from such groups as the President's Task Force on Aging, the Advisory Council to the Senate Special Committee on Aging, and the White House Conference on Aging. We intend to give full and serious consideration to these and all of the other proposals that will be offered at our hearings.

I particularly look forward to receiving the views of the administration with respect to legislation to succeed the Older Americans Act. In recent months, President Nixon has on several occasions stated in general terms his commitment to improving the lot of the elderly. The real test of this commitment, of course, will come in the specific programs and policies the administration proposes to achieve that end.

Unfortunately our experience in the past has found, too often, that the word has failed to be matched by the deed as the administration has consistently opposed one after another of the programs for the elderly considered by our

subcommittee. Older Americans do have many friends in Congress, as witnessed by our discussion here today. But Congress can authorize wonderful programs and they will come to nothing if those within the executive branch of the Government who set priorities, make the budgets and have the power to withhold funds appropriated by Congress do not really understand or care about the problems of senior citizens.

I hope that the President's recent statements mark a new direction in this administration's heretofore undistinguished record with respect to older Americans. If that be so, I pledge my full cooperation in the effort to enact the legislation and appropriate the funds so desperately needed. In any case, the Subcommittee on Aging will continue its work to promote the welfare of those who have gone before us and to whom we owe so much.

ORDER OF BUSINESS

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. EAGLETON. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. EAGLETON. Under the previous order, which Senator is to succeed me in his presentation?

The PRESIDING OFFICER. The Senator from Wyoming is to succeed the Senator from Missouri.

Mr. EAGLETON. I yield the remainder of my time to the Senator from Wyoming, and thus he will have my remaining time plus that which has been allotted to him.

The PRESIDING OFFICER. The Senator from Wyoming is now recognized, under the previous order, for not to exceed 15 minutes, plus the unexpired time of the Senator from Missouri.

Mr. HANSEN. Mr. President, I thank my distinguished colleague from Missouri for his courtesy in yielding me the remainder of his time.

HELP TO THE AGING

Mr. President, as one who has served some years on the Special Committee on Aging, and more recently on the Committee on Finance, I welcome today's review of progress in assisting the aging and reaffirmation of our hopes for full recognition of older Americans through prompt solution of problems which face them.

The splendid spirit of bipartisan concern which has distinguished the Committee on Aging—with its broad responsibility to review all matters affecting the elderly—and the Finance Committee—whose role in major legislation on behalf of older Americans, including social security, is so important—is a source of great personal satisfaction to me.

As evidenced in Wyoming's White House Conference and our other activities in aging, there is no partisanship in our State on this vital question. I am confident a similar spirit prevails elsewhere. Needs of older Americans are too important to permit division. We must all work together.

It is equally gratifying to observe a new spirit of dedication to the rights, needs and aspirations of older persons in the executive branch of the Federal Government.

Beginning with President Nixon's call, early in 1970, of the recent White House Conference on Aging, this new recognition by the executive branch and its several Departments has been amply demonstrated by efforts during the past 2 years to involve our elders in decision-making and policy formulation on matters related to age.

This leadership, springing from the highest levels of the executive branch, encourages my belief that America is on the move in meeting the challenge in aging.

If we are to meet this challenge to improve quality of life for our elders—through satisfaction of basic physical needs, protection of social rights, and promotion of new opportunities for involvement in America's mainstream—such dedication by all parts of government at all levels is essential.

Beyond this, there must be reinforcement of congressional and Presidential leadership by other elements of society in a spirit of unity which recognizes our debt to older Americans and the contributions they can still make—are eager to make—to their country.

At Wyoming's State Conference on Aging last summer, which I was privileged to attend, there was clear evidence of such spirit.

The Wyoming meeting, one of many which preceded the White House Conference of 9 weeks ago, recognized that satisfaction of basic needs for the elderly—adequate income, access to quality medical care, improved transportation, invigorating educational and recreational activities, and decent housing and nutrition—is of primary importance.

No less vital, in the judgment of those at the conference, is the need for enlistment of society's total resources to assure older Americans opportunity to participate in day-to-day responsibilities and privileges of America's life as fully as their capabilities and desire warrant.

At the Wyoming conference it was evident that older persons have much to offer. We will shortchange ourselves, and do injury to them, if we do not give them full opportunity to function as first-class citizens.

Our older citizens are an important national resource.

President Nixon has promised action to assure older Americans new opportunities which have never before existed. This is because he firmly believes that our senior citizens are a resource we need desperately today. I share his belief and endorse his commitment.

At a time when a recovery of family life is needed more than it has ever been; at a time when there are community service tasks which go begging for want of manpower; at a time when we need to restore the perspective of the past, older persons cannot and should not be forced to sit on the sidelines as mere observers as they too often have in recent years.

I am deeply impressed with the program President Nixon has developed to meet the needs of older Americans.

Through his program, President Nixon shows promise of meeting five goals which must be met if we are to make fullest use of our older citizens. Through his program, the President shows promise of creating a new national attitude on aging, bringing about a new prosperity for them, helping them to regain self-sufficiency, improving health and nursing home care, and giving older Americans an opportunity to serve where, for one reason or another, they could not before.

Let us take each of these one by one.

Changing national attitudes will take time. It will also take leadership from many sectors of society.

President Nixon has already demonstrated that he will provide leadership to bring to the fore the problems and importance of our older Americans. He has established two new positions on the White House staff—the position of Special Consultant to the President on Aging and Special Assistant to the President on Aging—held respectively by Arthur Flemming and John B. Martin. This is the first time in history that older people have had direct representation on the White House staff.

To reinforce these two officials in developing and implementing appropriate programs for older Americans, the President has established a Cabinet Committee on Aging.

He convened the second White House Conference on Aging—the first having been called by President Eisenhower.

Testifying last Thursday at a Special Committee on Aging hearing, Dr. Arthur Flemming, the President's Consultant on Aging emphasized the administration's intentions to vigorously follow up on work of the White House Conference. I suggest that every Member of the Senate should read Dr. Flemming's testimony when it is published.

The speed with which transmission of conference section by section recommendations and the administration's stated intention of effective follow through is most encouraging.

This speed which contrasts with the languid treatment of the first White House Conference 10 years ago, suggests that a new commitment to America's elders is at hand. It is a tribute to the thousands who have worked so hard to bring a new awareness to our Nation that we must go full steam ahead.

To give sharper focus to the problems of the aged, the President included a special section on older Americans in his state of the Union message—another first.

Hawaii's distinguished senior Senator HIRAM L. FONG, has already spoken of the President's efforts to create a new prosperity for older Americans. Let me only add my conviction that he means business with them. The President knows that all the rhetoric and all the good wishes he or anybody else can offer will mean nothing unless they are coupled with a serious and sincere effort to assure older Americans a fuller share of life's material resources.

It is from that knowledge that the President's efforts to help older Americans gain self-sufficiency stems.

The President has ordered the establishment of a system through which older Americans can readily gain information on all benefits for which they may be eligible; has increased the Administration on Aging budget fivefold to $100 million so that new homemaker, transportation, nutrition, and community service programs can be made available; has made housing money more readily available to older citizens so that they can purchase homes in a variety of settings and has helped launch a major national effort to voluntary organizations which will help older Americans gain the service they desire in their homes. We can expect more action along these lines in the period ahead.

Despite medicare and medicaid, the problem of obtaining health and nursing home care have remained critical. Many studies, articles, and documentaries have demonstrated the disgraceful treatment some of our older citizens have received in their declining years. The President has faced this problem forcefully and courageously. He instituted an eight-point program to raise nursing home standards and even went so far as to prohibit Federal funds to those that were found substandard, something no other President has ever done. This program includes:

First. Training 2,000 nursing home inspectors within 18 months.

Second. Authorizing 100 percent Federal funding of State medicaid inspections.

Third. Appointing a single responsible high level official at HEW to direct improvements in nursing homes.

Fourth. Enlarging the Federal enforcement program by adding 150 positions.

Fifth. Establishing a program of short-term courses for health personnel who work in nursing homes.

Sixth. Assisting the States in establishment of investigative units.

Seventh. Undertaking a comprehensive review of long-term care.

Eighth. Cutting off medicare and medicaid funds to substandard homes.

Testimony by HEW Undersecretary John G. Venneman, and Assistant Secretary Merlin K. Duvall, M.D., who has responsibility for implementing the President's nursing home initiatives, was presented to the Committee on Aging in October. It was evident then that implementation of the 8-point program is well underway.

I was pleased this morning to hear the Senator from Utah (Mr. Moss), chairman of our Subcommittee on Long-Term Care, express a similar pleasure at prospects for nursing home progress.

President Nixon has asked the Congress to eliminate the $5.80 monthly medicare fee which will give older Americans a total of $1.5 billion in new benefits. He has implemented a strong program to upgrade nursing-home care. He has supported the Medical Manpower Act so that more doctors, nurses, and aides will be available to help care for all our Nation's citizens, including older Americans.

The programs I have mentioned so far are all exciting and important. But what is most exciting personally to me is the President's efforts to give older Americans an opportunity to serve where no such opportunity existed before. We have long focused on youth involvement—and involvement of our young people in public affairs and service is most important.

Young people have a dream of a fine new world. They have a desire and hope that they can play a major part in making that fine new world a reality. They should be given the opportunity to realize this dream. Older people want to help them realize these aspirations.

Certainly most older Americans have lived their lives with a primary goal of grandchildren—the young of today. They have worked hard to give the young tools for making a better life a reality.

For this, as well as their many other contributions, our elders deserve our thanks and a national commitment that independence and a chance to participate is not denied them in their later years.

Older Americans however, still have dreams which they want to achieve first hand, as persons. The right to pursue such dreams of service to their fellowman and country is as essential to their dignity as are adequate incomes and recognition of their past contributions.

President Nixon's commitment to assurance of that right is most gratifying to me.

That is why the President requested action to triple the retired senior voluntary program to $15 million; to double the foster grandparent program to $25 million; and Operation Mainstream funding—to help older people find jobs—to $26 million. If these programs continue to be successful, I am assured that they will be increased even more. As for myself, I am confident that they will work and we will find in our older citizens a resource of significant magnitude.

President Nixon has said:

> Old age, which should be a time of pride and fulfillment—pride and fulfillment looking back and looking forward—is too often a time of isolation and withdrawal. Rather than being a time of dignity, it is often a time of disappointment. And the growing separation of older Americans also means that we are not taking full advantage of a tremendous reservoir of skill and wisdom and moral strength that our Nation desperately needs at this moment in history.

I endorse those sentiments. I endorse also the substantive proposals President Nixon has made to back them up. I believe they should also have the full and complete support of every Member of this body.

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

Mr. GURNEY. Mr. President, we have heard a great deal this morning about the problems of the elderly and what might be done to improve their situation. No one questions that these problems exist and must be dealt with in a meaningful manner. The real crux of the matter is how they are to be dealt with; to consider the elderly as a special group with special problems is necessary, but to segregate them in the process of solving their problems, is doing them a distinct disservice. Comfort with dignity—and I cannot put enough stress on dignity—is the ideal goal.

Our senior citizens are special, not simply because of their present status but because of what they have contributed. They do not want to be treated "differently" from other parts of society any more than anyone else does. Nor do they like to be placed in the same category as welfare recipients. They have worked all their lives and have earned their retirement; to be lumped in with people who are, all too often, considered too lazy to work is repugnant to them. Mail from my elderly constituents indicates this only too clearly. Many senior citizens will refuse welfare assistance—such as food stamps—because they feel it to be degrading. Similarly, they feel degraded if they are shunted off from society because of their age; many feel they have much to contribute and looked upon retirement as an opportunity to do more for their community rather than less.

Our senior citizens have earned their retirement and they should be able to enjoy it rather than have to endure it. Providing for their physical comforts while overlooking their emotional well being—their sense of dignity and pride if you will—is not an adequate answer.

This problem of balancing physical comfort with emotional well being is further complicated by the unusual set of economic circumstances confronting most elderly Americans.

First of all, senior citizens constitute an evergrowing proportion of our population. In 1910, they comprised 4.1 percent of our total population; today about 10 percent. In my home State—Florida—that proportion is almost 15 percent. Quantitatively speaking, the under-65 population is two and one-half times what it was in 1900, but the over-65 group is six and one-half times as large. Add to this the nearly 10 million people age 60–65 in the country today—over 200,000 of them in Florida—and the proportion grows. Realistically, given the number of people 60 and over who are retired and given the fact that many of our programs for the elderly start with people 62 and over, it is more accurate to think in terms of 30 million senior citizens.

Unfortunately, this older population is essentially a low-income group, even though there are a good number of wealthy senior citizens. In 1970, half of the 7.2 million families having heads of household aged 65 or over had cash incomes of less than $5,953 and almost 25 percent made less than $3,000. Of the 5.8 million senior citizens living alone or with nonrelatives, half had incomes of less than $1,500. In many cases, the combination of reduced income and accelerating inflation has brought about a decline into the low income or poverty classifications. What we need to do is to fulfill the promise of social security which was—and is—to insure that a person is adequately provided for in his retirement years. People who have paid social security all their lives in this expectation and who, due to limited income, may not have had enough money to invest in other retirement plans, deserve no less.

I feel—and have felt—that an increase in social security benefits has been needed for a long time. I tried to get these benefits increased last year, independent of welfare reform, and I feel that they are essential this year, even if getting them passed means separating them from H.R. 1.

H.R. 1—as we have heard—contains a number of laudable proposals in the area of social security reform. I fully support changes that would:

First. Increase social security benefits by 5 percent effective July 1, 1972;

Second. Provide for an automatic cost-of-living adjustment in benefits;

Third. Increase a widow's benefit from the present amount of 82.5 percent of her husband's benefit to an amount equal to 100 percent of the deceased husband's benefit; and

Fourth. Eliminate the earnings limitation on social security recipients or, if that is impossible, to set the limit at a minimum of $3,000.

All these provisions would provide additional direct income for the recipient, a step recommended by the 1971 White House Conference on Aging and one consistent with preserving the dignity of the senior citizens. Increased benefits and safeguards against inflation simply fulfill the promise of social security and make the law more equitable. They do not carry the same stigma that is so often attached to the welfare programs that they would otherwise be forced to depend on. In this regard, President Nixon's older Americans' income assurance plan is right on target; by having applicants for benefits apply to a social security office rather than a welfare department, utmost dignity can be maintained.

Next to inadequate income perhaps the most vexing and worrisome problem for the elderly is health care. Medical costs have risen astronomically in the last few years, spurred by the same inflation that has cut so deeply into the purchasing power of the elderly. Faced with a much greater likelihood of needing medical care than the rest of us, the senior citizen finds himself with less money than ever to pay higher costs than ever. Even with medicare, the squeeze is causing many senior Americans to do without medical treatment they badly need. It is my belief that certain improvements are necessary to reverse this situation.

First, we must develop incentives for cost cutting in the provision of health services. These incentives do not exist at present. Demonstration projects, better planning, and more prudent funding are essential if health costs are to be kept down.

Second, there needs to be a limitation on coverage of costs by medicare. Medicare/medicaid patients should not have to pay for nonessential services; if guidelines were established setting forth what constitutes reasonable health costs in a given area, unnecessary charges might be avoided.

Third, extended care facilities should be required to meet certain minimum standards to insure patient safety and the proper use of medicare funds.

Fourth, the rules concerning coverage of physical therapy—a service so frequently needed by the elderly—under medicare should be relaxed to permit senior citizens to be reimbursed for therapy sessions at a therapist's office. Such a change should be more convenient and less costly to the person needing the treatment.

Finally, I believe that professional standard review organizations should be established to help insure quality health care.

Another concern of pressing importance to the elderly is where to live. I say, where to live, instead of just housing, because, while there is a definite need for additional housing units for the elderly, at least two-thirds of our senior citizens own their own homes—most of them mortgage free. The problem—more times than not, is—can the senior citizen afford to live in his own home or should he move into an elderly housing facility? It would seem, for several reasons, that every effort should be made to help those who have their own homes and want to continue living in them to do so.

First, a majority of senior citizens do not really want to live in elderly housing because such housing makes them feel like they are being segregated from the rest of society.

Second, there is often a sentimental attachment to living in their own home.

Third, it is less expensive for them, and for the Government, to live in their own homes, provided they are able to do so.

Fourth, these homes can often be a source of income if, for instance, rooms are rented out.

Various means have been suggested to help keep the elderly in their own homes. Aside from cutting inflation, which is essential and which is taking place, the burden of steadily increasing property taxes presents the biggest problem. The senior citizen, on his or her fixed income, cannot afford to pay out a good percentage of it to cover property taxes; if they could be given a tax break or better yet, if the burden of the property tax could be reduced, as President Nixon suggested in the state of the Union address, many senior Americans would not be financially forced to move.

Another factor that forces the elderly to leave their own homes is upkeep and repair. Both are expensive and often these tasks are beyond the physical capability of the senior citizen. However, if means were found to reduce these costs—for example, senior citizens co-ops that contracted for upkeep services—this problem could be at least alleviated.

Other ways of keeping the senior citizen in his own home include such things as volunteers—perhaps other senior citizens—looking after the needs of elderly homeowners on an organized basis within the community.

Improved transit systems—I shall discuss this a bit more in a minute—will help them get around to do the necessary errands. However, not all senior citizens by any means have the option of living in their own homes. For these people elderly housing, designed to meet their particular needs, is essential and at a cost they can afford. More detailed efforts should be made to better ascertain the "need" for such elderly housing, and to make sure that such programs that do exist are effectively administered and do not overlap.

In housing, as with everything else, the key to the problem is dignity. Segregating the elderly into retirement communities, while it has certain advantages, has the drawback making seniors feel that they are second-class citizens that have to be taken care of separately for their own good. To many senior citizens that thought is just as abhorrent as being associated with those on welfare.

One could go on for hours on the needs of the elderly, but rather than do that, I would like to touch upon one final trouble area—transportation.

Crucial to the desire of older people to be a part of the community is mobility. It is also essential if one is to shop competitively, or to run many of the day-to-day errands, or to have a social life. Mobility is freedom; for senior citizens it represents freedom to enjoy the fruits of their labors.

However, advancing years make it difficult and often dangerous to drive, harder to walk, and more difficult to negotiate public transit. Economic woes often rule out getting a chauffeur or taking taxis, so public transportation becomes very important. For some, even the bus is too expensive; for others, particularly those in the rural areas, public transit is unavailable or unaccessible and therefore useless. Several remedies come to mind. The most obvious is extension and improvement of our system of public transit. Another is reducing fares for senior citizens if they have a medicare card. The latter plan is being used in Washington, D.C., and its effects should be studied for future reference. Eliminating the need for the elderly to travel is not really an answer, for like most people senior citizens prize their ability and right to move about.

In going over these matters this morning, I have obviously left out or just lightly touched on a lot of things—things like employment for the elderly, social services, taxes and tax breaks, and safety standards. These are all relevant and related topics and they need attention. Obviously they cannot all be tackled at once but neither is it fair to expect the senior citizen to wait indefinitely. I think these hearings, the committee work, the White House Conference on Aging and the President's proposals and deep interest, are all indicative of a growing awareness that we cannot forget those to whom we owe so much. This, I believe you will all agree, is an encouraging sign. Our senior citizens deserve the best; they have earned it.

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

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

Mr. PERCY. Mr. President, I would first like to commend my distinguished colleague from Florida for an exceptionally fine statement. His service on the Special Committee on the Aging is of particular significance, as there are a very large number of retired people living in his State of Florida. His expertise in this area is appreciated by all of us because he has provided a great deal of

insight on establishing a sense of priorities in this field.

Mr. GURNEY. I thank the Senator from Illinois very much for his kind comments.

Mr. PERCY. Mr. President, I am pleased to join the distinguished chairman of the Senate Special Committee on Aging (Mr. CHURCH), the distinguished ranking member (Mr. FONG), and my colleagues in this tribute to our senior citizens.

As my colleagues have pointed out, there are 20 million Americans over age 65. A full one-quarter of them live at or near the poverty level, and while poverty is declining among other age groups, it is increasing among the elderly.

In other words, a minority of the population, our elderly—I will not say aging because we are all aging—those 65 years or over, is the only minority group in America today where conditions are getting worse rather than better, where the incidence of poverty is increasing rather than decreasing for them.

The elderly are among our neediest citizens—if not the neediest—but because they are neither loud nor militant nor quick to complain, their poblems have gone largely unnoticed in years past.

Delegates to the recently concluded White House Conference on Aging did much to change this, however, in focusing the Nation's attention on senior citizens. During the conference, the problems of the elderly in such areas as income maintenance, health, housing, employment and transportaiton were stressed, and major recommendations for congressional action in each area were issued. In making these recommendations, the delegates laid the foundation for a national policy on aging—something we have always lacked but desperately need.

Although the delegates refrained from endorsing specific legislation pending before Congress, they did endorse certain ideas already incorporated into existing bills.

Mr. President, let me comment here on hearings that the Committee on Aging held last week under its chairman, the distinguished Senator from Idaho (Mr. CHURCH).

I can recall, when first coming on the committee, that the hearings were not very well attended. The hearings last week were overflowing with interested citizens. I am pleased to note that the average age level was not more than 60 years old—probably it was closer to 40 or 50. It is encouraging that an increasing number of young people are working in this field, trying to improve conditions for the aging.

The hearings held last week are evidence of national concern. We are developing, through the efforts of a great many people working in this field, a national conscience with respect to this problem.

One of those bills now before Congress which is of interest to the elderly is H.R. 1, the comprehensive Social Security Amendments of 1971. Among other features, this measure calls for a 5 percent across-the-board increase in social security benefits, full benefits for widows, automatic benefit increases to protect recipents against inflation, and a liberalized retirement test.

In recent testimony before the Senate Finance Committee, I endorsed each of the above proposals, and urged that the earnings limitation be raised immediately to $2,400, and to $3,000 by January 1, 1974.

I think among the most ludicrous situations we have today is the fact that if a person retires at 65 and continues to have an income of $100,000 a year in interest and dividends, he still gets his full social security benefits if he is not working. But if that social security check is necessary for a working man or woman in order to live, he can only get the full amount of the check up to $1,680. After that point, deductions are made, and once a person makes $2,880 he receives no benefits from social security despite the fact that he has paid into the system for years and years and years. In addition, even more ludicrous is the fact that if a person has to work beyond age 65, he has social security deducted from his wages before receiving his net pay. So, even after age 65, he continues to pay for social security and the deductions are made from his earned income. This system seems to indicate that there is something wrong with getting earned income.

If one receives unearned income from dividends or interest, he has no deductions made for social security.

However, if one has earned income necessary to supplement his social security income, he does have deductions made.

Of all the crazy things we have ever done, this seems to be the most unfair. We must eliminate the limitation. I am delighted that the Finance Committee this year is reconsidering the earnings limitation. I think we ought to literally take it off.

Social security is like insurance. We pay for it. And people resent very much indeed, after paying for perhaps over 40 years, not getting benefits if they have some earned income coming in.

H.R. 1 is now under active consideration by the Finance Committee, and I am pleased to note that Chairman LONG has given his word that the bill will be reported to the Senate floor by early March. And if he gives his word, he means it. The passage of H.R. 1 will enable us to further many of the goals set forth by the White House Conference on Aging.

Housing and transportation were cited earlier as areas of major concern to the elderly. It is noteworthy, therefore, that the Senate Banking, Housing and Urban Affairs Committee is currently meeting in executive session on housing legislation. When a bill is reported to the Senate floor, I hope it will contain two specific provisions.

The first provision would call for an additional Assistant Secretary of Housing who would deal exclusively with housing problems—and I add the word "opportunities"—for the elderly, and who would act as a spokesman and advocate for the elderly within the Department of Housing and Urban Development. We need a person within HUD who is sensitive to the housing needs of the elderly and who is high enough up in the bureaucracy to be able to cut through the redtape and present these needs directly and forcefully to the Secretary.

Secretary Romney has done a magnificent job in trying to get hold of the bureaucracy within HUD in the best sense of that term. That is his responsibility in HUD. He not only has improved the efficiency of his Department in Washington, but he has also done more than any other cabinet official to my knowledge to decentralize and place responsibility in the field. However, not until we get one Assistant Secretary whose life work is to take care of the housing needs of the elderly are we going to have them adequately taken care of.

I have discussed this matter with the Secretary and with his very able Under Secretary, Mr. Richard Van Dusen. I am hopeful that he can see fit to make this one personnel assignment, possibly by Executive order.

The second provision which I hope the Banking Committee will include would call for operating subsidies for failing mass transit systems. Good mass transit is of vital importance to the elderly, and yet mass transit companies are going broke across the country. We must take action to prevent mass transit from going completely under, lest the poor and the elderly, and others who are dependent upon mass transportation, become totally isolated.

On this subject, the White House Conference delegates said this:

> The elderly, like everyone else in society, must depend upon the ability to travel for acquiring the basic necessities of food, clothing, and shelter as well as employment and medical care. The ability to travel is also necessary for their participation in spiritual, cultural, recreational, and other social activities. To the extent the aged are denied transportation services, they are denied full participation in meaningful community life.

I know that the senior Senator from New Jersey (Mr. WILLIAMS) shares my interest in both an additional Assistant Secretary of Housing to deal with the elderly and in emergency financial assistance for failing mass transit systems. I am pleased to note that he is not only a member of the Senate Special Committee on Aging, but also of the Banking, Housing and Urban Affairs Committee. I know that it is his intention to see that action is taken.

These, then, are steps that Congress can take almost immediately to advance the goals of the White House Conference on Aging.

Actions taken recently by President Nixon to elevate the status of senior citizens in his administration are encouraging. The President has called for a fivefold increase in the budget of the Administration on Aging. He has submitted major legislation to Congress to remedy serious deficiencies in our private pension plans. He has indicated his administration is ready to implement quickly the Kennedy-Pepper bill to provide hot, nutritious meals for the elderly in community settings, when this measure passes the House—and I understand that this measure is under consideration on the House floor today. And through his appointment of Dr. Arthur Flemming as Special Consultant to the President on Aging, the President has acted to insure

that the elderly will receive greater attention within the executive branch.

In his role as Chairman of the White House Conference on Aging, Dr. Flemming made every conceivable effort to make the conference a good and open one. Commissioner John Martin of the Administration on Aging has also done a fine job. I think they made a fine presentation when they appeared as witnesses before the Subcommittee on the Aging and Special Senate Aging Committee last week. They said there is a momentum building up in the country for the aging. I know that they have higher priorities in mind than the low status we relegate at the present time to the problems of the aging—lower, in fact, than other industrialized nations in the world accord to their aged citizens relative to their national resources.

I think Dr. Flemming deserves the recommendation of all of us for his handling of the conference, and I believe he will continue to act as a strong advocate for the elderly within the administration.

I think the Aging Commitee should call upon citizens outside of Government as well to assure a better life for our senior citizens.

Congress can pass laws, and the President can issue executive orders to help aged citizens, but we cannot hope to fulfill their spiritual, social and emotional needs. These needs can only be fulfilled by society as a whole. It is up to individual citizens to look after their parents and grandparents, and to honor their fathers and their mothers.

It almost makes one weep when he visits a nursing home for the elderly on a Sunday afternoon and finds 110 elderly people looking at the blank walls, at the television, or at each other. On some days there is not single visitor to talk to the patients in the nursing homes. This is something that the Government cannot do.

This shows an utter lack of compassion on the part of the American people for others, the lack of desire to visit others and to help each other.

This country was built with the spirit of helping each other, and cooperating with and assisting one another. Certainly that was true in the West. The country was developed there by means of people helping their neighbors.

The least we can do is to give a little attention, a little time, and a little thought and consideration to the poor and to the elderly who are in poverty.

Sometimes nourishment for the soul is much more needed than nourishment for the stomach.

The very fact that society, through many of the programs we have instituted, has reached out to care for the needs of the poor probably does more for their morale than for their physical being.

I am very appreciative of the fact that a number of the members of the Senate Aging Committee have appeared here today to give voice to our deep concern and to urge our colleagues to take care of this matter.

I would say that there is good reason to believe that this administration will continue to do—as it has done in the past—more to close the hunger gap than any other administration in history.

I trust that this administration also will go down in recorded history as the the administration that did more to alert the Nation to the need for assigning a higher priority to the aging and to those who need and deserve our support and help.

The elderly worked hard to make this country the great country it is and to provide the bountiful harvest we now have; it is only fitting and proper that they share in the benefits and proceeds of this great society.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

SPECIAL REVENUE SHARING—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BENTSEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Finance:

To the Congress of the United States:

There are few issues of greater concern today, to the Congress and to the President, than the state of the American economy. We are passing from a period when the economy was inflated by the strains of war to a time when it will be challenged by the needs of peace.

Adding to the inevitable problems of transition has been the increasingly vigorous economic competition of other countries. We welcome this competition, but we must also realize that it requires us to give renewed attention to increasing American productivity—not only to ensure the continued improvement in our own standard of living, but also to keep our Nation's goods competitive in the world's markets, thereby providing jobs for American workers.

During the late fifties and early sixties our annual rate of increase in labor productivity averaged 3.4 percent. But by the mid-sixties it had begun its drop to an average of only 1.8 percent.

We are taking important steps to revive the productivity of American labor. Our New Economic Policy is shrinking the bulge of inflation. We are proposing a new program to promote technological progress—for advances in research and development are essential ingredients of rising productivity. But technological advance is not the whole story: increases in the skills of our labor force also play a large part.

We are not interested in the competitiveness of our labor force for its own sake. We are concerned about the individual American—concerned that he learn the skills to gain employment or learn more skills to gain better employment. We are concerned about the health of our economy, knowing that a strong, highly productive economy is the individual American's best insurance against unemployment. This is why the Federal Government provides manpower training—to increase the opportunities of jobless Americans to share in the abundance of America.

Today, I again urge that the Congress enable us to improve our manpower programs by enacting the Manpower Revenue Sharing Act.

Ten years ago, the Congress recognized Federal responsibility for comprehensive manpower training by passing the Manpower Development and Training Act of 1962. The MDTA and the Economic Opportunity Act of 1964 have grown to include over a dozen separate, narrow grant programs, each with its own purposes. Yet, even though manpower programs have grown in number, the need for manpower training has outpaced the capability of these older programs to provide services. Our commitment is strong, but we have not bridged the gap between the promises and the performance of Federal manpower programs. Something better is needed—on this we can all agree.

THE OLD WAY: A NEED FOR REFORM

Like the field of manpower training, many other areas of Federal assistance are suffering from a hardening of governmental arteries. Federal programs are meant to meet the needs of individual citizens living in 50 States and in thousands of communities, but those diverse needs are not being met by rigid, standardized Federal programs. Instead, the pressure on State and local resources is building to the breaking point. The traditional answer would be the establishment of even more separate categories of Federal aid.

Federal aid is needed, but the proliferation of Federal plans, programs, categories, and requirements has compounded the individual problems faced by American communities today. Frequently, Federal involvement has merely generated a false sense of security—a security which has been betrayed by the continuing multiplication of communities' social needs and the failure of government to meet those needs.

Federal aid outlays account for 21 percent of State and local revenues today, but many Federal grants require State and local officials to match some percentage of Federal aid with local money which could be better spent in other ways to solve local problems. In many cases, State and local officials must decide either to accept Federal aid with its accompanying allocation of State and local funds or to receive no Federal aid at all.

Federal maintenance of effort provisions further distort local priorities by requiring State and local governments to continue projects irrespective of their effectiveness in meeting their own needs. Once again, our communities lose more of the flexibility which would enable them to meet what they consider their most pressing needs.

Frustrating and time-consuming project approval requirements, a jungle of red tape, often make it impossible for State and local governments to count on having Federal money when it is needed. No matter how pressing some needs may be, communities must wait, sometimes months or even years, for the slowly

grinding wheels of bureaucracy to consider each grant in minute detail.

The real problem lies not with the Federal Government's intentions, but with how it tries to meet communities' needs—by undertaking one narrow, inflexible program after another. The number of separate categories has grown until no one is sure of their boundaries. In 1963, there were only 160 individual grant programs amounting to about $8.6 billion, but now there are over 1,000 such programs amounting to almost $40 billion. Each rigid category of additional aid reflects the worst kind of arrogance: the presumption that only the Federal Government knows local needs and how to meet them.

If we have faith in the American people—and I for one do—then we must recognize that in thousands of communities, each with its own problems and priorities, there live people quite capable of determining and meeting their own needs and in all probability doing a better job of it than the Washington bureaucracy. Quite simply, today's local needs are likely to be met best by local solutions.

The time has clearly come to reform the way in which the Federal Government aids local and State authorities. The time has clearly come when those who serve at the State and local level and are charged with the responsibility for finding workable solutions to State and local problems should be given a chance. Clearly, it is time that Federal aid became truly that, aid, not rigid and often confusing control.

Waste, confusion, and inefficiency are too often the price paid by local and State governments for Federal aid under the present system. Last year the Federal Government discovered the following cases, to cite just a few examples:

—One North-Central State had 93 people on its government payroll to do nothing but apply for Federal *education* grants.

—A study of grant programs in one Western city revealed that only 15 percent of the Federal funds to that city went through its mayor or elected government.

—Federal demands on the time and attention of local officials is particularly serious. In one small Midwestern city, a part-time mayor had to attend sixteen separate evening meetings per month, one with Federal officials from each of the sixteen separate grant programs in which his small city participates.

THE NEW WAY: SPECIAL REVENUE SHARING

In a series of special messages to the Congress last year, I proposed Special Revenue Sharing, a new system of Federal aid which would serve the purposes of our State and local governments better than the system of narrow Federal grant programs now operating. I proposed that funds be made available to States and localities for six broad purposes—manpower, law enforcement, education, transportation, urban community development, and rural community development—to be used, for each of these purposes, as they see fit to meet their particular needs. Those proposals, if enacted, would consolidate over 130 separate programs into six general purpose areas. Under our Special Revenue Sharing proposals, in the first full year of operation, $12.3 billion in Federal funds would be provided to States and localities for those six broad purposes. These funds would be free from matching requirements, maintenance of effort restrictions, presently rigid prior Federal project approval requirements, and, best of all, inflexible Federal plans. But there are two major stipulations: (1) the money is subject to all the civil rights requirements of Title VI of the Civil Rights Acts of 1964, and (2) no government unit would receive less money under these proposals than it did under the old system of narrow Federal grants.

Special Revenue Sharing is not a wholesale dismantling of the Federal grants system, as some critics have charged. It is a careful effort to decide which level of government can best deal with a particular problem and then to move the necessary funds and decision-making power to that level of government. When a Federal approach is needed we should take that road, but when a local approach is better we should move the resources and power to that level.

I realize that these are challenging concepts, which have major implications for the structure of American government—Federal, State and local—and for the effectiveness with which government serves the people. They require us in Washington to give up some of our power, so that more power can be returned to the States, to the localities, and to the people, where it will be better used. It is appropriate, therefore, that the Congress give full consideration to all of these proposals for fundamental reform and move rapidly to create effective programs to meet today's needs.

MANPOWER SERVICES FOR THE SEVENTIES

I recognize that it is incumbent upon those who propose change to justify the changes. I believe our experience with Federal manpower programs over the last 10 years justifies the changes we are proposing.

All those represented in the current array of patchwork manpower programs—the schools, private employers, public agencies, nonprofit groups, not to mention the unemployed workers—know that the present system is not delivering the jobs, the training, and the other manpower services that this Nation needs and has a right to expect.

As we begin the second decade of comprehensive manpower assistance for our unemployed and underemployed citizens we know we must do better, and we can do better. It is time for a change.

Manpower experts throughout the Nation agree that the necessary reform of the Nation's system of manpower training should have as its three basic goals the decategorization, the decentralization, and the consolidation of existing manpower development efforts.

The Manpower Revenue Sharing Act that I have proposed would allow us to achieve those goals. It would benefit citizens in every corner of the Nation and offer renewed hope to members of our society who have lacked opportunity—hope for jobs, for advancement, and for a better standard of living. It would establish a new framework of constructive partnership for manpower training among Federal, State, and local governments. Its principles are simple and fundamental, yet far-reaching.

THE PRINCIPLES OF MANPOWER SPECIAL REVENUE SHARING

First, the Manpower Revenue Sharing Act does *not mandate* any existing categorical program or guarantee its perpetuation—irrespective of its performance—in any community. However, it would *not prohibit* the continuation of any project which a particular locality feels effectively serves its own and its workers' needs. It is time to end the restrictiveness of the old, narrow programs which have frustrated communities' efforts to develop manpower programs geared to their own needs and circumstances.

In its first full year of operation, the Manpower Revenue Sharing Act would provide $2 billion for manpower purposes, of which $1.7 billion would be divided among State and local units of government—without unnecessary red tape—using a formula based on the size of their labor force and the numbers of unemployed and disadvantaged. The remainder would be used by the Secretary of Labor to meet the generalized national needs of this new system.

It would authorize a broad range of services, including:

—classroom instruction in both remedial education and occupational skills;

—training on the job with both public and private employers, aided by manpower subsidies;

—job opportunities, including work experience and short-term employment for special age groups and the temporarily unemployed, and transitional public service employment at all levels of government.

These services, all designed to help move people toward self-supporting employment, augmented by temporary income support, relocation assistance, child care and other supportive services authorized by the Act, would make it possible for our communities to mount integrated manpower development programs truly responsive to their own priority needs.

The *second* major goal of Manpower Special Revenue Sharing is to increase substantially reliance upon State and local governments to manage major manpower activities. Local governments are often powerless when jobs are not to be had. It is time we equipped our local governments with the resources and decision-making power to meet their responsibilities.

The Manpower Revenue Sharing Act meets this objective. It would provide communities with the resources they need to help get people into jobs and job-training. Decisions on what needs to be done to improve specific local manpower conditions cannot and should not be made in Washington. They should be delegated to the area where the unemployed person lives and wants to work.

The *third* way to move toward a new era in manpower development is through consolidation of the multiple, frequently

inconsistent, funding authorizations for manpower activities. Even members of the congressional Appropriations Committees frequently chafe under the unmanageable task of sorting out the confusing array of alphabetical "programs" created by existing manpower enactments. While a good deal of untangling has been done by administrative action, the only durable solution is an overall reform.

The Manpower Revenue Sharing Act would replace the two major pieces of legislation which have spawned most of the acronym programs—the Manpower Development and Training Act and Title I of the Economic Opportunity Act—with a single statute which incorporates the flexibility needed by State and local government.

The Manpower Revenue Sharing Act submitted to the Congress in March of 1971 incorporates all three of these vital concepts. I believe that the application of these principles in the Manpower Revenue Sharing Act is sound, but the principles are more important than the details. Reasonable men may disagree on the specifics of any important legislation, but there comes a time when its principles must be earnestly debated and decisions made. For the principles of Manpower Special Revenue Sharing, that time has come. The fine points of this legislation, which were discussed in my message of March 4, 1971, are open to refinement, but I believe the principles of Special Revenue Sharing are too important to be eviscerated.

Our country needs new manpower legislation. Let us now write a new chapter for the second decade of manpower development that will produce solid performance—for the economy, for the unemployed and underemployed, and for government itself.

RESTORING THE AMERICAN SPIRIT

The Special Revenue Sharing approach to providing Federal help would enable us to deal more effectively with many of this Nation's most pressing problems. But it would do much more. It would help to restore the American spirit.

In recent years many Americans have come to doubt the capacity of government—at all levels—to meet the needs of an increasingly complex Nation. They have watched as the power to effect change in their communities has moved gradually from the local level, with the reality of friends and community, to the national center, to Washington. There was a time when the increasing centralization of government fostered a greater sense of national purpose. But more recently, the weight of unfulfilled promises reinforced by the growing complexity of social problems has caused many Americans to doubt the capability of our system of government.

By providing new resources to the levels of government closest to the problems and closest to the people involved—people who may see their problems in a different light than the Federal Government—both General and Special Revenue Sharing will do much to revive the confidence and spirit of our people. A free and diverse Nation needs a diversity of approaches; a free Nation should invest its faith in the right and ability of its people to meet the needs of their own communities. No greater sense of confidence can be found than that of a community which has solved its own problems and met its own needs.

Confidence in government is nowhere under greater challenge than among the young, yet the future of America depends upon the involvement of our young in the day-to-day business of governing this land. By making resources available to the more localized units of government, where more people can play a more direct role—and by placing the power of decision where the people are—I hope that many of the young will come to realize that their participation can truly make a difference. This purpose—this philosophy—is at the heart of Special Revenue Sharing.

The people's right to change what does not work is one of the greatest principles of our system of government—and that principle will be strengthened as the governments closest to the people are strengthened. Though the Federal Government has tried with intelligence and vigor to meet the people's needs, many of its purposes have gone unfulfilled for far too long. Now, let us help those most directly affected to try their hand. American society and American government can only benefit from ensuring to our citizens the fullest possible opportunity to make their communities better places, for themselves, for their families, and for their neighbors.

RICHARD NIXON.

THE WHITE HOUSE, *February 7, 1972.*

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business not be laid down until morning business is concluded.

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

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf the Vice President, pursuant to Public Law 86-42. appoints the Senator from Kentucky (Mr. COOK) to the Canada-United States Interparliamentary Conference, Ottawa, Canada, February 17-20, 1972.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with a limitation of 3 minutes on speeches made by Senators.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ANNOUNCEMENT BY SENATOR MARGARET CHASE SMITH OF DECISION TO SEEK REELECTION

Mrs. SMITH. Mr. President, it has been my honor and privilege to serve and represent the people of Maine in the U.S. Senate since January 3, 1949. Three times they have registered their approval of my service to, and representation of, them in the Senate.

After very serious deliberation, I have decided to seek reelection and offer a continuity of that past approved service and representation. Among the considerations in my decision is the gratifying extent to which young people have expressed confidence in me and urged me to continue my service.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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.

CONGRESS SHOULD ACT ON DOCKS STRIKE BEFORE TAKING RECESS

Mr. ALLEN. Mr. President, the present west coast shipping tieup is having adverse effects throughout the Nation. It is but the latest in a series of crippling public interest labor-management disputes which have brought on demands for legislative action to provide permanent machinery for preventing work tieups so harmful to all the people.

The west coast docks tieup should be ended by temporary legislation. But temporary measures for specific situations are not the final answer. Congress must devise permanent means of settling disputes after negotiations have broken down and thus prevent damaging nationwide economic effects of endless strikes.

The President is urging Congress to pass legislation to end the present strike and to provide solutions for the future. However, the committees in the Senate and House are dragging their feet on the issue.

Mr. President, Congress should not recess this Wednesday as planned, but should stay in session until this problem is solved.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

(The remarks Mr. SCHWEIKER made at this point on the introduction of S. 3136 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER FOR THE SENATE TO MEET AT 10 A.M. TOMORROW AND WEDNESDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the close of business today, the Senate stand in adjournment until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is ordered.

Mr. MANSFIELD. And that at the close of business on Tuesday, the Senate stand in adjournment until the hour of 10 o'clock Wednesday morning.

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

Mr. MANSFIELD. Mr. President, how much time remains for the transaction of morning business?

The PRESIDING OFFICER. There remains 5 minutes of the period designated for the transaction of routine morning business.

WAR POWERS LEGISLATION

Mr. JAVITS. Mr. President, on Saturday, February 5, I testified before the American Bar Association Standing Committee on World Order Under Law at its meeting in New Orleans, La., on the subject of the war powers of the President and the Congress, with particular reference to S.2956, the war powers bill which I have sponsored with Senators STENNIS, EAGLETON, SPONG, BENTSEN, and TAFT, and which has been reported out of the Committee on Foreign Relations.

In view of the impending debate on this important and indeed historic measure, Mr. President, I ask unanimous consent that my testimony be printed in the RECORD.

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

THE CASE FOR WAR POWERS LEGISLATION

Within the next few weeks, the United States Senate is scheduled to consider S. 2956, a War Powers bill principally sponsored by Senators Javits, Stennis, Eagleton, Spong, Bentsen and Taft.

The legislation to be voted upon is a carefully considered bill based on the proposals of the sponsors and tempered by year-long hearings conducted by the Senate Foreign Relations Committee. The hearings probed deeply into all aspects of the issues related to enactment of war powers legislation. One of the most striking results of the hearings on the bill was the very broad and strong consensus which emerged supporting the constitutionality of the bill, as well as the necessity for such legislation.

In brief summary, the bill first establishes four categories of situations in which the President may use the Armed Forces in hostilities or in circumstances where hostilities are likely, without a declaration of war by Congress. The first three categories are emergency situations, to repel attacks—or the imminent threat of attacks—upon the United States, its armed forces abroad, or upon U.S. nationals abroad in defined circumstances; and the fourth category of situations in which the President may act without a declaration of war is "pursuant to specific statutory authorization."

Second, the legislation provides a role for Congress right from the beginning by requiring the President immediately to make a full report of any action taken under the four categories—and most importantly—to obtain from Congress statutory authority to proceed beyond thirty days; and if Congress does not extend the President's authority within thirty days, his authority runs out after thirty days and he must terminate the use of the armed forces he has initiated.

These two provisions are the core of the bill. In its totality, of course, the bill has other features, as will be commented upon later. But as you are all lawyers, I will let you read the fine print for yourselves and judge for yourselves its prvoisions as well as its total effect and meaning.

The United States emerged from World War II as the dominant world power—a role quite alien to all our previous national experience. The unique challenge arising from this new role were such that slipped into a practice which ran counter to the genius of our Constitution and the underlying structure of our political institutions. Under this practice the President, by using his power as Commander-in-Chief to deploy our armed forces abroad into war situations, could put us into undeclared war without any direct declaration of war or enabling exercise of the power of Congress. This practice tended to concentrate the essential power of war and foreign policy in the institution of the Presidency and to leave to the Congress only an appropriations or confirmatory role. This practice has proved to be a most costly failure, as in Vietnam, which has dangerously strained the fabric of our whole society.

Publication of the Pentagon Papers, and now the Anderson Papers, has provided the public explicit "case histories" of how and why this post-war practice has failed. The War Powers Act corrects the basic flaw of the postwar practice by restoring to the Congress and to the people a meaningful role in the question of war or peace.

Congress has learned from experience that it must devise practical new means for exercising, in relation to "limited" and "undeclared" wars, the war powers reserved to it in Article I, Section 8 of the Constitution. The essential object is for Congress to devise ways to establish its authority at the *outset* of military hostilities which, in the absence of a declaration of war, heretofore have left Congress behind at the starting gate. Yet, Congress must assert itself in a manner compatible with the President's exercise of his Constitutional responsibilities as Commander-in-Chief. We have learned that the power of the purse, alone, is not an effective instrumentality for asserting Congressional authority in undeclared wars.

Under the "War Powers Act" the President for the first time would have statutory authority to take emergency protective actions in defense of American lives and American interests—in areas where Presidents previously have acted solely on the basis of unilaterally asserted authority which faced many subsequent challenges.

But the unilateral expansion of Presidential power in war-making has now reached dangerous limits and could undermine the whole system of checks and balances underpinning our constitutional system of government. The point has been reached where any effort simply to check the further expansion of Presidential war power is regarded by some defenders of the Presidency as an encroachment on the Office of the President. Many advocates of Presidential prerogative in the field of war and foreign policy seem to be arguing that the President's powers as Commander-in-Chief are what the President alone defines them to be.

The implication that the Presidency is beyond the power of Congress to check in the exercise of war powers raises a constitutional danger. It could leave the nation solely dependent on the good judgment and benign intent of the incumbent President. While we have had a high standard for eminence in the Presidency throughout our history, experience has shown that our liberties require firmer institutional safeguards if they are to survive.

There has been considerable public note of recent efforts, particularly in the Senate, to reassert the war powers of Congress specified in the Constitution. What has not been noticed is that this reassertion of Congressional authority has been met by a countervailing hardening and intensification of assertions of unilateral and unfettered Presidential prerogative. Our action has stimulated a reaction. The situation is now one of dynamic tension. It is impossible for us to stand still; if we back off, we may not be able to preserve even the position we now hold.

Within the past year it has been asserted in the Senate that the President has the power to acquire foreign bases by executive agreement without reference to Congress, that he has the power to deploy the armed forces abroad without reference to the Congress; that he has the duty to take whatever action he deems necessary to protect the armed forces, wherever deployed, without reference to Congress. Moreover, it has been asserted that pertinent information required by the Senate to exercise its constitutional function of advice and consent can be withheld on "security" grounds—indeed, although details may be communicated to foreign governments who are not a party to the negotiations in question.

Prolonged engagement in undeclared, Presidential war has created a most dangerous imbalance in our Constitutional system of checks and balances. That danger now permeates the political climate beyond the immediate issues of the war *per se*.

The stress of the imbalance has reached proportions where the very credibility and bona fides of our Constitutional form of government has been called into question in the minds of many Americans, particularly younger Americans. They see the unchecked power of a President to prosecute an undeclared war as a barrier to their most fundamental aspirations and ambitions for the nation they will inherit. Many members of my own generation are also deeply disturbed by the unresponsiveness of our last two Presidents to Congressional and public pressures to control war and to give the nation the means to redirect our national energies and resources to even higher priority issues at home and abroad.

Critics of "The War Powers Act" have alleged most frequently that the provisions of the bill are too rigid; that the bill does not and cannot foresee all the "unforeseeable" contingencies which might face the nation at some future time. Such criticism is wide of the mark. The bill provides four categories of situations in which the President may take emergency military action in the absence of a declaration of war: First, to repel or forestall an attack—or imminent threat of an attack—upon the United States; Second, to repel or forestall an attack upon the Armed Forces of the United States located outside of the country; Third, to rescue endangered U.S. citizens abroad in defined circumstances; and Fourth, "pursuant to specific statutory authorization."

This last category is designed specifically to enable the President and the Congress

together to meet any contingency the nation might face.

Over the past twenty-five years the Congress on a number of occasions has passed so-called "area resolutions" at the President's request—the most famous being the ill-begotten Tonkin Gulf resolution. The "'fourth category" of the War Powers Act envisages replacement of the old, loosely-worded "area resolutions" with precisely-worded, new resolutions—as needed—which establish a national policy, jointly constructed by the President and Congress, respecting developing crises or threats which could involve use of the armed forces and over which both continue to exercise a joint control. A Congress and a nation so badly burned by Vietnam and the Tonkin Gulf resolution can be expected to exercise more appropriate caution, prudence and precision.

The War Powers Act makes ample provision for emergency action by the President. Its unique feature is that, in doing so, it builds-in a "trip-wire" necessitating affirmative Congressional action within thirty days. If the President takes emergency action putting the armed forces into hostilities, he must immediately make a full report of the circumstances, authority for, and expected scope and duration of, the military measures he has initiated. If the President is unable to obtain the affirmative concurrence of the Congress by law to extend his authority, he must terminate such use of the armed forces within thirty days. The bill has strict provisions to prevent filibuster or other dilatory procedural delays.

The thirty-day period is an arbitrary one but it can be shortened or lengthened by Congressional action. To the sponsors of the bill, thirty days appeared to be an optimum time balancing the need to allow Congress to take truly deliberative action without being steamrollered in the first flush of an emergency, against the danger of allowing too long a period for the President to get the armed forces irrevocably dug into hostilities.

The War Powers Act cannot create national wisdom where there is none. But it can insure that the collective wisdom of the President and the Congress will be brought to bear with deliberations on the life and death questions of war and peace.

The Pentagon Papers and the Anderson Papers have shown us how dissenting and questioning viewpoints are screened-out or excluded altogether from the present Presidential decision-making process. The real danger to our national security today is not that the Congress might hamstring the President. The real danger is that Presidents can—and do—shoot from the hip. If the collective judgment of the President and Congress is required to go to war, it will call for responsible action by the Congress for which each member must answer individually and for restraint by both the Congress and the President.

I have been asked what the effect of the war powers bill would be respecting the Mideast situation. In my judgment, it would be a great advantage in pursuing an effective U.S. Mideast policy to have the war powers bill on the statute books. For one thing, the bill gives to the President important statutory authority which the President now has only on the basis of his unilateral claim to such powers as Commander-in-Chief and of recent practice, both of which are deeply contested.

Under the new conditions which would be created by the war-powers bill, the President would have an opportunity, as well as an inducement, to present to the Congress, should it prove necessary, a resolution setting forth for the Nation—and for the world—the policy which the United States intends to pursue in the Mideast under the given circumstances. A clear framework would then be established in a national policy having the mandate not only of the President but also of the advice and consent of the Congress. Both, sharing the responsibility, would have to proceed responsibly.

Therefore, the presence of the war-powers bill on the books, would have a very salutary impact on the policy of opportunism and "war of nerves" against Israel which the Soviet Union is now pursuing in the Mideast. The defense of American interests in the Mideast, would no longer be subject to the "doubts and dares" which the Vietnam war has bequeathed to U.S. policy everywhere else in the world.

In the process of structuring a bill which would fully meet the needs and challenges of the final decades of the twentieth century, the sponsors of this legislation have always kept in mind the overriding necessity to conform to the spirit as well as the letter of the Constitution. The genius of our political system, as it has been practiced—not only in recent years but throughout the two centuries of our history as a nation—has been the goal and the standard which the architects of this legislation kept before them.

The hearings conducted by the Senate Foreign Relations Committee delved deeply into the underlying thoughts and processes which went into the framing of the Constitution at the Philadelphia Convention of 1787, and actual workings of the Constitution were carefully traced and examined from Washington's first Administration right up through recent actions of the Nixon Administration. There is a clear continuum of principles and practices which emerge from such a study. In seeking answers to present dilemmas and tension regarding the relationship between Congress and the President respecting the war powers, we found the Constitution to be our best guide—not only for its authority but especially for its wisdom.

Clearly, the drafters of the Constitution had in mind the experience of the Continental Congress with George Washington when they designated the President as "Commander-in-Chief" in Article II Section 2. Thus, the "legislative history" of the Constitutional concept of a Commander-in-Chief was the relationship of George Washington as colonial Commander-in-Chief to the Continental Congress.

That relationship is clearly defined in the Commission as Commander-in-Chief which was given to Washington on June 19, 1775.

I would like to quote the final clause of this Commander-in-Chief's Commission, because it establishes the relationship of the Congress to the Commander-in-Chief in unmistakable terms:

"And you are to regulate your conduct in every respect by the rules and discipline of war (as herewith given you) and punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress of the said United Colonies or a committee of Congress for that purpose appointed."

This historical background clarifies, and gives added meaning to, those phrases in the Constitution concerning the war powers which are the subject of such contemporary controversy.

The bill is rooted in the words and the spirit of the Constitution. It uses the clauses of Article I, Section 8 to restore the balance which has been upset by the historical disenthronement of that power over war which the framers of the Constitution regarded as the keystone of the whole Article of Congressional Power—the exclusive authority of Congress to "declare war;" the power to change the nation from a state of peace to a state of war.

The framers of the Constitution took pains to reinforce the central power of Congress to "declare war" by surrounding it with the power of Congress to "raise and maintain" the armed forces, "to make rules for the government and regulation" of these forces, and by limiting military appropriations to a two-year period. The Founding Fathers did not contemplate the existence of anything more than minimal standing armies. Consquently, they did not foresee the possibility of a President/Commander-in-Chief having the means at hand to engage in war without prior action by Congress (except in emergency defensive actions).

The foresight of the framers is reinforced in the crucial final clause of Section 8, Article I, which goes beyond the comprehensive and carefully specified war powers reserved to the legislature. That final clause gives to Congress the implementing authority:

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof."

The War Powers bill will, after almost 200 years, do exactly that in regard to the most decisive power dealt with under the Constitution. The War Powers Act is needed to restore the balance between Congress and the President which is the lynchpin of our constitutional system. And it is particularly needed at this time to restore the confidence of a nation shaken to its very roots by exercise of Presidential authority to carry on the Vietnam War.

(The remarks Mr. JAVITS made at this point on the introduction of S. 3132 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

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

"JOINT RESOLUTION No. 2

"Joint Resolution of the Legislature of the State of New York requesting President Richard M. Nixon to initiate a massive nationwide campaign aimed at the drug problems and memorializing the Congress of the United States to provide statutory authority for the Special Action Office for Drug Abuse Prevention by means of appropriate legislation

"Whereas, Drug abuse in the United States has assumed the dimensions of a national emergency involving totally unacceptable human and social costs in the form of human degradation, the destruction of families and communities, and the loss of labor productivity; and constitutes a danger to the public health and is a major contributor to crime; and

"Whereas, President Richard M. Nixon, in a special message to the Congress on June 17, 1971, outlined the magnitude of the problem of drug abuse, citing its domestic and international implications, pointing to the limited capabilities of the states and cities to

deal with it, and calling for a coordinate national anti-narcotics program led by the Federal Government; and

"Whereas, President Nixon has already established by Executive Order in the Office of the President a Special Action Office for Drug Abuse Prevention which has the responsibility of developing overall Federal strategy for drug abuse programs, and has direct responsibility for all Federal drug abuse prevention, education, rehabilitation, training and research programs in all Federal agencies; and

"Whereas, President Nixon has recognized the central role of state and local authorities in the campaign against drugs and the need for close Federal-State cooperation, and in this connection, has made available to New York State through the Law Enforcement Assistance Administration substantial funds for increased enforcement, education, and rehabilitation activities; and

"Whereas, New York State recognizing the severity of the drug problem has established the most far-reaching program of all the states to combat narcotics addiction; and

"Whereas, New York State realizes that its efforts alone will not suffice to resolve this problem because of its national and international impact; now, therefore, be it

"Resolved, That the Legislature of the State of New York hereby requests President Nixon to initiate a massive nationwide campaign of investigations and prosecutions designed to return safety to the streets by removing drug pushers from American communities and lead to the eventual elimination of drug trafficking in the United States; and be it further

"Resolved, That the Legislature of the State of New York hereby memorializes the Congress of the United States to provide statutory authority for the Special Action Office for Drug Abuse Prevention by means of appropriate legislation; and be it further

"Resolved, That a copy of this resolution be transmitted to the President of the United States, the Secretary of the Senate, the Clerk of the House of Representatives, and to each member of Congress elected from the State of New York and that they be urged to devote their best efforts to the task of accomplishing the purpose of this resolution.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 659. An act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes (Rept. No. 92-604).

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. BOGGS:

S. 3131. A bill to amend the Rail Passenger Service Act of 1970 in order to restore certain rights to free or reduced rate rail passenger transportation granted by railroads to employees upon retirement and to clarify the intent of such act with respect to the preservation of such rights. Referred to the Committee on Commerce.

By Mr. JAVITS:

S. 3132. A bill to encourage the preservation of old neighborhoods, to stimulate conservation and upgrading of low- and moderate-income housing, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. EASTLAND (for himself, Mr. STENNIS, Mr. COOK, Mr. MCCLELLAN, Mr. ERVIN, Mr. BURDICK, Mr. GURNEY, Mr. ALLEN, Mr. ALLOTT, Mr. BAKER, Mr. BELLMON, Mr. BENTSEN, Mr. BROCK, Mr. COOPER, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. HANSEN, Mr. HOLLINGS, Mr. JORDAN of North Carolina, Mr. MCGEE, Mr. MILLER, Mr. PACKWOOD, Mr. PEARSON, Mr. SPARKMAN, Mr. STEVENS, Mr. TOWER, Mr. THURMOND, Mr. HATFIELD, Mr. RANDOLPH, Mr. BENNETT, and Mr. YOUNG):

S. 3133. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful. Referred to the Committee on the Judiciary.

By Mr. TALMADGE (by request):

S. 3134. A bill to repeal certain acts relating to exportation of tobacco plants and seed; naval stores; and wool. Referred to the Committee on Agriculture and Forestry.

By Mr. METCALF:

S. 3135. A bill to establish a trust fund for the support of vocational education, to impose a tax on amounts received under certain Government and Government-supported construction contracts to sustain the fund, and to provide for grants to the States from the fund for the support of vocational education. Referred to the Committee on Finance.

By Mr. SCHWEIKER:

S. 3136. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the amounts of lead and cadmium which may be released from glazed ceramic or enamel dinnerware. Referred to the Committee on Labor and Public Welfare.

By Mr. SPONG:

S. 3137. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 with respect to the effective date of the non-Federal share of the costs of certain programs of that act, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MCGOVERN:

S. 3138. A bill to provide price support for milk at not less than 90 per centum of the parity price therefor. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOGGS:

S. 3131. A bill to amend the Rail Passenger Service Act of 1970 in order to restore certain rights to free or reduced rate-rail passenger transportation granted by railroads to employees upon retirement and to clarify the intent of such act with respect to the preservation of such rights. Referred to the Committee on Commerce.

Mr. BOGGS. Mr. President, I introduce, for appropriate reference, a bill to amend the Rail Passenger Service Act of 1970, which seeks to honor the rights to which certain retired railroad employees are entitled.

The State of Delaware has among its citizens a rather large number of persons who have given many years of their working lives to service on the Nation's railroads. When these people reached retirement age, they were given, as part of their retirement compensation in some instances, permanent passes to ride free on the railroad system for which they had worked.

It has been called to my attention that when the Congress gave life to Amtrak, Amtrak was under instructions to run passenger train service throughout the United States. I, for one, and I am certain most of my colleagues in both Houses of the Congress, did not anticipate that Amtrak would not recognize what amounts to a contractual obligation existing between the railroads which formerly ran passenger trains and their presently retired former employees.

My constituents are disappointed, to say the least, with their treatment through Amtrak's refusal to recognize their heretofore valid railroad passes. I sympathize with them and I share the view that Amtrak should certainly recognize and honor the long service which these persons gave to railroad passenger service in America. It was certainly through no fault of theirs that the creation of Amtrak became necessary.

Mr. President, I ask unanimous consent that the text of this bill which I am offering be printed at this point in my remarks.

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

S. 3131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 405 of the Rail Passenger Service Act of 1970 is amended by inserting at the end thereof a new subsection as follows:

"(f) Nothing in this Act shall be construed to give the Corporation authority to terminate or modify any right to free or reduced rate passenger transportation granted to an employee upon retirement by a railroad prior to the time when its passenger service was assumed by the Corporation. The Corporation shall restore, in accordance with the terms on which it was granted, any such right which it terminated or modified prior to the date of enactment of this subsection."

By Mr. JAVITS:

S. 3132. A bill to encourage the preservation of old neighborhoods, to stimulate conservation and upgrading of low- and moderate-income housing, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

NEIGHBORHOOD CONSERVATION ACT

Mr. JAVITS. Mr. President, I introduce for appropriate reference legislation to encourage the preservation of existing housing, to stimulate the conservation and upgrading of existing low- and moderate-income housing; and to generate private capital for housing repairs, maintenance, and rehabilitation.

In New York City approximately 180,000 units were abandoned between 1965 and 1970. In addition the existing housing shortages for low- and moderate-income families remain quite severe throughout New York State and the Nation. Heretofore, national housing efforts have focused mainly on the production of new housing while neglecting the existing housing stock. In New York City much energy and large resources have

been poured into new housing for depressed communities, while housing in transitional or bordering neighborhoods have been deteriorating at an alarming rate. Transitional neighborhoods such as Washington Heights in Manhattan, Crown Heights, East Flatbush, and Bushwick in Brooklyn and Tremont in the Bronx can be the depressed communities of tomorrow. Therefore, at this time we need new initiatives to preserve and upgrade our existing housing while continuing production efforts.

Under the section 236 program, which involves a deep interest subsidy down to 1 percent, HUD has been unwilling as yet to permit the program to be used for large scale moderate rehabilitation. Also, because section 236 rehabilitation subsidies compete with subsidies for new housing, HUD has placed a limit on the 236 funds to be used for rehabilitation. Finally, under section 236, rehabilitation must be extensive with no provisions made for moderate rehabilitation. Thus, the existing programs are not adequate to cope with the crucial problem of abandonment and decay of housing in transitional neighborhoods.

The legislation I am introducing today provides for a three-pronged attack on the problem of conserving existing low- and moderate-income housing stock and generating private capital for repairs, maintenance, and rehabilitation.

First, the legislation provides for areas to be designated as "neighborhood conservation areas" by local governmental entities, which areas would then be eligible for grants by HUD to be used for repairs of streets, sidewalks, playgrounds, and schoolyards; improvements of private property to eliminate dangers to health and safety and other similar neighborhood-oriented activities and improvements calculated to aid in achieving the objectives of the legislation.

In order to receive grants, localities would have to submit a 5-year plan and demonstrate at the end of each year that significant progress was being made. It is hoped that this program along with the other parts of the bill will help localities make a coordinated attack on abandonment and decay of existing housing.

Second, the legislation would provide for a new mortgage insurance program covering residential property located in neighborhood conservation areas. All properties covered would be multifamily rental properties, or cooperative or condominium properties which are basically sound or capable of being placed in standard conditions without substantial rehabilitation.

In the case of a mortgagor who is an owner-occupier of a building containing two to seven units, or of a cooperative or condominium covering more than seven units, the mortgage could cover 97 percent of the value of the property. The mortgage could be upped to 100 percent of value for nonprofit organizations and would be for 90 percent of value in the case of limited dividend entities. However, only owners who lived on the premises would be allowed to secure mortgages under this legislation on property of less than seven units. This will serve to eliminate many of the abuses we have seen in existing insurance programs covering small dwelling units.

The mortgage program will allow for refinancing or sale of the property provided that repair and improvements are made to such property. HUD will have to take such steps as it deems necessary to insure that repairs and improvements have been or will be made.

Third, the legislation provides that rentals on properties which receive mortgage insurance shall not be increased for a period of at least 1 year from the date of final endorsement of the insurance or thereafter unless the increase can be justified on the basis on increased operating expenses. For the purpose of maintaining or reducing rentals the Secretary of HUD is authorized to make interest reduction payments on behalf of the owners of the properties—but for the benefit of the tenants which will reduce interest rates down to a minimum of 4 percent per annum. This "shallow subsidy" should enable rents to remain steady or perhaps decrease depending on the individual owner's mortgage terms.

Finally, the Secretary of HUD is authorized to take such steps as accelerated processing of applications under the program; implementing the Government National Mortgage Association's authority to purchase mortgages under this legislation and to coordinate with other Government departments to insure that manpower training funds and funds for small businesses and minority businesses are made available to neighborhood conservation areas.

Authorizations for neighborhood conservation area grants are $100 million for fiscal 1973, $150 million for fiscal 1974 and $200 million for fiscal 1975; and for mortgage interest reduction payments, $50 million for fiscal 1973, $100 million for fiscal 1974 and $150 million for fiscal 1975.

I believe that this legislation will provide the coordinated attack that is necessary to preserve many of the "transitional areas" in New York State and other States of the Nation. It is imperative that this new program be enacted as quickly as possible.

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

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

S. 3132

A bill to encourage the preservation of old neighborhoods, to stimulate conservation and upgrading of low- and moderate-income housing, and for other purposes

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

PURPOSE

SEC. 2. The purpose of this Act is to encourage the preservation of older neighborhoods which are threatened with blight and housing abandonment and to stimulate the broadscale conservation and upgrading of existing low- and moderate-income housing by establishing a program of neighborhood conservation grants and a new program of mortgage insurance designed to generate private capital for housing repairs, maintenance, and rehabilitation.

GRANTS OF NEIGHBORHOOD CONSERVATION AREAS

SEC. 3. For the purpose of this Act, the term "neighborhood conservation area" means any area in which (1) the predominant residential area is housing for low- and middle-income families, and (2) such housing, though basically sound, is threatened with decay and abandonment or is in need of repair, maintenance, rehabilitation or refinancing.

PROGRAM AUTHORITY

SEC. 4. (a) The Secretary of Housing and Urban Development (hereafter referred to as the "Secretary") is authorized to make, and to contract to make, grants under this section to cities, municipalities, counties, and other general purpose units of local government to assist them in carrying out designated neighborhood conservation area programs designed to improve basic community facilities and services and bring about such other changes as may be necessary or appropriate to eliminate the threat of housing abandonment or decay in such areas and to restore and maintain such areas as suitable and stable living environments.

(b) Grants under this section may cover a period of not to exceed 5 years and may provide 100 per centum of the cost of any of the following types of activities within the neighborhood conservation area:

(1) The repair of streets, sidewalks, playgrounds schoolyards, paths, street lights, traffic signs and signals, publicly owned utilities, or public buildings which have an impact on the quality of life in the neighborhood.

(2) The improvement of private properties to eliminate dangers to the public health and safety.

(3) The demolition of structures determined to be structurally unsound or unfit for occupancy.

(4) The establishment of temporary or permanent public playgrounds or parks within the area to serve residents of the neighborhood.

(5) Other similar neighborhood oriented activities and improvements calculated to aid significantly in achieving the objections of this section.

(6) Assistance to qualified neighborhood based nonprofit organizations in carrying out development activities under other provisions of this Act or in carrying out management, training, maintenance, or tenant education programs.

(c) To be eligible for assistance under this section, a locality acting through its chief executive authority, shall designate a specific area and prepare and submit to the Secretary a plan specifying—

(1) the improvements in basic community facilities and services to be made in such area over the five-year period in which such improvements will be made;

(2) the programs to be introduced to improve the quality of housing in the area; and

(3) the public and private resources which will be marshalled to carry out such improvements and programs.

(d) Grants under this section shall be made, or shall continue to be in effect, with respect to any neighborhood conservation area if the Secretary finds that—

(1) the five-year plan submitted by the locality involved is workable and will provide an effective means of carrying out the purposes of this Act in such areas;

(2) the locality has the necessary resources to carry out in a timely fashion all of the improvements and programs set forth in the plan;

(3) the locality continues to make significant progress toward achieving its objectives it established for itself in the plan during the term of the grant; and

(4) the locality satisfies such other conditions and requirements as the Secretary may prescribe to insure that the purpose of this Act will be achieved.

(e) There are authorized to be appropriated for grants under this section not to exceed $100,000,000 for the fiscal year ending June 30, 1973, not to exceed $150,000,000 for the fiscal year ending June 30, 1974, and not to exceed $220,000,000 for the fiscal year ending June 30, 1975. Any amount so appropriated shall remain available until expended, and any amount authorized for any fiscal year under this subsection which is not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1975.

(f) The Secretary is authorized to designate an area which meets the requirements of this section as a neighborhood conservation area notwithstanding the unavailability of funds for grants under this section. Upon such designation, the Secretary may furnish other assistance (including assistance under any mortgage insurance or related housing maintenance program) to such area.

FEDERAL MORTGAGE INSURANCE TO FACILITATE SALE OR REFINANCING OF HOUSING IN NEIGHBORHOOD CONSERVATION AREAS

SEC. 5. (a) Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"MORTGAGE INSURANCE IN NEIGHBORHOOD CONSERVATION AREAS

SEC. 244. (a) The purpose of this section is to help preserve and upgrade the quality of housing in designated neighborhood conservation areas by facilitating the rehabilitation refinancing of such housing or its transfer to tenant- or neighborhood-based corporate ownership.

"(b) The Secretary is authorized to insure any mortgage in accordance with the provisions of this section and to make commitments for such insurance prior to the date of the execution of the mortgage or disbursement thereon upon such terms and conditions as he may prescribe.

"(c) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers residential property located in a neighborhood conservation area approved for assistance under section 4 of the Neighborhood Conservation Act or any area designated as a neighborhood conservation area under section 4(e) of such Act, subject to the following conditions:

"(1) The mortgage shall cover a multifamily rental property, or a cooperative or condominium property which is basically sound or capable of being placed in standard condition without substantial rehabilitation and which contains—

"(A) more than 1 but less than 7 dwelling units if the mortgagor is an individual or entity described in paragraph (2) of this subsection; or

"(B) seven or more dwelling units if the mortgagor is an organization described in paragraph (3) of this subsection.

"(2) The mortgage covering property referred to in paragraph (1)(A) of this subsection shall be executed by—

"(A) an individual who owns the property and occupies the property and is refinancing outstanding indebtedness related to the property, or who is purchasing the property and will occupy one or more of the units in the property after its purchase;

"(B) a cooperative or condominium organization which consists of a majority of the residential units on the property; or

"(C) a private nonprofit organization which is based in the neighborhood in which the property is located and which is approved by the Secretary.

"(3) The mortgage on a property referred to in paragraph (1)(B) of this subsection shall be executed by—

"(A) a cooperative or condominium organized which consists of or includes a majority of the occupants of the property;

"(B) a private nonprofit organization or association approved by the Secretary; or

"(C) a limited dividend ownership entity (as defined by the Secretary) including, but not limited to, corporations, general or limited partnerships, trusts, associations, and single proprietorships.

"(4) In the case of a mortgage involving a mortgagor referred to in paragraphs (2)(A), (2)(B), and (3)(A) the mortgage shall include a principal obligation, including such initial services charges, discounts, appraisal, inspection, and other fees, as the Secretary shall approve in an amount not to exceed the sum of 97 per centum of the Secretary's estimate of the value of the property before any repairs or improvements deemed necessary by the Secretary to help restore or maintain the area in which the property is situated as a stable and suitable living environment, except that in no case involving refinancing shall such principal amount exceed such estimated cost of repairs and improvements and the amount (as determined by the Secretary) required to refinance existing indebtedness secured on the property.

"(5) In the case of a mortgage involving a mortgagor referred to in paragraph (2)(C) or (3)(B), the mortgage shall include a principal obligation, including such initial services charges, discounts, appraisal, inspection, and other fees, as the Secretary shall approve in an amount not to exceed the sum of 100 per centum of the Secretary's estimate of the value of the property before any repairs or improvements deemed necessary by the Secretary to help restore or maintain the area in which the property is situated as a stable and suitable living environment, except that in no case involving refinancing shall such principal amount exceed such estimated cost of repairs and improvements and the amount (as determined by the Secretary) required to refinance existing indebtedness secured in the property.

"(6) In the case of a mortgage involving a mortgagor referred to in paragraph (3)(C), the mortgage shall include a principal obligation, including such initial services charges, discounts, appraisal, inspection, and other fees, as the Secretary shall approve in an amount not to exceed the sum of 90 per centum of the Secretary's estimate of the value of the property before any repairs or improvements deemed necessary by the Secretary to help restore or maintain the area in which the property is situated as a stable and suitable living environment, except that in no case involving refinancing shall such principal amount exceed such estimated cost of repairs and improvements and the amount (as determined by the Secretary) required to refinance existing indebtedness secured on the property.

"(7) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such terms (not exceeding 40 years) as the Secretary shall prescribe, except that in the case of a property referred to in paragraph (1)(A) such term shall not exceed 20 years;

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) on the amount of the principal obligation outstanding at any time at not to exceed such per centum per annum as the Secretary finds necessary to meet the mortgage market.

"(8) The Secretary shall not insure any mortgage under this section unless he has received satisfactory and enforceable assurances from the mortgagor that the refinancing or sale of the property (and any improvements thereto) will not result, directly or indirectly, in any increase in the rentals or other charges for dwelling units in the property for a period of at least one year from the date of final endorsement for mortgage insurance, or in any increases in such rentals thereafter in excess of such increases as the Secretary finds justified and approves on the basis of increased operating expenses. In addition, the Secretary may place such further restrictions on the mortgagor as to sales, charges, capital structure, rate of return, and methods of operation as, in the opinion of the Secretary, will best effectuate the purpose of this section.

"(d)(1) For the purpose of maintaining or reducing rentals or other charges for properties insured under this section, the Secretary is authorized to make, and to contract to make periodic interest reduction payments on behalf of the owners of the properties but for the benefit of the residents, which shall be accomplished through payments to mortgagees holding mortgages meeting the special requirements of this subsection.

"(2) Interest reduction payments with respect to a property shall only be made during such time as the property is operated as a rental housing and is subject to a mortgage which meets the requirements of, and is insured under, this section.

"(3) The interest reduction payments to a mortgagee by the Secretary on behalf of a property shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premium which the property owner as a mortgagor is obligated to pay under the mortgage and the monthly payment for principal and interest such property owner would be obligated to pay if the mortgage were to bear interest at the rate of 4 per centum per annum.

"(4) The Secretary may include in the payment to the mortgagee such amounts, in addition to the amount computed under this subsection as he deems appropriate to reimburse the mortgagee for its expenses in handling the mortgage.

"(5) As a condition for receiving the benefits of interest reduction payments, the owner shall operate the project in accordance with such requirements with respect to tenant eligibility and rents as the Secretary may prescribe.

"(e) The Secretary may consent to the release of a part or parts of the mortgaged property from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(f) Prior to insuring any mortgage under this section, the Secretary shall obtain satisfactory and enforceable assurances from the mortgagor that all repairs and improvements necessary to place the underlying property in standard condition have been or will be made and that such property will be continuously maintained in standard condition.

"(g) The Secretary shall cooperate with the Secretary of Labor and the Secretary of Health, Education and Welfare, to insure that, to the greatest extent feasible, funds appropriated under the Manpower Development and Training Act of 1962, as amended, shall be made available on a priority basis for training and employment support use in connection with improvements financed by mortgages insured under this section. The Secretary shall cooperate with the Director of the Office of Minority Business Enterprises, the Director of the Educational Development Agency, and the Administrator of the Small Business Administration, to insure maximum utilization of minority and small business contractors in connection with improvements financed by mortgages insured under this section.

"(h) In administering the program established by this section, the Secretary shall use his best efforts to enlist the support and actual cooperation of State and local governments in establishing State or local mortgage lending funds, in providing adequate municipal services in low- and moderate-income areas, particularly in areas threatened by building abandonment, and in insuring, to the maximum extent feasible, the administration of laws and ordinances relating to existing housing stock, including building codes, housing codes, health and safety codes,

zoning laws, and property tax laws, in such manner as will encourage maximum utilization of this program in accordance with the purposes herein expressed.

"(i) The Secretary shall develop and maintain full information and statistics regarding the utilization of an experiences incurred under this program, which shall include, but not be limited to, information and statistics concerning—

"(1) financial market conditions, including the interest rates, payback periods and other terms and conditions affecting housing eligible to be financed hereunder;

"(2) the character, extent and actual costs of repairs, renovations and moderate housing rehabilitation undertaken hereunder;

"(3) factors affecting and statistics showing the extent of actual and potential utilization of this program;

"(4) factors affecting the processing time of applications submitted hereunder and statistics showing processing times actually experienced;

"(5) mortgage arrearages and defaults on mortgage loans insured hereunder;

"(6) abuses of the program, actual or potential, and remedial or punitive actions taken in connection therewith; and

"(7) the costs of administering this mortgage-insurance program, provided by this section.

The Secretary shall submit each year to the Congress and to the President an annual report summarizing such information. Such report shall include his analysis of the effectiveness and scope of the program and his recommendations for its improvement and greater utilization.

"(j) If the Secretary determines that the unavailability of property insurance coverage is hindering the widespread utilization of the program, he shall take all practicable steps to ensure that the protections and benefits of the Urban Property Protection and Reinsurance Act of 1968 are utilized to provide adequate property insurance coverage for mortgagors and mortgagees under this program.

"(k) If the Secretary determines that widespread utilization of this program is hindered by the charging of points or discounts by mortgagees, he shall take steps to implement the Government National Mortgage Association's authority under section 305(j) of this Act to purchase and make commitments to purchase mortgages insured under this section, at a price equal to the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items, and to sell such mortgages at any time at a price within the range of market prices for the particular class of mortgages involved at the time of sale as determined by the Association.

"(l) If the Secretary determines that widespread utilization of this program is hindered by delays in processing and approval of projects, he shall establish procedures, to ensure, to the maximum extent feasible, the expeditious processing and approval of applications for insurance hereunder, including, where necessary and appropriate, the use of procedures and practices similar to those under Title I Home Improvement Loans.

"(m) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to make interest reduction payments under contracts entered into by the Secretary under this section. The aggregate amount of outstanding contracts to make such payments shall not exceed amounts approved in appriation Acts and payments pursuant to such contracts shall not exceed $50,000,000 per annum prior to July 1, 1973, which maximum dollar amount shall be increased by $100,000,000 on July 1, 1974, by $150,000,000 on July 1, 1975."

By Mr. EASTLAND (for himself, Mr. STENNIS, Mr. COOK, Mr. MCCLELLAN, Mr. ERVIN, Mr. BURDICK, Mr. GURNEY, Mr. ALLEN, Mr. ALLOTT, Mr. BAKER, Mr. BELLMON, Mr. BENTSEN, Mr. BROCK, Mr. COOPER, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. HANSEN, Mr. HOLLINGS, Mr. JORDAN of North Carolina, Mr. MCGEE, Mr. MILLER, Mr. PACKWOOD, Mr. PEARSON, Mr. SPARKMAN, Mr. STEVENS, Mr. TOWER, and Mr. YOUNG):

S. 3133. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful. Referred to the Committee on the Judiciary.

Mr. EASTLAND. Mr. President, I am introducing legislation today which will enable an industry found in thousands of communities throughout the land to continue its historic methods of manufacture and distribution. For more than 70 years, the soft drink industry in the United States has operated under a franchise system which has continually and well served the American consumer. Few products at a price within the reach of all are more accessible to the general public today.

In mid-January of 1971, the FTC announced an intention to issue complaints against seven soft drink franchise firms which sell sirup to these local manufacturers. The complaints were finally and formally issued under date of July 15, 1971. They allege generally that the named companies have each hindered competition in the soft drink industry by restricting the soft drink manufacturers to designated geographic areas. There is no allegation by the Commission that interbrand competition is lacking in the soft drink industry.

In this action the Commission evidently is seeking to extend the decision of the Supreme Court in United States against Arnold Schwinn & Co. This case held that it was a violation of the antitrust laws for a manufacturer of bicycles to impose limitations on the territory in which, or the customers to whom, distributors could resell goods after a completed transaction had taken place between the manufacturer and distributor.

However, Mr. President, the Schwinn decision did not consider a trademark licensing arrangement comparable to the soft drink industry in which many local small businesses share with a franchise company the risks and rewards involved in manufacturing a trademarked product as well as those of distributing it.

Mr. Richard W. McLaren, former Assistant Attorney General for antitrust, while a member of the private bar, expressed the dissimilarity between the soft drink industry and the Schwinn doctrine with clarity when he questioned:

What effect does Schwinn have upon 'good business purpose' restrictions imposed by a manufacturer selling ingredients or parts for final manufacture or installation by a dealer under the manufacturer's trademark? This would include such things as sales of soft-drink syrup to bottlers . . . . A strong argument can be made that the authorities upholding reasonable restrictions in this kind of situation are not affected by Schwinn. What is involved is a licensing arrangement including the use of a capital asset—a trademark—which historically has been governed by the ancillary restraints doctrine and the rule of reason. Schwinn, on the other hand dealt only with the resale of finished articles of commerce. . . .

If the client is a licensor or franchisor selling ingredients or partially finished articles of commerce, or services, and licensing other to operate and serve the public under his trademark, I think that the ancillary restraints doctrine is still very much alive and will justify longer range territorial restriction.

Hearings have not as yet been scheduled on these complaints, but it is expected that adjudication before the commission's hearing examiner will begin shortly. The process of litigation, including appeals to the courts should they be necessary, may well require 4 to 7 years, during which these small plants will suffer the economic paralysis created by the legal uncertainties cast over them.

In my opinion the objectives sought by the FTC will be disastrous for the franchisees of this industry and certainly of questionable contribution to the public interest. Local soft drink manufacturers do not view the territorial system as an imposed limitation on their competitive freedom. To the contrary, this system is the only feasible means of assuring to the consumer the advantages of intensive local competition between national brand products, local label products, and store brands, owned and controlled by the major retail food and chain stores.

Mr. President, the soft drink manufacturers are generally small businessmen, but they represent a strong, local economic force in over 1,600 communities in our country. All but about 100 of the approximately 2,832 soft drink manufacturers fall within the Small Business Administration's definition of small business. Still, this industry which has clung so persistently for so long to the concept of local manufacture and local distribution, makes a meaningful contribution to the national economy. Its employment exceed 150,000 wage earners. The capital investments in plant and equipment of these businessmen and their families combine to exceed $1 billion. In 1970 alone they committed over $325 million to construct and equip new facilities and expand existing facilities.

The large capital investments made in this industry for four generations were made in reliance upon the legality of exclusive trademark rights—rights which have been conferred without successful challenge for almost a century. A number of State and Federal courts have had occasion to examine this right of exclusive trademark usage in the soft drink industry and has consistently upheld it; holding further, that these rights are indeed vested property rights of the soft drink manufacturer. As a result of this litigation, the status of the soft drink manufacturer as a truly independent businessman, free from the abuses that have attached to some recent franchising arrangements involving other products, has long been established.

The system has worked well. Soft drink brands compete for consumer acceptance in even the smallest outlets in the most isolated communities in America. Interbrand competition has always been pervasive and intense; and it has been heightened in recent years by the sharp increase in private and retail store controlled brands marketed and sold by the large grocery chains. Retail competition between brands of soft drinks is evident to everyone.

The results of the destruction of the traditional territorial system which the Commission seeks would likely include the elimination of the large majority of independent small bottlers who presently are active competitors in the industry and important contributors to their local economies.

Such governmental action would precipitate the loss of the millions of dollars of investments made by these people in reliance on court-tested contract provisions.

It can be confidently predicted that a substantial concentration of the soft drink manufacturing business into a handful of large, regional, metropolitan companies would follow the destruction of these local businesses, with a corresponding increase in the economic power of the major grocery chains to influence the soft drink market in favor of their controlled brands. Large producing soft drink units, severed from the intimacy of their markets and consumers, would mean elimination or substantial reduction of competition and availability for the many small volume retailers who depend upon the local bottler's route sales method of distribution.

Certainly, no long-term increase in competition or reduction in prices to the consumer can be readily foreseen.

Undoubtedly, Mr. President, the staff of the FTC is genuinely seeking to promote the public interest; and upon a superficial view, the elimination of these territorial restrictions might appear to serve that end. Such a theoretical analysis, however, ignores the hard facts and realities of the marketplace.

The traditional route delivery marketing method of the soft drink industry has produced intensive competition between soft drink manufacturers for the trade of virtually every restaurant, filling station, bowling alley, country store, and every other outlet imaginable in these territories. Competition for shelf space, aisle location, facings, and consumer attention in the supermarket is fierce. If the territorial system is destroyed as a result of the FTC action, warehouse delivery to grocery chains and other volume buyers will replace this individual outlet struggle.

The manufacturers fortunate enough to be located in close proximity to the chainstores' warehouses or who are in financial position to restructure their methods of operation to specialize in only large volume customers over a wide geographic area will be able to increase their sales. The majority of producers, however, who are neither fortunately situated nor financially able to quickly adapt will inevitably be placed in an untenable economic and competitive position.

Bottlers left with only the small volume outlets will immediately suffer sharp sales reductions and be forced to raise prices to their remaining customers. Only large metropolitan soft drink producers will have the customer base and financing necessary for the $1 million plus investment required for the production of nonreturnable containers demanded by the large food retailers as compatible with their warehousing systems.

Thus the success of the commission's complaints will inevitably lead to the demise of the majority of small local bottlers and any immediate, short term gain in intrabrand competition which might result from the commission's action will surely be far outweighed by a long term loss to competition in general. In addition to less service to the consumer in choices and availability, as well as likely increased costs, such restructuring of the industry, with its inevitable forward integration, will bring the total demise of the returnable package—the only consumer package available today acclaimed for its contribution to our environmental concern.

We have watched the disappearance of many local manufacturing and processing industries from the communities of America for several years. Local bakeries, ice cream plants, dairies and many others have fallen to the tide of mass merchandising and industrial concentration. The local entrepreneur with his intimacy to his consumers, his economic and social roots embedded in the fabric of local society and his personal reputation as a citizen inextricably interwoven in each transaction has made major contribution to the backbone of this Nation. What remains should not be destroyed, albeit through well intentioned regulatory zeal.

Mr. President, if as I fear, the FTC's action results in a restructuring of what is now a competitive industry of about 3,000 local manufacturing concerns into a highly concentrated one with only a few hundred regional companies, the antitrust laws, ironically, will have been used to achieve the opposite for the intent of the Congress.

The bill I am introducing today has the objective of assuring that, where the licensee of a trademarked food product is engaged in the manufacture, distribution, and sale of such produce, he and the trademark owner may legally include provisions in the trademark licensing agreement which, first, give the licensee the sole right to manufacture, distribute, and sell the trademarked food product in a defined geographic area or, second, which limit the licensee, directly or indirectly to the manufacture, distribution, and sale of such product only for ultimate resale to consumers within that geographic area, subject to the conditions that:

First, there is adequate competition between the trademarked product and products of the same general class manufactured, distributed, and sold by others, second, the licensee is in free and open competition with vendors of products of the same general class, and third, the licensor retains control over the nature and quality of such product in accordance with the Trademark Act of 1946—the Lanham Act.

Thus, if the legislation is enacted, each territorial arrangement would be in the economic context in which it operates and the existence of competition in the market would be taken into account, subject to the further requirement that the nature and quality of the licensee's goods or services in connection in which the mark is used are legitimately controlled by the licensor in accordance with the Trademark Act of 1946. These are traditional, legal concepts

The legislation, Mr. President, seeks no more than to continue the climate created almost a century ago and which has been part and parcel of our national economy unencumbered until the current FTC action. It established nothing new and asks no more than to continue in the same atmosphere where vigorous interbrand competition has produced nationwide availability and a healthy, small business complex which has proven beneficial to all consumers.

By Mr. METCALF:

S. 3135. A bill to establish a trust fund for the support of vocational education, to impose a tax on amounts received under certain Government and Government-supported construction contracts to sustain the fund, and to provide for grants to the States from the fund for the support of vocational education. Referred to the Committee on Finance.

Mr. METCALF. Mr. President, I am pleased to introduce today a bill to establish a trust fund for the support of vocational education by imposition of a tax on amounts received under certain Government and Government-supported construction contracts.

There has been much discussion in recent years about the diminishing numbers of skilled craftsmen. So serious is the loss that officials responsible for the construction of the Washington National Cathedral determined to accelerate their building schedule to assure that the intricate and beautiful stone carvings so necessary to the design might be completed while there are stone carvers sufficiently skilled to do the work.

The transformation of our Nation has given us electronics and other technicians skilled in the use of machinery but has at the same time left us with far too few clockmakers, cabinetmakers, silversmiths, glassworkers and other fine craftsmen whose work in earlier times so enriched our culture.

Mr. President, my bill would establish a fund to be allocated to the States in proportion to population to be used for vocational education. The bill provides that the States will determine on which vocational educational programs the money will be spent and that the State will administer their programs.

This is in keeping with the view that local officials are best able to identify local needs for vocational training to meet local employment requirements. There might be a special project to train cabinetmakers in Georgia, while Montana might choose a training program for leatherworkers. Another State might need more tool and die makers.

My bill would impose a 1-percent tax on the amounts received under Federal construction contracts, the tax to be paid into a trust fund to support vocational training.

The builder of a school whose payment comes in part from a Federal grant, or the contractor who wins a bid to construct a hospital paid for in part with Hill-Burton funds, or of a highway paid for in part with highway trust funds, would be taxed 1 percent of the amount of the Federal portion of his contract. The revenue thus derived is to be held for later allocation by the Secretary of the Treasury in a special vocational education trust fund.

Mr. President, I believe that my bill would meet a growing need in our Nation and assure us of greater numbers of skilled craftsmen. I hope it will be enacted.

By Mr. SCHWEIKER:

S. 3136. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the amounts of lead and cadmium which may be released from glazed ceramic or enamel dinnerware. Referred to the Committee on Labor and Public Welfare.

Mr. SCHWEIKER. Mr. President, I introduce a bill to expand the authority of the Food and Drug Administration to protect the public from lead poisoning from improperly made ceramic or enamel dinnerware.

I have long been interested in the potentially dangerous effect of lead on the human body, particularly as this problem relates to lead-based paint.

Through the work which was done in developing the lead-based paint program, I became aware of the potential hazards of lead which might be taken into the body from other sources. I viewed with great concern reports that quantities of lead would contaminate food contained in certain types of dishes which have not been properly made.

In early 1971, for example, a 17-month-old Philadelphia child died as a direct result of drinking from a container which was found by FDA to leach extremely high levels of lead from the container into the liquid—levels of lead which greatly exceed industry standards.

My interest in this matter was stimulated further by a recent NBC television program, "Chronolog," which did a special report on the hazards of lead to humans from these products. The NBC–TV "Chronolog" program pointed out very clearly the dangers of this kind of lead poisoning. Tests done on this program on products purchased from various dealers in such goods indicated that certain types of improperly made dinnerware can cause lead poisoning. Mr. President, I ask unanimous consent that the transcript of the NBC–TV "Chronolog" program relating to the lead poisoning be inserted in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. SCHWEIKER. Mr. President, NBC–TV has contributed an important public service in focusing the attention of the American people on this lead poisoning problem.

Let me emphasize that on the whole the domestic dinnerware industry is producing safe dinnerware, earthenware, and stoneware products, and I am advised that many producers have completely removed lead and cadmium from their manufacturing processes.

The problem is with some smaller pottery shops and foreign imports.

The bill I introduce today is identical to a bill introduced today in the other body by Congressman FRANK HORTON, of New York. This legislation will affect those products which do not meet safety standards and will be a major step in insuring that all dinnerware on the market is safe.

Back in the 1930's the U.S. Potters Association became concerned about this problem. In 1969 the potters and FDA agreed to standards governing the release of lead and cadmium in the foods from dinnerware. At the present time, less than 1 part per million lead is released into food by most products made by legitimate manufacturers. The Potters Association tests the goods, issues seals of compliance, and submits reports to the FDA.

The problem is that many smaller shops and foreign producers are not subject to the tests. My bill would cover virtually all dinnerware products made in the United States and all imports.

Here is what my bill does:

First, requires the Health, Education, and Welfare Secretary, within 180 days after the legislation is enacted, to establish the maximum quantity of lead—and the manner of testing therefor—which may be released from dinnerware. This includes both lead and cadmium.

Second, until the Secretary establishes standards, the bill sets interim maximum levels of seven parts per million of lead and 0.5 part per million cadmium. The test used is the so-called atomic absorption technique.

Third, establishes labeling requirements so that each article of dinnerware bears name and place of business of the manufacturer or importer, so that consumers can determine whether their dinnerware is part of a recall campaign.

Fourth, adds "dinnerware" as a specific category subject to regulation under the Federal Food, Drug, and Cosmetic Act.

Fifth, adds a section prohibiting the manufacture or sale in interstate commerce, or in a manner affecting interstate commerce, or the importation into the United States, of dinnerware which does not meet the test.

Sixth, makes dinnerware subject to seizure by the FDA.

Seventh, adds recordkeeping requirements as to where such goods are shipped in interstate commerce.

Eighth, permits FDA to inspect manufacturers' plants.

Ninth, makes imported dinnerware subject to the act.

Tenth, applies to dinnerware manufactured 120 days after enactment.

Eleventh, requires FDA to undertake an educational program to alert the public to the dangers of lead-releasing dinnerware and to inform them of the provisions of the act.

This bill enlarges FDA authority in several important ways, including:

First, it adds a new labeling requirement. Each piece of dinnerware must be labeled so that, should the FDA have to recall specific products, consumers can easily determine whether their dinnerware is subject to the recall. The advantage of this is that it makes the FDA's burden of finding the affected products much simpler in that consumers themselves can check their own items.

Second, the bill allows the FDA to get into this problem at the manufacturing stage. Present legislation limits FDA involvement to the time when such products are in interstate commerce.

Third, the bill broadens the definition of interstate commerce to include situations affecting interstate commerce.

Fourth, it specifically includes dinnerware under the Federal Food, Drug and Cosmetic Act. At the present time, FDA authority is somewhat unclear and is the subject of existing litigation. This bill would make absolutely clear that dinnerware is subject to the provisions of the act.

In summary, it clarifies and strengthens existing FDA authority in this area, and adds new authority.

I believe this legislation represents another significant forward step in our fight in lead poisoning. Back in 1970, I introduced S. 3941, a bill to provide civil penalties for the use of lead-based paint in the use of certain dwellings. Although this bill was not enacted into law, I was gratified when the prohibition of the use of lead-based paint was adopted as an amendment to the Housing and Urban Development Act of 1970.

I also strongly supported the Lead-Based Paint Poisoning Prevention Act which President Nixon signed into law on January 13, 1971.

Just recently, I joined with Senator Kennedy in introducing a bill, S. 3080, to strengthen the lead-paint program and provide more funds for it.

We are making progress in the fight against the tragedy of lead-based-paint poisoning. We must continue this battle, but at the same time recognize serious dangers of lead from other sources. This bill, which adds to and strengthens the Federal Government's authority in this area, can allow us to take another giant step in this direction.

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

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

S. 3136

A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the amounts of lead and cadmium which may be released from glazed ceramic or enamel dinnerware

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

REGULATION OF THE LEACHING OF LEAD AND CADMIUM FROM DINNERWARE

SECTION 1. Chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by add-

ing after section 409 (21 U.S.C. 348) the following new section:

"REGULATION OF THE LEACHING OF LEAD AND CADMIUM FROM DINNERWARE

"SEC. 410. (a) The Secretary shall establish the maximum quantity of lead and the maximum quantity of cadmium (and the manner of testing therefor) which may be released from dinnerware, and he shall publish such quantities and test procedures in the Federal Register within 180 days after the effective date of this section. Such maximum quantities shall be based on the best available scientific data and shall insure the safety of the public by reducing its exposure to lead and cadmium. The maximum quantities of lead and cadmium (and the manner of testing therefor), established by the Secretary under this subsection shall take effect on the 90th day after publication thereof in the Federal Register.

"(b) Until such maximum quantities of lead and cadmium (and the manner of testing therefor) take effect under subsection (a), the interim maximum quantities and manner of testing therefor shall be:

"(1) An article of dinnerware, upon being subjected to the test described in paragraph (2), may release a maximum of 7 parts per million of lead and a maximum of .5 parts per million of cadmium, calculated in the manner described in paragraph (2)(C).

"(2) Dinnerware shall be tested for release of lead or cadmium in the following manner:

"(A) The dinnerware shall be washed with a dilute alkaline detergent solution and rinsed with distilled water.

"(B) After being washed and rinsed, the dinnerware shall be filled to capacity with a 4 percent solution of acetic acid having a temperature of 68 degrees Fahrenheit and allowed to stand for a period of 18 hours at a temperature of 68 degrees Fahrenheit.

"(C) After the expiration of the 18 hour period referred to in subparagraph (B), the quantity of lead or cadmium present in the solution shall be determined by atomic absorption technique and expressed as the quantity of metallic lead or cadmium present in the total volume of the solution in terms of parts per million.

"(c) The Secretary may amend such maximum quantities (and the manner of testing therefor) where necessary or appropriate for the safety of the public. Such amendments shall take effect on the 90th day after publication thereof in the Federal Register.

"(d) The manufacturer (or importer) shall affix to each article of dinnerware he manufactures (or imports) a label, in accordance with regulations established by the Secretary, which shows the name and principal place of business of the manufacturer, or, if it is manufactured outside of the United States, the name and principal place of business of the manufacturer and of the importer."

CONFORMING AMENDMENTS

SEC. 2. (a) Section 201 of such Act (relating to definitions) (21 U.S.C. 321) is amended by adding after paragraph (x) the following:

"(y) The term 'dinnerware' means any dishware, composed in whole or in part of glazed ceramics or enamels, which is for use or which may be used in storing, preparing, or serving any food, or beverage."

(b) Section 301 of such Act (relating to prohibited Acts) (21 U.S.C. 331) is amended by adding after paragraph (p) the following:

"(q) The introduction or delivery for introduction into interstate commerce by the manufacturer (or importer) in the course of his business of any dinnerware which releases lead or cadmium in excess of the quantities permitted under section 410 or which is not labeled in accordance with the requirements of section 410(d)."

(c) Paragraph (1) of section 304(a) of such Act (relating to seizure) (21 U.S.C. 334(a)) is amended by inserting after "cosmetic that is adulterated or misbranded" the following: ", or any dinnerware which releases lead or cadmium in excess of the quantities permitted under section 410 or which is not labeled in accordance with the requirements of section 410(d),".

(d) Section 703 of such Act (relating to records of interstate shipment) (21 U.S.C. 373) is amended by striking out "or cosmetics" each place where it occurs, and inserting in lieu thereof "cosmetics, or dinnerware", and by striking out "or cosmetic" each place where it occurs, and inserting in lieu thereof "cosmetic, or dinnerware".

(e) Clause (1) of the first sentence of section 704(a) of such Act (relating to inspection) (21 U.S.C. 374(a)) is amended by striking out "or cosmetics" each place where it occurs, and inserting in lieu thereof "cosmetics, or dinnerware".

(f) The first sentence of section 704(b) of such Act (relating to written reports of inspection to owners) (21 U.S.C. 374(b)) is amended by inserting after "indicate that" "any dinnerware in such establishment releases lead or cadmium in excess of the quantities permitted under section 410 or is not labeled in accordance with the requirements of section 410(d), or that".

(g) Section 705(b) of such Act (relating to publicity) (21 U.S.C. 375(b)) is amended by striking out "or cosmetics" after "food, drugs, devices," and inserting in lieu thereof "cosmetics, or dinnerware".

(h) The first sentence of section 801(a) of such Act (relating to samples of imports) (21 U.S.C. 381(a)) is amended by striking out "and cosmetics" after "samples of food, drugs, devices," and inserting in lieu thereof "cosmetics, and dinnerware".

(i) Clause (3) of the third sentence (relating to refusal of admission of imports) of section 801(a) of such Act (21 U.S.C. 381(a)) is amended to read as follows: "(3) such article is adulterated, misbranded, in violation of section 505 of this Act, releases lead or cadmium in excess of the quantities permitted under section 410, or is not labeled in accordance with the requirements of section 410(d),".

(j) The second sentence of section 801(b) of such Act (relating to disposition of refused articles) (21 U.S.C. 381(b)) is amended by striking out "or cosmetic," after "other than a food, drug, device," and inserting in lieu thereof "cosmetic, or article of dinnerware,".

EFFECTIVE DATE

SEC. 3. (a) Section 410 of the Federal Food, Drug, and Cosmetic Act (as added by section 1 of this Act), section 201(y) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(a) of this Act), and the amendments of the Federal Food, Drug, and Cosmetic Act made by sections 2(d) through 2(j) of this Act shall take effect on the date of the enactment of this Act.

(b) In the case of dinnerware manufactured or imported on or after the 120th day after the date of the enactment of this Act, section 301(q) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(b) of this Act) and the amendment of section 304(a) of the Federal Food, Drug, and Cosmetic Act made by section 2(c) of this Act shall take effect on the 120th day after the date of the enactment of this Act.

(c) In the case of dinnerware manufactured or imported before the one-hundred and twentieth day after the date of the enactment of this Act, and introduced or delivered for introduction into interstate commerce on or after the one-hundred and twentieth day after the date of the enactment of this Act, which releases lead or cadmium in excess of the quantities permitted under section 410 of the Federal Food, Drug, and Cosmetic Act (as added by section 1 of this Act), section 301(q) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(b) of this Act) and the amendment of section 304(a) of the Federal Food, Drug, and Cosmetic Act made by section 2(c) of this Act shall take effect on the one-hundred and twentieth day after the date of the enactment of this Act, unless each article of such dinnerware—

(1) bears a permanent, conspicuous, and easily legible warning label,

(2) such label states that the article releases lead or cadmium in excess of the quantities permitted under section 410 of the Federal Food, Drug, and Cosmetic Act (as added by section 1 of this Act), and

(3) such label lists the uses of such article to avoid so as to prevent the release of lead or cadmium into food or beverages.

If such dinnerware is labeled in accordance with paragraphs (1) through (3), then such sections shall not take effect with regard to such dinnerware.

EDUCATIONAL PROGRAM

SEC. 4. The Food and Drug Administration shall undertake a significant educational program to alert the public to the dangers of lead and cadmium released from dinnerware, and to inform them of the provisions of this Act.

EXHIBIT 1

CHRONOLOG

(Broadcast over NBC January 28, 1972)

GARRICK UTLEY. Good evening. I'm Garrick Utley. And welcome to NBC News Chronolog. Tonight we are going to try something different. We're dividing the program into two parts, Chronolog I and Chronolog II. . . .

. . . A major report tonight is going to be about lead poisoning. We will show how lead can harm both animals and human beings. We don't hear that much about the lead problem, but lead is everywhere in our lives. It's in the paint in our homes, it's in the ceramic dishware we eat and drink out of. And, of course, it's in the air all of us breathe. We will see what's being done about the lead problem, and what isn't being done . . .

UTLEY. Last year some of the animals in New York's Staten Island Zoo were poisoned. A few died. Others, including this black leopard, became paralyzed. The poisoning was a mystery. The zoo asked doctors at New York Medical College to solve it. Whatever the poison was, it came from the environment, and it was strong enough to do permanent damage to the black leopard's nervous system. Blood tests showed that the poison was lead.

Dr. RALPH STREBEL (New York Medical College). The blood levels of the great cats were very high in lead content, in the toxic range.

UTLEY. This news was so startling that the doctors expanded their study to other animals living in outdoor cages in other city zoos.

Dr. STREBEL. We found also at the Bronx Zoo that the great cats, eleven out of fourteen as I remember, were very high in terms of their blood lead.

Dr. EMIL DOLENSEK (Veterinarian, Bronx Zoo). According to Dr. Chow, who we've sent samples to, the levels are so high he didn't believe the animals were alive.

Dr. STREBEL. The same is true of very limited work that we did at the Central Park Zoo. There's one monkey that came in here with a lung condition, but upon autopsy after the animal died, we found that animal had very high lead levels in the vital organs.

Dr. EMIL DOLENSEK. Recently we thought it was related to lead in paint, and we did have analyses done on paint, and we found that some of the paints were indeed higher than acceptable levels for New York City. We are more concerned, though, in the case of animals like the lions, which we have here, because there is no contact at all with paint materials. Yet they're still running at levels which would indicate a chronic toxicity problem.

Dr. RALPH STREBEL. We have reason to believe that it certainly comes from the envi-

ronment, from the air. Because otherwise the soil around the zoo would not be accumulating as much lead as they presently have. The normal amount of lead in the earth's crust is only about ten to fifteen parts per million. And when you consider that the soil at the Central Park Zoo had over five hundred parts per million, that answers your question.

UTLEY. The lead poisoning the zoo animals comes from leaded gasoline. Automobiles put two hundred thousand tons of toxic lead into our urban environment every year. It's too much for the animals to take.

DOLENSEK. I don't see where we can honestly continue to show large cats outdoors any more. As far as any new enclosures that we make, I think we're going to have to build indoor enclosures with filtered air systems.

Dr. DENNIS CRASTON (New York Medical College). These are dangerous conditions, not only for the animals who are living in the confinement of the zoo, but for the people who are also living in the close neighborhood or who come there just as visitors.

Dr. STREBEL. It seems that all young living things are most susceptible to lead. And that babies being born today have high lead levels. And this is an ominous sign, because they're starting out with a high lead level. And we know that lead accumulates over a lifetime, and therefore by the time they reach an adult age they may very well be in trouble.

Representative WILLIAM F. RYAN. Four hundred thousand children in this country are afflicted with lead poisoning. That is a tremendous number of children. That's a serious problem. There are more cases of lead poisoning among children today than there were cases of polio in this country before the Salk vaccine.

Senator EDWARD KENNEDY. There are scores, I believe it's even in the hundreds of children that are dying of lead poisoning, but haven't been diagnosed as such. So it's widespread in the urban centers, in the older centers of our country. And we know very well that something can be done to prevent it.

UTLEY. The air inner city children breathe is heavily contaminated with lead. But the major source of lead poisoning in the slums is peeling paint from dilapidated buildings. When these buildings were constructed, it was common to use lead based paints on inside walls. Now that paint is flaking off. Children like to eat the paint chips. The result is illness, brain damage, and even death.

WOMAN. The baby, he had it bad enough where he had to go in the hospital this year for it. Every time I look around there's one getting lead poisoning. And I'm afraid that one time one of them might get it, and it might be a little bit too late.

UTLEY. Norman Britt suffered severe brain damage eight years ago from lead paint. He will never be normal.

Mr. BRITT. And Norman was eating it. And all of a sudden, you know, he got kind of sick. So the doctor said he had lead poisoning. He like this the rest of his life; he'll never, you know, never grow out of it.

JACK NEWFIELD. What is most frustrating about this is that a few months ago I spoke to the lead poisoning clinic at Kings County Hospital in Brooklyn, to parents whose children had been lead poisoned. When I was there I looked at the admissions record for Kings County Hospital. There had been thirty admissions for lead poisoning in one month; and of the thirty, fifteen were repoisonings, which is a guarantee of permanent brain damage.

Dr. MICHAEL KLEIN. You don't replace brain cells. Once a brain cell has been destroyed, has swollen, and burst, and been destroyed it is never replaced again.

Mr. BRITT. He told me he had lead poisoning. I hadn't ever heard of lead poisoning, so I didn't know what it was, until, you know, he started having these seizures.

UTLEY. What are these seizures like?

BRITT. Well, some kind of change. Like the one time he had, like, he'd just go round and round. And the next he changed like he wanted to climb the wall. When something was close to him, he'd grab. And, boy, I had a time trying to pry him loose from it.

UTLEY. This is where Norman Britt was poisoned, the slums of Rochester, New York. But Rochester did something about it. A neighborhood group called SPAN, and the University of Rochester Medical School joined forces to find out how bad the lead problem is. The first thing they did was test slum houses for lead paint.

Two SPAN workers showed me how they did the survey. They also told me that part of the problem is that young children like the taste of lead paint.

MAN. It tastes very sweet. And that's the trouble, the kids under six, after they taste it, they keep up, and keep eating, and that's it, they get poisoned.

UTLEY. How many houses do you try to see a day?

WOMAN. About ten to fifteen houses.

UTLEY. Now in this house there has been lead poisoning, is that correct?

WOMAN. Yes, the Walters' child got lead poisoning in this house, right upstairs.

UTLEY. How long ago did that happen?

WOMAN. Well, they just found out about it a few weeks ago.

UTLEY. How serious was the lead poisoning in a house like this? How strong was the lead content?

WOMAN. The lead content was strong enough to kill.

UTLEY. The SPAN people took paint samples from places young children could reach. Then we tried a simple chemical test. Now this is some of the paint from inside this house.

WOMAN. Yes.

UTLEY. And you give it the test . . .

WOMAN. Pour a little bit of the solution on it, if it turns black . . .

UTLEY. It turned dark. And a child that lived in this house has gotten lead poisoning from this lead content paint.

WOMAN. Right.

MAN. That's correct.

UTLEY. The slum children themselves were tested for lead in their blood. The results were shocking.

Dr. BARRY PLESS. Over a third of the children in the random sample in Rochester, which is a good, valid random sample, are in danger of being lead poisoned, because they do have levels above fifty. There are people who believe that it may be the cause of some of the specific learning disabilities that we're now seeing. There are people who believe that it may be related to behavioral problems. There are many people who believe that the very high proportion of children who are retarded, who we never have a reason or diagnosis to explain their retardation, may in fact be attributable to lead poisoning.

UTLEY. Slum children can eat lead paint and show no outward signs of damage. Scientists disagree over how much lead it takes to hurt a child. Some feel it takes very little.

NAOMI CHAMBERLAIN (University of Rochester Medical College). The fact that we cannot prove that low levels of lead are dangerous does not mean that it isn't true. We can also not prove that it is not dangerous. And just as for years and years and years, nobody has really cared that children were being maimed, retarded and crippled, and dying, or maybe behavior problems, or reading problems—and it happens to people who can least afford to have it happen. Predominately the kind we're talking about happens to poor kids, who already have two thousand strikes against them.

And so you say that because I cannot prove, then let us wait, and objectively let somebody else's child become a statistic. That infuriates me. It's the worst kind of mass mutilation.

UTLEY. No one knows how many children over the years have been poisoned by lead, have been crippled mentally for life. Because those children are mostly poor, black, and ignored. But now even white middle class kids are suffering from lead poisoning, and we know what it can do.

And even though we know what it can do, lead is still present in dangerous amounts in too much of the paint we use in our homes, and in too much of the ceramic dishware we eat from. We'll look at those two areas in a moment.

Paint which is applied to interiors where children can get at it is not supposed to contain more than one percent lead. But there is a good deal of paint on the market available today in this country, which has more than that one percent lead content. It's been discovered here at the New York City Health Department Laboratory. And the man in charge of the program is Dr. Vincent Guinee, the head of the Bureau of Lead Poison Control.

Dr. Guinee, what put you on to this problem?

Dr. VINCENT GUINEE. The sanitarians from the Health Department have been checking paints for interior use periodically. And over the last several months we found that rather large numbers of paints labelled as for use in interior surface, and therefore presumably without much lead, were turning up. And in some of our surveys we found that from ten to twenty percent of cans labelled "for interior use," and sometimes even labelled "for use on children's toys, and playpens, and children's rooms" were found to have lead contents of five, ten percent.

The paint companies have been working under a voluntary standard since 1955. They, of course, have supposedly been operating under our current health code, which was in 1959. But many of the paint companies have slipped up, especially in certain colors of oranges, yellows and greens.

UTLEY. What is the consumer going to do now?

GUINEE. A doctor friend of mine asked me this question about two weeks ago. He said, "Look, I've seen the press releases about the fact that paint can have lead in it, although the label doesn't say anything about it. I want to paint my child's room, I'd like to use bright colors. Which paint should I use?"

And I had to say frankly I could not guarantee any particular brand or color of paint. The only thing I could say was that, if you take colors that are not red, or yellow, orange or green, you take the most recently made can of paint from the biggest company in the country, it's less likely that you'll have lead in it. But there's no guarantees on any can of paint right now.

UTLEY. The paint industry says it stopped using lead in paints for inside use thirty years ago. Here is the way a spokesman for the major paint makers put it, in testimony before a Congressional committee.

"There is no longer any purpose in using white lead pigments in paints intended for interior use, since better white lead-free pigments for this purpose now are available at lower cost." The industry told Congress that it voluntarily stopped making leaded paints for household use. Modern interior paint is not a major cause of lead poisoning in properly maintained homes, according to the industry.

Writer Jack Newfield and Congressman Ryan, who have been crusading against leaded paints for years, have petitioned the FDA—the Food and Drug Administration—to outlaw lead in household paints. To outlaw it, simply and totally. So far, though, the FDA's approach has been to require only

warning labels on paint with more than a small trace of lead.

But labels on cans aren't of any help years later, when the paint starts to flake on the walls. We used to think that lead poisoning was exclusively a ghetto problem, something that middle class people just didn't have to worry about. After all, how many of us have paint flaking on our walls.

But now we're discovering there are a lot of other ways to get lead poisoning. Pencils, the kind children chew on when doing schoolwork, often were painted with leaded paint. Now the pencil makers say they've stopped making them that way. But a lot of these old pencils are still around.

And just this week the FDA told people across this country to get rid of two hundred thousand ceramic bowls given away in a soup company promotion. It turns out the glaze on the bowls contains dangerous amounts of lead.

This is Mrs. David Augustine and her son Philip, who live in a comfortable suburb near Rochester. They found out about lead poisoning the hard way.

Mrs. DAVID AUGUSTINE. About two years ago Philip began to show symptoms of vomiting, he began falling down for no apparent reason, he could not stand to be at any height without saying he was going to fall down, "Hold on to me." And over a period of time stopped eating everything. He had had brain tests scheduled, and the pediatrician told me that they were looking for the possibility of a brain tumor. And, of course, I rather lost control at that time.

They took some more blood tests, and when the report came back it was stated that there was a large amount of lead in his blood.

Dr. JAMES SAYRE (University of Rochester). We tested his toys, we tested the paint, we looked at what we thought were conventional sources. It turned out that Philip had been drinking his orange juice every day from a ceramic lined vessel, made in a local ceramic class, which had, by actual test, a very significantly high lead release. And he had actually been drinking his lead with his orange juice, practically every day for a period of about three months.

Mrs. AUGUSTINE. I'm just thankful, thank God, that everything worked out, because it could have been much worse. We're supposed to be intelligent people, and yet here was a case of something that I had never been close to, I had never known anything about lead poisoning. So consequently I didn't have any idea what the symptoms were.

UTLEY. A Canadian child who drank from this pitcher was not as lucky as Philip. He died from lead poisoning. Hand crafted ceramic ware often is dangerously high in lead. But even some mass produced pieces can be potentially dangerous.

It is possible to test ceramics for lead. In Rochester the county health department tests dishes for local citizens. And we bought some pieces in New York gift shops to be tested there. Most of them were Mexican imports, which often have a very high lead content.

They should be safe to eat and drink out of, shouldn't they?

Dr. MARGARET RATHBURN (Lab Director). Well, if the glaze isn't fired sufficiently high, at a sufficiently high temperature, they may very well leak lead when acid is added. And that's what we're doing here.

UTLEY. In other words, if it hasn't been baked hot enough.

RATHBURN. Right.

UTLEY. Are most of these problems with American produced ceramic ware, or that which is imported?

RATHBURN. Well, there's problems with both, actually. We have in our own testing here, most of the problem has been from the imported. But we do have a positive piece made right here in Rochester; we have another positive from California; and one from Maine.

UTLEY. Mr. Gordon, what kind of a test are you running, what are you looking for?

GORDON. This is essentially a presumptive test for lead. It is one which was devised and developed by the FDA. If lead is present in this solution, we get an immediate transformation of color to red. If it is negative, it retains somewhat of its green color and nature.

UTLEY. Let's run the experiment now on one of these—say this one, for example.

GORDON. All right, we have already added acidic acid to this particular sample here. Now we take a few cc's of the acidic acid. Presumably it leaks the lead out. Next we add the dithyozone solution, which you notice is green in color. Then we shake it, and immediately get a cherry red color, which indicates that lead is present in this piece of ware.

UTLEY. Can you tell how much lead is present? Does that mean it's at a danger level, if it turns red?

GORDON. Yes, the dithyozone solution is so standardized that it gives the lower limits that are recommended by the FDA.

UTLEY. Is it possibly to tell which type of ceramic ware is likely to have a high lead content?

RATHBURN. No.

UTLEY. There's no way a person at home can judge it.

RATHBURN. No. The only way you can judge it is to test it.

UTLEY. We just ran a test on this, Mr. Gordon, and how did it turn out?

GORDON. This is a negative test, on this piece of pottery here.

UTLEY. Now we're going to test on this mug. This is the kind of a mug, or a jug, from which you would drink orange juice, or soft drinks.

RATHBURN. Coffee or tea.

UTLEY. Coffee or tea. I have one in my own house. Let's see how it turns out. What does that mean?

GORDON. Now this is a borderline case.

UTLEY. It's neither red, nor . . .

GORDON. It's neither red, nor is it green. But this is one which we consider a borderline.

UTLEY. Is there any regulation in this country which oversees and controls the minimum standards of glazing for ceramic ware and pottery?

RATHBURN. The FDA has guidelines. However, there are at present no actual laws. Canada has recently passed a statute regulating up to seven parts per million, bleaching out lead.

UTLEY. And it has to pass this test.

WOMAN. Yeah.

UTLEY. But we don't have that in this country.

WOMAN. We don't have it yet in this country.

UTLEY. That's another sort of bowl . . .

GORDON. No, I would consider this one to be negative.

UTLEY. This is the kind of bowl you'd use for everything from storing vegetables, or fruit, orange juice . . .

RATHBURN. Salads.

UTLEY. Salads. Again, this is an imported bowl, the kind many tourists bring back from Mexico. But I imagine a similar type of ceramic ware is also hand-crafted in many parts of the United States. That has turned red right away.

GORDON. That's definitely positive.

UTLEY. It's definitely positive with a lead content.

GORDON. With a high lead content, extremely high lead content.

UTLEY. These pieces of dishware, which we picked up in a gift store in New York, the results are that this one is okay. These two are borderline. Wouldn't want to be too sure that what you're drinking or eating of them wouldn't harm you. And these three are all positive, they all contain lead, and they can poison you if you drink or eat too much out of it which has been kept too long in it, if what it was was acidic.

There are the kinds of things which we all have at home. I know I do, and perhaps many people watching this program do, too. So, doctor, what does it mean in practical terms for a person at home who uses this for storing food? Is it a danger?

RATHBURN. Yes, don't!

UTLEY. Don't. The problem with lead simply is that it's so useful for industry for so many products: as an additive to paint to make colors brighter, to glaze to make pottery ware shine. And to gasoline to raise the octane level cheaply.

Lead becomes a danger in paint only when it chips and a child eats it, and in pottery which has not been glazed hot enough. But gasoline? Gasoline is something different. Because lead is put into gasoline deliberately, with the full knowledge it'll run through the internal combustion engine, out the exhaust pipe, and into the air you and I breathe. We'll look at that in a moment.

* * * * *

UTLEY. Lead gets into the air from leaded gasoline burned by cars and trucks. Since Southern California has so many cars, it also has the nation's worst lead problem. The amount of lead in the air in Los Angeles is increasing by seven percent a year. San Diego is almost as bad.

Even more alarming, one study showed a steady rise in the amount of lead in the blood of Pasadena housewives.

Air pollution authorities in California have concentrated mostly on other forms of contamination from automobiles. You can't see lead in the air, and it doesn't make your eyes water.

KENNEDY. Lead poisoning can be found in the air, and has just as severe an effect in terms of life in these areas where there is a heavy concentration. This is something which I've been unaware of until relatively recently. And it again shows what has to be done.

CALIFORNIA HEALTH OFFICIAL. Lead as an agent in the air is absorbed and retained in the tissues of the population here to a much larger extent than elsewhere, because the levels of lead are higher here. And there is a biochemical effect, even though it may not make people sick. But there is a measured alteration in body chemistry, which we think is undesirable.

UTLEY. There is so much lead spewing into the California air that it is even affecting the Pacific Ocean. Scientists at the Scripps Oceanographic Institute at La Jolla discovered that their precise analyses of the chemistry of sea water were changed by lead settling into the ocean.

That caused Dr. T. J. Chow of Scripps to start measuring lead throughout the environment. He's still doing it. And his work is often cited by those who want to ban leaded gasoline. Dr. Chow discovered there is even lead in rain water, bringing it very close to the federal danger level for lead content in drinking water.

He has been measuring the lead content of the air around San Diego for five years. The levels are often dangerously above California state standards.

Dr. Chow says airborne lead is the most dangerous of all. Half of the lead you breathe is absorbed by the lungs. The body has better defenses against lead contamination coming from food and drink.

These filters show there is less lead in the air where there are not many automobiles. The worst areas are downtown districts and suburban areas near freeways. The dust from

these two places contains as much lead as the ore from a lead mine.

Dr. CLARE PATTERSON. I am convinced—I wouldn't be here if I weren't—that really millions of youngsters each year are being, their minds and their nervous systems are being irretrievably damaged, forever, for their whole lives, by the lead that they're breathing.

UTLEY. Dr. Clare Patterson of Cal Tech traveled to the Arctic and Antarctic ice caps to prove how much the worldwide levels of lead have gone up. A thousand years of snow have been preserved here. Dr. Patterson said the increase in lead since 1940 has been enormous, and he thinks it's essential to ban leaded gasoline at once.

PATTERSON. The most significant source of lead, of course, is from leaded gasoline. It contributes about ninety-nine percent of the lead in the air. And I might say that the lead in cities like New York, or Los Angeles, or Washington, D.C., any city, large city, the lead in that air is about ten thousand times above natural levels.

NEWFIELD. Congressman Ryan and Senator Kennedy introduced legislation; after hearings, after struggle, after lobbying the legislation was finally passed. Thirty million dollars to prevent and treat lead poisoning was finally authorized by Congress. And then the Nixon Administration wouldn't spend the money, even though Congress authorized it.

KENNEDY. One of the most overworked words, of course, of our time is changing priorities. But this is where they ought to be changed. Here you can actually have a direct impact in stopping retardation, for example, and also in saving children's lives. And ultimately saving the taxpayers from paying for institutionalizing children and others that are affected by it.

NEWFIELD. There are certain problems in this culture which I, and most, don't know the answer to. I don't know what you do about heroin; I don't know how you get garbage out of the slums; I don't know what the policy should be for the Middle East.

Lead poisoning is one of the few problems in this culture which is man-made, and we know what causes it, we know what the remedy is, and we just won't do it.

PATTERSON. We're so close to classical lead poisoning that I, and other people like me, believe that we're being affected right now by the lead that we're already absorbing. We're more irritable, we're less rational. It's affecting our central nervous system.

Dr. HENRY SCHROEDER. We are attempting to reproduce in the laboratory the experiments that man has unwittingly performed on himself since the beginning of the Industrial Revolution, which was when he began to dig up metals from the earth and spread them around through his environment.

What happens is that the rats have a high mortality rate when they're young. You get a shortened longevity. And the older animals look—they just sort of loll around without any energy. They have runts, dead litters, and dead offspring, and they don't breed, they fail to breed. And the mothers eat the young. There are all kinds of things that happen.

I think that this is certainly a warning. And if we don't pay attention to it, we're stupid.

UTLEY. We have had many warnings about the danger of lead in the atmosphere. A main source of it is lead-based gasoline. What are we going to do about it? And what is the government going to do about it? A man who can answer this question is William Ruckleshaus, the head of the Environmental Protection Agency.

Mr. Ruckelshaus, how long have you been conducting studies on this problem?

WILLIAM RUCKELSHAUS. Well, we've been conducting studies—not our agency, but the agencies that we inherited from the National Air Pollution Control Administration—for years on the impact of lead, not only in the atmosphere, but also from lead-based paint, and lead that you generally ingest in foods, for many years. We still have huge gaps in our knowledge, as to the precise health impact, at what level, of the ingestion of lead, and where the total body burden of lead comes from.

UTLEY. But in terms of gasoline, you are at least satisfied that there is enough of a health problem to go ahead with this program.

RUCKELSHAUS. Yes, we are. Our information shows that the health effects of lead in the atmosphere, above certain levels, can be serious. There is considerable dispute over just what the impact on health is of lead in the atmosphere. But we believe there is sufficient evidence of a deleterious impact on human health of lead above certain levels in the atmosphere, that it ought to be regulated.

And the way we think it can be regulated best is through regulating its existence in gasoline, and thereby reducing it from the emissions from the automobile.

UTLEY. What is the status of the program now? It starts in your agency, where you draw guidelines, or concrete proposals?

RUCKELSHAUS. We will issue regulations which will regulate the additives that are put in fuel, under Section 211 of the Clean Air Act. We have two authorities to regulate additives in gasoline, not only lead, but any other kind of additive.

One is, if that additive creates a health hazard, we can regulate it. And in this case we think it does. Or if the additive, the regulation of the additive is necessary in order for the automotive companies to meet the 1975 standards. And both of these apply under Section 211, and it's under this authority that we will issue regulations, generally regulating it in the fuel itself.

UTLEY. Does this mean that you are in favor of limiting lead-based gasoline, or of banning it, as of a certain date?

RUCKELSHAUS. Well, our regulations have not as yet been issued. But the approach that we're taking is to have at least one class, or one brand of gasoline generally available by 1975, and gradually phase out the use of lead as an additive in gasoline.

The pace at which it's phased out depends very greatly on how we view the impact, not only on health, but on the petroleum industry, and how best this phasing process can work, so as to cause the least amount of economic dislocation to the country.

UTLEY. You say it means that by 1975 there will be a guaranteed lead free gasoline on the market available to everyone. By what date would you like to see all lead-based gasoline removed from the market?

RUCKELSHAUS. Well, this is one of the things we're still considering, at what pace we will phase lead out of gasoline completely. And there are arguments, and valid arguments that can be made for one phasing process or another. And, really, before the regulation finally comes out, it's too early for me to say exactly what form it will take.

It will be probably very shortly after 1975 that the lead as an additive is phased out completely of gasoline.

UTLEY. Many problems in the environment field are finally acted on by government after a great deal of public opinion has been mobilized and articulated. Is that the case here? Or in the case of lead in gasoline, is it more due to scientific research?

RUCKELSHAUS. If the public says that we want clean air, and we want pure water, the government will respond to that legitimate public demand by providing clean air and clean water. But as to how they go about it, and what specific substances are taken out of the air so as to cleanse, or out of the water so as to make it pure, it should be left up to scientific determination.

Because there's no reason to respond to public pressure to remove a certain substance from the air or the water, if there is no public benefit to be gained thereby. And our decision to remove lead, or to phase it out of use as a gasoline additive is based on what we conceive to be in the public interest, the protection of the public health, and the insurance that these standards can be met by 1975.

UTLEY. Do you see any organized strong, or meaningful opposition to the removal of lead from gasoline, either in industry, or from other sectors? Or is everybody for clean gasoline?

RUCKELSHAUS. No, everybody's for clean gasoline, just as everybody's for clean water and clean air. But there are different degrees of fervor as to how strongly they believe that we ought to have clean air or clean water.

UTLEY. Mr. Ruckelshaus plans to abolish leaded gasoline shortly after 1975. Actually there is unleaded gasoline available today, but not many people are buying it. The petroleum industry began adding lead to gasoline in the 1920's. It was a cheap and easy way to increase octane levels, and lead has been added to most gasolines ever since.

Everyone knew that lead was poisonous, and that the lead in gasoline eventually was released into the air. But there didn't seem to be that many automobiles. And, after all, there was an awful lot of air.

Tonight we have seen and heard a lot about lead, what it can do to all of us, and what it already is tragically doing to some of our children. Lead is a new field of dispute involving the environment and public health. There are experts on both sides of the argument, some maximizing the danger, others minimizing it.

Admittedly there's not as much scientific knowledge about lead as there should be. There are many areas where research is only getting underway. Most important is the study of lead in the food we eat.

Lead is a problem we could easily ignore. It doesn't have high visibility. It is not the first problem our modern industrial society has dumped on us, and it won't be the last. It may not even be the most serious. But it's there. And the evidence shows that lead is a clear and present danger.

By Mr. SPONG:

S. 3137. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 with respect to the effective date of the non-Federal share of the costs of certain programs of that act, and for other purposes. Referred to the Committee on the Judiciary.

Mr. SPONG. Mr. President, I introduce today a bill to amend the Safe Streets Act of 1968 to delay for 1 year the so-called hard-match funding requirement imposed on the States by a 1971 amendment to the law.

Where previously States have been able to provide equivalent-value goods and services in lieu of cash the amended act requires that effective July 1, 1972, at least 40 percent of the non-Federal funding be in money.

Mr. President, as a result of this and other amendments which require the States to assume a greater financial burden in connection with the program, my own State of Virginia stands to lose over the next 2 years about $14 million in Federal action grants which otherwise would be available to it.

In hard, cold facts this means Virginia's drug abuse prevention, treatment, and control program which is one of the major activities funded under LEAA, will

be cut from a projected $1.6 million in 1973 and $2.8 million in 1974 to a mere $702,000 in both years.

This comes at a time when the Virginia State Crime Commission reports that "the trafficking in narcotics and dangerous drugs in the State is the most serious problem facing law enforcement" and rapidly approaching a point of being out of control.

Similar cutbacks will be necessary in other LEAA-funded programs—in efforts to deal with juvenile delinquency, organized crime, and civil disorders to name only a few—unless some means are found to increase State participation.

Mr. President, one of the main purposes of the 1971 amendments was to assure, in fact, that States spent more for crime prevention programs and did not simply substitute Federal funds for what were previously State and local expenditures. I support that goal. However, if it results, as it has in Virginia, not in increased spending, but in drastic reductions in State participation, I think we have to reexamine our premises and to hold our theory up against the facts.

I do not know what other States may be experiencing similar difficulties although I have asked LEAA for a report. I do know the problem my State faces and I believe it is essential that something be done to rescue the situation.

Mr. President, the amendment I am introducing today will provide only limited relief to the States. I am advised that in Virginia delay of the hard-match requirement would mean only about $253,000 in additional State participation but that, of course, would be matched by a much larger Federal grant. It is a partial solution but vitally important in terms of the serious drug and crime problem the program is meant to relieve.

Next year, the LEAA program again will be up for authorization and that will be the occasion for a long, hard look at all the funding provisions including the State "buy-in." Delay of the hard-match requirement until that review can be undertaken would be a helpful interim step and in no way would compromise the goal of increasing State participation.

At the same time, I am urging the Governor and members of the General Assembly to do everything possible to enable greater State participation in the LEAA program in 1973 and 1974. This will not be easy. The Commonwealth of Virginia, in common with other States and cities, has very serious financial problems. Even to meet the budget the Governor has recommended, in all probability will require some increase in taxes. Nevertheless, there is no item in the budget more important in my judgment than programs to deal with our growing drug problem.

The State Crime Commission report, which I referred to earlier, has some chilling observations to make on this subject:

> The abuse is becoming more prevalent at a younger and younger age, reaching down to the high school, junior high school, and sometimes even the lower grades. What is even more alarming is the fact that the use of heroin is becoming more prevalent among the youth and many young people have been found to be involved in the selling of heroin.

Against this background, the budget proposes in the new biennium to freeze expenditures for drug education, treatment and prevention at 1971 levels, less than half of what could be spent if the State fully met its matching requirement.

Many organizations, and community groups in Virginia are organizing efforts on a volunteer basis to do something about drugs. This is a very encouraging thing to see and I believe we need more of it if we are ever going to resolve the problem.

The people of Hopewell, Petersburg, and Colonial Heights, Va., for instance, have devoted enormous efforts to educating the youth of their communities about this problem. Fairfax County has enlisted the aid of older students to help in a drug education program for younger youth. My own city of Portsmouth has carried its program to the point of requesting funds for a drug rehabilitation and treatment center. Unfortunately, the request was denied for lack of funds.

How can we explain to these parents and community leaders that the State and Federal Governments are moving backwards in terms of funding the necessary facilities and materials to support their efforts? How can we tell them that although the State could spend $2.8 million in 1974, it has budgeted only $702,000?

Mr. President, when the 1971 amendments were being considered in the Senate, I offered an amendment to delay for 1 year the hard-match requirement. The floor manager of the bill and the ranking minority member of the committee accepted that amendment. I am hopeful that under the circumstances in which Virginia finds itself today the committee will again be willing to agree to a delay.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point in my remarks a letter from Gov. Linwood Holton, of Virginia, explaining the State's difficulties in meeting the new matching requirements and a followup letter from Mr. Richard N. Harris, director of the State's division of justice and crime prevention, spelling out some of the details of the situation.

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

RICHMOND, VA.,
December 21, 1971.

Hon. WILLIAM B. SPONG, Jr.,
U.S. Senate,
Washington, D.C.

DEAR BILL: A 1970 amendment to Public Law 90-351 (the Omnibus Crime Control and Safe Streets Act of 1968) increased the cost for states to continue to receive block grants for crime control under the Act by requiring the states to advance 25 per cent of the matching shares of local governments. This requirement, commonly referred to as a "cash buy-in" by the states, poses a serious threat to already overburdened state finances and to the ability of the state to continue to receive the block grants made available under the Safe Streets Act.

It is my understanding that this amendment was drafted by the House Judiciary Committee without public hearings on the issue. As enacted into law, it means that Virginia will lose its block grant funds under the Safe Streets Act on and after July 1, 1972, unless the state can provide at least 25 per cent of the nonfederal matching share normally supplied by local governments applying for sub-grants from the Virginia Council on Criminal Justice. The local governments have had no difficulties to date in supplying the total non-federal matching share.

The "buy-in" requirement assumes that Virginia has revenue in an amount sufficient to support this program, an assumption which is not necessarily valid. If the Commonwealth cannot find funds from its own resources to comply with this requirement, local units of government throughout Virginia, who might otherwise have sufficient funds to provide the total non-federal matching share, will be denied all the benefits available from the Safe Streets Act.

Prior to this 1970 amendment, sub-grants made by the Virginia Council on Criminal Justice to local units of government were matched entirely by resources produced by the local unit of government receiving the sub-grant. This was an effective method and caused no difficulty in Virginia. It enabled the entire state and its local units of government to receive the maximum benefit of the block-grant funds available. The new "buy-in" provision, however, places us in the position of possibly not being able to participate in the program at all, or to participate in it in a limited way, depending, of course, upon the revenues which the General Assembly can find to appropriate for the "buy-in" matching contribution by the state.

This "buy-in" amendment significantly changed the entire philosophy of the original block-grant concept of the Safe Streets Act. It is not compatible with the general revenue sharing concepts proposed by President Nixon for aid for law enforcement and the administration of justice. The President's proposal does not require a matching share for block-grants to states or for sub-grants by the states to local units of government.

When the Safe Streets Act was first passed in 1968, all the states moved quickly to initiate the program and to implement the provisions of the Act. We did this in full faith that the block-grant program as then constituted would remain in effect. We are now faced with having to dismantle what we have spent the last three years so carefully developing.

I am extremely disturbed that we may not be able to obtain the maximum amount of these federal funds. Virginia, in its overall effort, is surely doing its part in financing governmental services. This congressional suggestion that we must do yet more, in order to receive the federally appropriated funds, is based on the false assumption that we are not doing our part. I hope you can help effect a change in this legislation as soon as possible.

Cordially,

LINWOOD HOLTON.

RICHMOND, VA.,
January 28, 1972.

Hon. WILLIAM B. SPONG, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPONG: This is with further reference to Governor Holton's letter to you of December 21, 1971, and is in response to a request for certain additional information by Jack Lewis of your staff.

Under Part C of the Omnibus Crime Control and Safe Streets Act, Virginia received from the Law Enforcement Assistance Administration, $557,090 for FY 1969, $4.15 million for FY 1970, and $7.604 million for FY 1971. We will receive $9.33 million for FY 1972. Using a projection formula based upon the rate of increase during the four years indicated, we estimate that under Part C of the

Act, Virginia will be entitled to approximately $11.6 million for FY 1973, and $17.5 million for FY 1974. We used a rather involved formula to arrive at these projections. We feel that they are accurate and financial personnel at LEAA agree.

I understand that the President's budget for 1973 recommends a total of $850 million for the Safe Streets Act program, as compared with $698 million for FY 1972. If Virginia's Part C entitlement for FY 1973 is the same percentage of the total appropriation as our FY 1972 award, then our projection of $11.6 million for FY 1973 is quite accurate.

As you know, the General Assembly of Virginia appropriates on a biennium basis. The so-called "buy-in" and "hard match" amendments become effective on July 1, 1972, the beginning of the first year of the biennium. The biennium covers federal fiscal years 1973 and 1974. In the budget request filed by this Division with the Governor's Office for the preparation of the Governor's budget submission to the General Assembly at its 1972 session, we requested sufficient general fund appropriations to meet the "buy-in" and the "hard match" requirements to enable Virginia to receive, under Part C of the Act, the total estimated entitlements of $11.6 million in FY 1973 and $17.5 million in FY 1974. The general fund appropriation requested to meet this need was slightly in excess of $3.8 million.

The budget bill now before the General Assembly recommends a general fund appropriation of $1.9 million for the required "buy-in" and "hard match". An appropriation of $1.9 million would entitle Virginia to receive only $7.6 million in each of the fiscal years 1973 and 1974, but would not be sufficient to permit receipts in excess of that figure. In FY 1971, we received $7.6 million and the recommendation is related directly to that figure. If this budget recommendation is adopted, we estimate that Virginia will lose approximately $14 million in Safe Street Act funds during FY 1973 and 1974. Another $1.9 million in general fund appropriation is required to enable Virginia to receive the full estimated entitlements under Part C of the Safe Streets Act for FY 1973 and 1974.

To demonstrate the impact the loss of these funds will have. I am attaching a chart of multi-year projections in the 11 program categories provided for in Virginia's annual statewide comprehensive plans. These 11 categories represent some 36 individual program activities (i.e., Upgrading Criminal Justice Personnel (A) includes all training and education, professional standards, recruitment, training facilities construction, management improvement, etc., for *all* criminal justice personnel). You will note that the *totals* for each of the fiscal years listed are the figures already indicated above. Note that in each of the program categories, we have projected our planned levels of expenditure through 1976. Note also the rather dramatic increases planned for in many of the categories, on the assumption, of course, that we would be receiving the total entitlements. If we do not receive the total entitlements in FY 1973 and 1974, our levels of expenditure in those two fiscal years in each of the program categories will be the same as it was for FY 1971. Thus, each program category will increase in FY 1972, and then decrease back to 1971 levels in 1973 and 1974. As an example, in category K, Drug Abuse Prevention, Treatment and Control, we allocated and expended for FY 1971 $702,000 and we have allocated and will expend for FY 1972 $930,000. For FY 1973 and 1974 we have projected expenditures at the level of $1.6 million and $2.8 million, respectively, but both of these will revert to $702,000 for each of those fiscal years unless we have a sufficient state general fund appropriation to enable us to receive the full total entitlements. You may draw similar comparisons in any of the 11 categorical items. You will note that some categorical items increase more dramatically than others, and you will also note that some decrease slightly in certain years. The decreases in some years reflect successful planned improvement in those categories, enabling us to devote more resources to other critical categories. It is important to carefully note the overall length of increase and the relative distribution of funds among the different categories in different fiscal years. For example, note the significant increases planned in categories C, F, and K, in particular.

Of course, none of these increases will be possible under the present budget recommendations to the General Assembly.

I have tried to keep this simple and short. If you need anything further, please call me.

I did not include any information about Part E funds, because as you know, the "buy-in" and "hard match" requirements do not apply to Part E and we do not anticipate any particular difficulty in taking maximum advantage of available Part E funds. It is Part C that is giving us the trouble, because of the "buy-in" and "hard match" requirements.

With kind personal regards and best wishes, I am

Yours very truly,

RICHARD N. HARRIS,
Director.

COMMONWEALTH OF VIRGINIA DIVISION OF JUSTICE AND CRIME PREVENTION, MULTIYEAR PROJECTIONS, PT. C FUNDS

	1971	1972	1973	1974	1975	1976
A. Upgrading criminal justice personnel	$1,207,000	$1,126,250	$1,520,750	$1,929,827	$2,631,472	$3,947,372
B. Prevention of crime (including public education)	294,000	290,000	350,942	877,194	1,578,883	3,552,635
C. Prevention, treatment, and control of juvenile delinquency	1,763,000	1,900,000	2,924,516	4,035,093	5,526,092	7,984,744
D. Improvement of detection and apprehension of criminals	1,284,000	2,126,250	1,403,769	1,754,388	2,105,180	3,157,897
E. Improvement of prosecution and court activities, and law reform	450,000	695,000	584,904	1,403,510	3,157,766	3,947,372
F. Increase in effectiveness of correction and rehabilitation (including probation and parole)	1,334,000	1,250,000	2,105,654	2,807,021	4,210,356	5,921,058
G. Reduction of organized crime	125,000	250,000	584,904	877,194	1,315,736	1,973,686
H. Prevention and control of civil disorders	75,000	250,000	116,981	175,436	263,147	394,736
I. Improvement of community relations	175,000	215,500	233,962	526,316	1,052,589	1,973,686
J. Research and development (including evaluation)	195,000	300,000	233,962	350,878	526,294	789,474
K. Drug abuse prevention, treatment, and control	702,000	930,000	1,637,731	2,807,024	3,947,209	5,921,058
Total	7,604,000	9,333,000	11,698,075	17,543,881	26,314,724	39,473,718

By Mr. McGOVERN:

S. 3138. A bill to provide price support for milk at not less than 90 per centum of the parity price therefor. Referred to the Committee on Agriculture and Forestry.

MILK SUPPORT RAISE

Mr. McGOVERN. Mr. President, by April 1, Secretary of Agriculture Earl L. Butz will announce the price support level for milk. Under the terms of the bill I introduce today, he would be required to set the loan rate at not less than 90 percent of parity. This would raise the national average support price for milk used for manufacturing to about $5.41 per hundredweight. The December average was $5.05.

An increase in the loan rate to 90 percent of parity is clearly required if this Nation is to preserve a strong milk industry and to assure our dairymen an adequate income in the face of ever-increasing costs. While our Nation's dairy producers receive a price closer to parity than many other of our Nation's farmers, I think every Member of the Senate would agree with the statement that no one works harder for his pay. His is a day-in and day-out operation, twice a day, 7 days a week, all year long. It is difficult and arduous work.

Mr. President, when the Department of Agriculture analyzes this bill, it is my hope they will give ample consideration to the need for incentives to encourage young people to pursue careers in agriculture. The average age of the American farmer is now about 57 years old. Many young men do not elect careers as dairy farmers, for example, because of the long hours for little pay. Unless we take steps immediately, 10 years from now we may find a new system has taken over agricultural production, including our dairy farms. It will not be the sons of today's farm operators. It will be a system vertically integrated, owned by corporate conglomerates, with the employees on the farm relegated to the role of hired hands.

While it is imperative we act to control the acquisition of farms by the corporate few and eliminate the tax write-offs these Wall Street farmers enjoy, unless we provide farmers with a fair price, they will quit farming regardless.

So while the effect of this bill would put the dairy operator in better shape than many other farmers. Dairy farmers would still be receiving 10 percent less than a fair price.

The terms of the bill are very simple. For the benefit of the Members who are interested in this proposed legislation, I ask unanimous consent that the bill be inserted in the RECORD at this point.

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

S. 3138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202 of the Agricultural Act of 1970 is amended by striking out the language preceding paragraph (a) and inserting in lieu thereof the following: "Effective beginning April 1, 1972—".

(b) Paragraph (b) of such section 202 is amended to read as follows:

"(b) Paragraph (c) of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446 (c)), is amended to read as follows:

"(c) The price of milk shall be supported at such level not less than 90 per centum of the parity price therefor as the Secretary determines necessary to assure an adequate

supply. Such price support shall be provided through purchases of milk and the products of milk.".

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

Mr. BEALL. Mr. President, on January 27, 1971, I introduced S. 325, a bill to establish a survivor annuity program for widows of military personnel.

Thirty-three Members of the Senate are cosponsors of this measure, and I am pleased that the Senator from Wyoming (Mr. McGEE) has joined in cosponsorship.

I ask unanimous consent that at the next printing of the bill his name be added.

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

S. 869

At the request of Mr. RIBICOFF, the Senator from Rhode Island (Mr. PASTORE), was added as a cosponsor of S. 869, a bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns.

S. 1379

At the request of Mr. JORDAN of Idaho, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 1379, to authorize the Secretary of Agriculture to establish a volunteers in the national forests program.

S. 2091

At the request of Mr. CRANSTON, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 2091, the Veterans' Employment and Readjustment Act of 1971.

S. 3000

At the request of Mr. BAKER, the Senator from Nebraska (Mr. HRUSKA), the Senator from Pennsylvania (Mr. SCOTT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Ohio (Mr. TAFT), and the Senator from Delaware (Mr. ROTH), were added as cosponsors of S. 3000, the Coal Strip Mine Control Act.

S. 3057 AND S. 3058

At the request of Mr. PROXMIRE, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 3057, a bill which would impose an excise tax on fuels containing sulfur and on certain emissions of sulfur oxide; and S. 3058, the Solid Waste Management Act of 1972.

S. 3083

At the request of Mr. Moss, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 3083, the Truth in Food Labeling Act.

S. 3121

At the request of Mr. SCOTT, the Senator from Maryland (Mr. BEALL) and the Senator from Hawaii (Mr. FONG) were added as cosponsors of S. 3121, a bill to extend the Civil Rights Commission for 5 years.

SENATE JOINT RESOLUTION 171

At the request of Mr. MATHIAS, the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of Senate Joint Resolution 171, designating March 1972 as "Exceptional Children's Month."

SENATE JOINT RESOLUTION 181

Mr. BEALL. Mr. President, on December 6, 1971, I introduced Senate Joint Resolution 181 to establish a Joint Committee on Aging.

In addition to its other responsibilities, this committee would be given the specific assignment of following up on the White House Conference on Aging.

I am pleased to add the name of the Senator from Ohio (Mr. TAFT) to those who have agreed to cosponsor this measure, and I ask unanimous consent that at the next printing of the bill his name be added.

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

SENATE JOINT RESOLUTION 189

At the request of Mr. BROCK, the Senator from North Carolina (Mr. ERVIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), the Senator from West Virginia (Mr. BYRD), the Senator from Utah (Mr. BENNETT), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Wyoming (Mr. HANSEN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Kansas (Mr. PEARSON), the Senator from Maryland (Mr. BEALL), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. TUNNEY), the Senator from Delaware (Mr. ROTH), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Alabama (Mr. ALLEN) 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.

SENATE RESOLUTION 255—ORIGINAL RESOLUTION REPORTED PROVIDING ADDITIONAL FUNDS FOR THE COMMITTEE ON THE JUDICIARY

(Referred to the Committee on Rules and Administration.)

Mr. BYRD of West Virginia for Mr. EASTLAND, from the Committee on the Judiciary, reported the following resolution:

S. RES. 255

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $10,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

SENATE RESOLUTION 256—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

(Referred to the Committee on Rules and Administration.)

Mr. BYRD of West Virginia for Mr. EASTLAND, from the Committee on the Judiciary, reported the following resolution:

S. RES. 256

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate so far as applicable, the Committee on the Judiciary, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services or personnel of any such department or agency.

SEC. 2. The Committee on the Judiciary, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $3,994,200 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution. For the purposes of this resolution, the committee or a duly authorized subcommittee thereof, or the chairman of the committee or of such subcommittees, or any other member of the committee or of such subcommittee designated by the chairman of the committee may issue subpoenas under the authority vested in the committee by section 134(a) of such Act.

SEC. 3. Not to exceed $353,900 shall be available for a study or investigation of administrative practice and procedure, of which amount not to exceed $3,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 4. Not to exceed $769,500 shall be available for a study or investigation of antitrust and monopoly, of which amount not to exceed $10,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 5. Not to exceed $244,000 shall be available for a study or investigation of constitutional amendments, of which amount not to exceed $7,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 6. Not to exceed $300,000 shall be available for a study or investigation of constitutional rights, of which amount not to exceed $10,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 7. Not to exceed $220,000 shall be available for a study or investigation of criminal laws and procedures.

SEC. 8. Not to exceed $13,500 shall be available for a study or investigation of Federal charters, holidays, and celebrations.

SEC. 9. Not to exceed $230,000 shall be available for a study or investigation of immigration and naturalization.

SEC. 10. Not to exceed $253,000 shall be available for a study or investigation of improvements in judicial machinery.

SEC. 11. Not to exceed $599,356.78 shall be available for a complete and continuing study and investigation of (1) the administration, operation, and enforcement of the Internal Security Act of 1950, as amended, (2) the administration, operation, and enforcement of other laws relating to espionage, sabotage,

and the protection of the internal security of the United States, and (3) the extent, nature, and effect of subversive activities in the United States, its territories and possessions, including, but not limited to, espionage, sabotage, and infiltration by persons who are or may be under the domination of the foreign government or organizations controlling the world Communist movement or any other movement seeking to overthrow the Government of the United States by force and violence or otherwise threatening the internal security of the United States. Of such $599,356.78 not to exceed $3,600 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 12. Not to exceed $340,000 shall be available for a study or investigation of juvenile delinquency, of which amount not to exceed $14,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 13. Not to exceed $140,000 shall be available for a study or investigation of patents, trademarks, and copyrights.

SEC. 14. Not to exceed $74,900 shall be available for a study or investigation of national penitentiaries, of which amount not to exceed $1,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 15. Not to exceed $174,500 shall be available for a study or investigation of refugees and escapees.

SEC. 16. Not to exceed $61,900 shall be available for a study or investigation of revision and codification.

SEC. 17. Not to exceed $220,000 shall be available for a study or investigation of separation of powers between the executive, judicial, and legislative branches of Government, of which amount not to exceed $16,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 18. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date but not later than February 28, 1973.

SEC. 19. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

GREAT SALT LAKE NATIONAL MONUMENT—AMENDMENT

AMENDMENT NO. 868

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. MOSS. Mr. President, I am today introducing an amendment in the nature of a substitute to S. 25, the bill I reintroduced last year to establish the Great Salt Lake National Monument on Antelope Island in the Great Salt Lake.

The bill as originally introduced provided that all of Antelope Island, which is 15 miles long, and 4 miles wide, be developed as the national monument. This amendment provides that some 2,000 acres of the island at the northern end, which the State of Utah has been developing as a State park, be excluded, and not contained in the national monument.

In excluding this area from the proposed national monument, it is understood that the State of Utah will continue to maintain close rapport with the National Park Service in developing the State park, and that any development of roads and recreation facilities which is undertaken will be fully compatible with the development the Federal Government will undertake in the national monument. This will assure that the island will be developed as a unified whole, and its full potential reached as a scenic, historic, geological, and recreational attraction.

The proper development of Great Salt Lake has been a goal of mine ever since I came to Congress in 1959. Beginning with the 86th Congress, and in each succeeding Congress, I have introduced national park and national monument bills on which extensive hearings have been held both in Utah and in Washington. In the 90th Congress, my Great Salt Lake monument bill passed the Senate, but never cleared the House

In the amended version of S. 5, which I introduce today, I feel confident we have the formula for a bill which can be widely supported both in Utah and in Washington. The State can continue to develop the 7-mile causeway which it has built to a graveled standard from the eastern short to the north end of the island, and which is now almost impassable at times, because of wind and wave action. It can also continue to build picnic areas, improve swimming beaches, and boat ramps and develop interpretative exhibits on the northern end of the island.

With passage of S. 5, as amended, the National Park Service can begin reconstruction of the causeway from the mainland to the southern end of the island, and to build a loop road which will circle the island, a visitors center, additional campgrounds, and beach and marina facilities. It can also begin to develop the interpretative exhibits which allow the public to appreciate the truly unique geological features of Antelope Island—some of the most remarkable in the United States.

I am convinced, Mr. President, that the type of joint effort I have described on Antelope Island would provide the preservation and treatment that Great Salt Lake should have. This concept has the support of the Governor of Utah, the Utah State Division of Parks and Recreation, and of officials of the Golden Spike Empire, a civic group dedicated to the full development of recreational and scenic assets in northern Utah.

I have requested the chairman of the Senate Subcommittee on Parks and Recreation, Senator ALAN BIBLE, to hold hearings on S. 25, the Great Salt Lake Monument bill, sometime during this spring. I am confident that the case can be made for reporting the bill, as now amended, and getting on with the job of preserving, and making accessible to all of our people, this most unusual island in Utah's unique inland sea.

I ask that a copy of the amended bill be printed at the conclusion of this statement.

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

AMENDMENT NO. 868

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior may acquire on behalf of the United States by gift, purchase with donated or appropriated funds, or exchange, lands, submerged lands, waters, and interests therein, within the area described in subsection (b) of this section for establishment as the Great Salt Lake National Monument.

(b) (1) The area referred to in subsection (a) of this section means, subject to the provisions of paragraph (2) of this subsection—

(A) all of that certain area which, under the Federal survey of 1876, was described as Antelope Island, in the Great Salt Lake, and which is within the metes and bounds of such island as established by the meander line under such survey, plus

(B) all of that certain area (consisting of submerged restricted lands and waters) appurtenant to the area described in paragraph (A) and bounded by a line which lies one thousand yards distant from the nearest portion of any part of the area described in paragraph (A).

(2) Notwithstanding the provisions of paragraph (1) of this subsection, the area comprising the northern two thousand acres of Antelope Island and appurtenant waters (Utah State Park) shall not be included as a part of the Great Salt Lake National Monument.

(c) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the national monument, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the State of Utah which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

SEC. 2. When the Secretary of the Interior determines that lands and waters or interests therein within the area described in the first section of this Act have been acquired by the United States in sufficient quantity to provide an administrable unit, he may establish the Great Salt Lake National Monument by publication of notice in the Federal Register.

SEC. 3. (a) The Secretary of the Interior shall administer the Great Salt Lake National Monument in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented, and in connection therewith he shall provide such interpretive and educational facilities as are necessary to depict for the education and inspiration of the people of the United States the scientific history of the Great Salt Lake and its environs.

(b) Nothing in this Act shall be construed as requiring that the water level of Great Salt Lake shall be maintained at a constant level, and nothing in this Act shall be construed to prevent or inhibit the State of Utah or its authorized agents from exercising any right the State may have to build dikes on the bed of the Great Salt Lake, to raise or lower water levels bordering the Great Salt Lake National Monument, or after consultation with and approval of the Secretary, to build dikes within the national monument to establish or maintain water levels.

SEC. 4. Neither the provisions of this Act nor the establishment of a monument pursuant to this Act shall be construed as (1) restricting or preventing in any way the acquisition, on or after the date of its enactment, by the State of Utah, any political subdivision thereof, or any person of any right with respect to (A) any water flowing into the Great Salt Lake; (B) any water comprising a part of the Great Salt Lake; or (C) any minerals (including oil or gas) or chemicals within or which under the Great Lake; or (2) impairing, diminishing, or affecting in any way any valid right of any such State, subdivision, or person existing on the date of enactment of this Act with respect to any

such water, minerals (including oil or gas), or chemicals; except that nothing in this section shall be construed as authorizing any such State, or a political subdivision thereof, or person to exercise any such rights referred to in this section within the boundaries of any monument established pursuant to this Act, except to build dikes within such monument, as provided in section 3 hereof; or (3) restricting or preventing the State from exercising any right it may have to construct roads or dikes across any part of the Great Salt Lake, to alter the shoreline, or to take any other lawful action on the shores or bed of the Great Salt Lake outside of such monument.

SEC. 5. There are authorized to be appropriated not to exceed $1,600,000 for acquisition and $9,135,000 for development to carry out the provisions of this Act.

HOUSING FOR THE ELDERLY—AMENDMENT

AMENDMENT NO. 869

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

Mr. CRANSTON. Mr. President, today I am announcing a 5-point program to provide the elderly with better housing.

In the form of amendments to S. 2049, the administration's Housing and Simplification Act, I seek to:

First, earmark for the elderly at least 15 percent, but not more than 25 percent, of the national allocation for multifamily projects. The administration bill does not provide this set-aside.

Second, make up to 40 percent of units in an all-elderly subsidized project eligible for rent supplement. Under the administration bill, up to 20 percent of a multifamily project may be rent supplement.

Third, grant the Department of Housing and Urban Development the authority to enter into agreements with the Department of Health, Education, and Welfare and the Department of Agriculture to provide social services and food service in subsidized housing projects for the elderly. HUD and HEW have a cooperative agreement to provide social services in public housing projects, but no provision extends such services to subsidized housing.

Fourth, subsidize the cost of constructing added space to common facilities in elderly projects in order to accommodate elderly persons living nearby the project. At present, no subsidy is provided to enlarge common facilities so that elderly living outside the project can be served.

My fifth proposal amends the Housing Act of 1964 by authorizing low-interest loans of up to $4,000 to elderly homeowners for home repair and maintenance. Such loans would become payable only after the homeowner died or transferred his property, and would be applicable anywhere.

These amendments reflect recommendations made by the 1971 White House Conference on Aging and by the National Council of Senior Citizens. I believe that when citizen groups make sound recommendations, legislators should help shape those ideas into laws.

With the exception of public housing, the elderly are not being adequately served by existing housing programs. Six million Americans 65 years and older continue to live in substandard housing units. We need to provide older Americans with more housing opportunities and a better choice of housing.

The first recommendation of the White House Conference on Aging asked that the elderly be guaranteed a fair share of all housing programs. According to the National Council of Senior Citizens, 17.5 percent of all poor are elderly persons, 62 years of age or over. The latest statistics we have available show that from the inception of the 236 multifamily program through December 31, 1970, approximately 112,841 units were built. Of these, 11,982 or 10.8 percent were devoted to housing the elderly. I am asking that we reserve the elderly poor a share of subsidized housing commensurate with their number in the population. A fair share, I believe, is to reserve between 15 and 25 percent of multifamily units for the elderly.

My second amendment provides that up to 40 percent of the units of an all-elderly subsidized housing project may receive rent supplement. The administration's bill would permit rent supplements for up to 20 percent of the units.

For individuals living below the poverty level, the subsidy provided for multiunit housing is not sufficient to make up the difference between actual rental cost and the maximum rent they may be charged—25 percent of income. In order for these individuals to afford to live in federally subsidized apartments, they must receive a rent supplement in addition to subsidy assistance.

In 1971, the likelihood of being impoverished was more than twice as great for Americans 65 years of age and older than it was for younger Americans. One out of every four persons 65 and older—in contrast to one out of every nine for younger individuals—lives in poverty, according to a report of the Senate Select Committee on Aging. In order to provide the elderly with equal assistance, twice as many should therefore be entitled to rent supplements.

By increasing the number of elderly individuals eligible for rent supplements, we will also make 236 projects economically viable in neighborhoods where the concentration of elderly poor is so large that it would preclude such housing. In a 1970 report to the Congress, for instance, HUD pointed out that one city which had recently completed a neighborhood survey found that one-fifth of its model neighborhood population was elderly, and of that, 93 percent had incomes below the poverty level.

Many elderly express the desire to remain in neighborhoods where they have lived for an extended period of time. They prefer to remain in a familiar environment rather than move to a strange one. Where neighborhoods have a high concentration of elderly poor, a 20-percent limit on rent supplements would preclude subsidized housing for all but a few. My amendment will help provide more housing opportunities for the elderly in neighborhoods where they are living.

The 20-percent rent supplement was imposed in part because of a finding that sociological problems such as juvenile delinquency and family dissolution increased in federally assisted housing with high concentrations of poor. This finding, however, did not apply to the elderly poor.

My third amendment provides that the Department of Housing and Urban Development can enter into agreements with the Department of Health, Education, and Welfare and the Department of Agriculture to provide certain services in section 236 housing.

HUD has already entered into agreements with HEW to supply services in certain public housing projects. These services include: housing and finance counseling; homemaking services; educational activities; recreational services; preventive, referral, and diagnostic health services; physical activity programs; mental health counseling; and tenant organization. Programs are currently being carried on in Philadelphia, Baltimore, Knoxville, and Atlanta. HUD pays 25 percent of the cost of the service, and HEW pays 75 percent.

Currently, there is no Federal program to provide these social or food services in 236 housing. According to HUD, only a small portion of nonprofit sponsors—less than 5 percent—could provide these services without financial assistance. Profit sponsors are unwilling to provide these services without compensation. But these services are necessary to make elderly facilities more than merely a shell, housing elderly citizens. They help to provide a community for elderly. They also enhance the possibility for the frail aged to maintain an independent style of life. Without the benefit of food, health, and homemaker services, many frail elderly, who are not seriously ill, are forced into nursing homes. By providing services in 236 elderly projects, we will help avoid this extreme step.

The amendment also provides that HUD can enter into contracts with the Department of Agriculture to provide food service in 236 elderly projects. Where food service is now provided in either public housing or 236 projects, the residents are charged a standard rate. As a result, projects are forced to exclude low-income residents who cannot afford the cost of the food service. Under my amendment, the ability to pay for food service would not be tied to eligibility for residence. All residents of a 236 elderly project would be entitled to the food service and would be charged according to what they could afford.

Another recommendation of the White House Conference on Aging was to have common facilities in subsidized housing serve not only the elderly within the project, but also elderly living in their own homes or apartments near the project.

My fourth amendment provides supplemental loans for the construction of common facilities in 236 projects that will accommodate elderly living in neighborhoods near the project. At present, there is no subsidy available for the construction of this additional space.

Many elderly would like to live in 236

housing but are unable to find available units. Others prefer to keep their homes or apartments rather than move into a new facility. These elderly, like those residing in the project, need supportive services. Some cannot cook for themselves or cannot afford a nutritious diet. They need health and recreational services but have none close at hand. Their circle of relatives and friends has dwindled—they feel isolated and alone.

By breaking down the barriers between project and nonproject residents, this amendment will make a 236 elderly project a neighborhood resource. It will provide elderly in close proximity to the project with the chance to share meals, recreation, and other activities. For those elderly who seek a renewed sense of community, this amendment will pave the way.

My proposal authorizes an appropriation of $10,000,000 to HUD per year for an experimental program of 3 years. These moneys will provide supplemental loans to construct additional space in common facilities to serve community residents. For example, a congregate facility plans a dining room to seat 200 residents. This amendment would allow a supplemental loan to construct additional space for 100 more outsiders. The outsiders would pay for the cost of the facility by fees charged for using the dining facility. Individual fees would be geared to income. The owners will receive a subsidy on the mortgage amount required to construct the additional common facilities. The percentage of the supplemental mortgage which will be subsidized will be equal to the percentage of subsidy on the building's mortgage without the supplemental loan.

A survey must be made by the owner or sponsors of the project to determine the number of outsiders likely to use the facility before a supplemental loan will be provided.

A large proportion of the elderly—nearly 70 percent—own their own homes; more than 80 percent own them mortgage free. To so many elderly, a home represents a life-long investment. Despite problems of a limited income and advancing age, they want to remain in their homes, but find that the cost of upkeep, daily operation, and structural repairs are far beyond their reach. I believe we should—we should help the elderly remain homeowners if that is their choice.

My amendment to section 312 of the National Housing Act would allow elderly homeowners with an individual income of $6,000 or less, or a family income of $9,000 or less, up to $4,000 in loans for repairs, maintenance—such as gas and electricity—and insurance. A revolving fund of $50,000,000 will be appropriated each fiscal year, beginning June 30, 1972, to carry out the loan program.

The home repair and maintenance loan will be made by the Department of Housing and Urban Development and will not become due until the homeowner dies or transfers the property. To be eligible a homeowner must have enough equity in his home to cover the loan principal plus interest payments—at least 3 percent interest—for 10 years.

At present there is no loan program to cover maintenance and insurance costs. Through this amendment, elderly persons with sufficient equity in their homes can reduce their monthly expenses. To older Americans on a very small income, this loan may mean the difference between holding on to the home or having to give it up.

HUD's current rehabilitation loan program is limited to urban renewal, code enforcement, and concentrated rehabilitation areas. Loans are only available to bring homes all the way up to urban renewal code standards. Where individuals do not reside in these areas, the only available assistance is in the form of short-term rehabilitation loans at high interest. Older Americans on limited incomes cannot afford such loans.

Under my amendment, no loan payments will be required of the elderly while they continue to own and occupy the property. At the time of transfer, the loan would be paid off from the proceeds of sale. Upon death payment of the loan will come from the liquidation of assets in the estate. The loan program will be applicable without any area restriction, and thus homeowners not served by loans under section 312 in particular, the elderly in rural areas—will derive benefit. Moreover, the extent and kinds of repairs will be left up to the individual homeowner.

I believe this loan program will give more elderly persons the opportunity to live out their lives in their own homes, in a manner which gives them dignity.

Last, I support the creation of an Assistant Secretary of Housing for the Elderly in HUD, as proposed in separate bills by Senators CHARLES PERCY of Illinois and HARRISON WILLIAMS of New Jersey. I concur with my colleagues that the housing needs of the elderly are unique and have so far not been adequately represented within the Department.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 870

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

Mr. NELSON. Mr. President, under the present Social Security Act, as interpreted by the Social Security Administration, doctors cannot be reimbursed under medicare, part B, for services performed by physicians' assistants unless the assistants are physically in the same office or room with the supervising physician. This amendment would correct that situation.

The physician's assistant, or medex, is a new and growing paraprofessional in the health industry. He is intended to be an extension of the physician's arm, someone who can absorb a number of duties ordinarily performed by a physician, but which a physician's assistant can be trained to perform. In such a role, a physician's assistant can free a doctor for more demanding and complicated medical tasks. The goal of a doctor's having such a helper is to enable the doctor to see more patients. Studies show that this actually happens when doctors hire PA's.

The law as it is now interpreted precludes medicare reimbursement for the services of physicians' assistants who, although they perform under the supervision of doctors, may make house calls, nursing home visits and checkups, or perform certain tasks in a clinic where the supervising doctor is not physically present but is in electronic communication with the clinic and the physicians' assistant.

At present, there are an estimated 116 physicians' assistants employed around the Nation. Approximately 569 more are expected to graduate from training programs by June of this year.

The American Medical Association, which recently conducted a review of the use of PA's, reported that the demand for such trained personnel is overwhelming and likely to grow.

The Health Professions Education Act, a 3-year authorization for the training of health personnel, which was signed into law November 18, 1971, provides Federal support of $1,000 per year for students training to be physicians' assistants.

The Department of Health, Education, and Welfare is supporting training for PA's in several of its bureaus, under health manpower legislation, allied health legislation, research and development authorization.

Thus, it is inconsistent for the Federal Government to encourage the training and use of these type of health personnel on one hand, and to deny insurance reimbursement for some of their services on the other.

This amendment would add clarifying language to the Social Security Act, section 1861(2)(a), which contains definitions of medical services eligible for medicare coverage.

The amendment is not designed to allow physician's assistants to practice autonomously, or without supervision from the doctor who employs them.

It also would require that physicians' assistants be legally authorized to perform services under State law.

And, it recognizes that the doctor employing a PA must accept full legal and ethical responsibility for the PA's actions.

The AMA is currently drafting a national certification program for physicians' assistants. HEW is looking at the possibility of setting guidelines and standards for the training of them.

It is clear that this new category of health personnel is here to stay, and that clarifying language is necessary to insure that his services are reimbursable under medicare. To preclude such reimbursement defeats the purpose of having such personnel.

I ask unanimous consent that two articles on physicians' assistants and the complete text of my amendment be printed at this point in the RECORD.

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

AMENDMENT NO. 870

On page 176, between lines 13 and 14, insert the following new section:

COVERAGE, UNDER SUPPLEMENTARY INSURANCE PROGRAM, OF CERTAIN SERVICES PERFORMED BY PHYSICIANS' ASSISTANTS

SEC. 212. Section 1861(s)(2)(A) of the Social Security Act is amended by inserting immediately before the semicolon at the end thereof the following: "(including services performed by an assistant to a physician, whether or not performed in the office of or at a place at which such physician is physically present, if such services are services which such assistant is legally authorized to perform by the State or political subdivision wherein such services are performed, if such physician assumes full legal and ethical responsibility for the necessity, propriety, and quality of such services, and if any charge for such services is included in the physician's bills)".

[From the American Medical News, October 25, 1971]

"MD's ASSISTANT" IN DEMAND

Six years ago Eugene A. Stead, M.D., then director of Duke U.'s Dept. of Medicine, proposed a new category of health professionals—the "physician's assistant"—as a partial answer to increased demands on America's physicians, demands which medical schools could not meet.

As of Aug. 31 of this year, there were 116 physician's assistants employed in the nation.

But the debate triggered by Dr. Stead's proposal six years ago is going on today. Some medical leaders are concerned that the assistant might become an independent practitioner, a "second-class physician"; that an unsatisfied assistant might "shop around" seeking the highest bidder for his services; that the assistant might be left stranded should his MD-employer die.

The AMA, noting some states have entertained proposals to exclude the use of PAs, warns it is in the public interest to preserve the doctor's right to use them. Meanwhile, studies are now underway on the feasibility of alternative measures of control, including a national certification program for various types of PAs.

In preparing a progress report on the PA movement, American Medical News talked to the men who originated the concept, to the assistants and would-be assistants themselves, and to their physician-employers. These interviews identified four major trends:

Demand for the most advanced prototype of PA, such as the type evolving in Medex, at Duke U., and those patterned after Duke, is at present overwhelming.

Programs are increasingly training PA "specialists" to complement the earlier PA "generalist." Job guidelines issued by the AMA and specialty groups have contributed to this trend.

More than half of employed PAs practice in institutional, rather than office settings.

Experimental approaches are being tested to use the PA in settings physically removed from the physician-employer, but linked by electronic communications.

Demand for the highly-trained PA, officially defined by AMA as "a skilled person qualified . . . to provide patient services under the supervision of a licensed physician," is at present overwhelming.

Graduates of the two primary educational models—the two-year Physician's Associate program at Duke U. and the 15-month Medex program at the U. of Washington—are in a "shoppers' market" and will be for some time. Students in the Medex program are guaranteed employment since they are not accepted without sponsoring physicians who pledge need for their services.

Of the 569 projected graduates of PA programs by June of 1972, these two primary models will have accounted for 198 of them. The Duke program is now being essentially duplicated at five other medical schools; and the Medex program, which started at the U. of Washington, has also spread to five schools.

In addition to the 116 PAs employed as of Aug. 31, another 25—who graduated last month from the Duke program—have found employment.

By year's end there will be an estimated 595 students in PA courses. And, the Air Force has announced plans to begin training the first of 400 PAs by next February. In all, AMA's Dept. of Health Manpower identified 51 PA programs, 39 of them operational and 25 of which will have graduates by June, 1972.

The recent trend toward training PA specialists is a departure from the original idea that the assistant would support the overworked primary-care physician, particularly in rural settings. That early concept of the PA has been broadened to include specialty training in surgery, pediatrics, radiology, community medicine, obstetrics and gynecology, psychiatry, and pathology.

D. Robert Howard, MD, director of the Duke program, commented on the specialist trend.

Duke is capable of training two classes of 40 students each year, he said. However, physical and faculty limitations permit only 50 of these 80 to be trained in primary care. And, once specialists at Duke saw the potential of the PA, they began to generate "an interest . . . in training, assistants who could support them," Dr. Howard said.

This also "provided us with a much bigger faculty because we could use all the departments . . . [this] made the basic curriculum much stronger," he added.

Richard A. Smith, MD, who with the medical school and state medical society founded Medex, noted that the program's first specialist—the "Flexner"—is now in training.

A Flexner, named after the late Abraham Flexner of medical education fame, is defined by Dr. Smith as a "physician's assistant trained in the surgical skills." Dr. Smith published a suggested nomenclature for healthmanpower, including the Flexner, in the Sept. 6 issue of *The Journal of the AMA*.

Despite the rise of PA specialists, the generalists are still well represented. There are 78 students in the Duke U. classes of '72 and '73 and 35 (45%) elected generalistic training; most of the rest (24) elected surgical concentrations.

The Medex program—with the exception of the recent Flexner—is limited to PA generalists to serve general practitioners on a one-to-one basis. AMA figures show that 37 Medex generalists have been certified, and another 70 are enrolled in the program which includes three months of medical school training and a 12-month preceptorship.

Perhaps the most striking fact disclosed by the AMA survey of PA employment is that of the 116 assistants in practice, more than half work in institutional settings. Two such PAs—both graduates of the Duke surgical program—were hired by a large Eastern hospital that had difficulty staffing its residencies; their reported salaries are $16,000 each.

One reason for the limited number of PAs in "office practice" at present is that many of the original graduates have been usurped as administrators and advisers to programs started at other schools.

Paul Toth, a 1970 PA graduate of Duke who specialized in surgery, is one such individual. He thinks the impact of the PA is just beginning to be felt.

Toth, now clinical coordinator for surgical rotations at Duke, said: "When you think that we have 71 [Duke] graduates in practice and it's taken us five years to do that, whereas this next class will graduate 40 students, you can see that in one year we'll turn out more than half the graduates it had previously taken us five years to train."

A final trend noted by *AMN* in its interviews is the use of electronic communications. Two recent Duke PA graduates now practice in rural areas in Florida and Wyoming. Though removed by many miles from their physician-employers, the assistants are directly responsible to the MDs and can consult with them via electronic hookups.

SUMMARY OF PHYSICIAN'S ASSISTANT PROGRAMS

	Training time	Estimated graduates, June 1972
Operational programs training generalists:		
Medex, University of Washington	15 months	33.
Medex, University of Alabama	1 year	22.
Medex, Charles Drew Postgraduate Medical School, Los Angeles.	15 months	0.
Medex, Dartmouth Medical School	1 year	22.
Medex, University of North Dakota	15 months	19.
Medex, University of Utah	do	12.
Physician's associate, University of Alabama	2 years	0.
Community health medid, Tucson, Ariz. [1]	do	Unknown.
Physician's associate, Yale University School of Medicine	do	0.
Clinical assistant, University of Kentucky	do	1.
Physician's assistant, Northeastern University, Boston	18 months	0.
Medical services assistant, Brooklyn Hospital, Brooklyn, N.Y.	2 years	13.
Marine physician's assistant, U.S. Public Health Service Hospital, Staten Island, N.Y.* [1].	1 year	148.
Physician's associate, State University of New York, Stony Brook.	3 years	0.
Physician's associate, University of Oklahoma	2 years	7.
Physician's assistant, Hahnemann Medical College, Philadelphia.	do	0.
Physician's assistant, Federal Bureau of Prisons	1 year	4.
Clinical associate, University of Texas Medical Branch, Galveston.	2 years	Unknown.
Physician's assistant, Alderson-Broaddus, Philippi, W. Va.	4 years	16.

	Training time	Estimated graduates, June 1972
Operational programs training specialists:		
Flexner, University of Washington Medical School	Undetermined.	0.
Physician's assistant, (diabetes), diabetes trust fund, Birmingham, Ala.	2 years	0.
Pathology assistant, University of Alabama Medical Center, Birmingham.	do	4.
Surgeon's associate, University of Alabama Medical Center, Birmingham.	do	8.
Child health associate, University of Colorado, Denver	3 years	9.
Ophthalmic technologist, Georgetown University Hospital, Washington, D.C.	2 years	15.
Anesthesia technology, Emory University School of Medicine., Atlanta, Ga.	21 months	3.
Dermatology assistant, Pritzker School of Medicine, Chicago.	2 years	Unknown.
Ophthalmic assistant, Columbia-Presbyterian Medical Center, New York, N.Y.	18 months	Do.
Surgical assistant and associate, Cincinnati Technical Institute, Cincinnati, Ohio.	2 years	0.
Anesthesia assistant and associate, Case Western Reserve University, Cleveland.	2 to 4 years.	0.
Circulation technologist, Ohio State University of Medicine, Columbus.	2 or more years.	6.
Ophthalmic assistant, Baylor University College of Medicine, Houston.	14 months	46.

Footnotes at end of table.

	Training time	Estimated graduates, June 1972
Operational programs training generalists—Continued		
Cardiopulmonary technician, Spokane Community College, Spokane, Wash.	2 years	35.
Special assistant, Cuyahoga Community College, Parma, Ohio.	do	19.
Operational programs training specialists and generalists:		
Physician's associate, Duke University, Durham, N.C.	do	74.
Physician's associate, Emory University, Atlanta, Ga.	3 years	13.
Physician's assistant, Wake Forest University, Winston-Salem, N.C.	2 years	8.
Physician's assistant, Marshfield Clinic, Marshfield, Wis.	Preceptorships of varying lengths.	11.
Physician's Clinical assistant, Cleveland Clinic Foundation, 1	year, generalist; 2 years, specialist.	21.
Developing programs:		
Physician's assistant, Stanford University, Palo Alto, Calif.	1 year with extra year optional.	
Physician's assistant, University of Texas Southwestern Medical School, Dallas.	2 years	
Physician's assistant, University of Florida	do	
Physician's assistant, Medical College of Georgia, Augusta.	Unknown	
Physician's assistant, Western Michigan University, Kalamazoo.	30 months	
Programs of unknown status:		
Physician's assistant, Rutgers University, New Brunswick, N.J.		
Physician's assistant, University of Oregon, Portland		
Physician's assistant, Harbor General Hospital, Torrance, Calif.		
Physician's assistant District of Columbia General Hospital		
Physician's assistant, Mercy Hospital, San Diego, Calif.		
Cardiovascular technician, Washington Hospital Center, Washington, D.C.		
Surgical assistant, Massachusetts General Hospital, Boston		

[1] Federal programs.

Note: Data compiled from (1) 1971 Survey of Operational Physicians Assistant Programs, (2) nformational Bulletin—September, 1971, Department of Health Manpower, American Medical Association, (3) Selected Training Programs for Physician Support Personnel Health Manpower Data Series, Public Health Service, U.S. Department of Health, Education, and Welfare, March 1971.

"THIS MAN CAN HELP US . ."

Larry B. King, at 33, is an example of the new breed of PA "specialist," who has opened new doors for his physician-employers.

King went to work as an x-ray technologist in Knoxville, Tenn. after completing a course at Duke U. in 1958. He continued in similar duties during his Army career and following that, in 1964, the native of Durham, N.C., went to work for a surgeon at Duke.

This is where he "got interested in the surgical side," King told *American Medical News*, and it was at this point, at age 31, that he became aware of the Duke PA program.

Had surgery not been offered as a specialty in PA training, King said he might not have entered it. But he did and with the help of his wife, also an x-ray technologist who worked to support them and their two young sons, King was able to graduate.

He went to work immediately for two young Cardiovascular surgeons in Asheville, N.C., MDs Frank Maxton Mauney and Charles A. Keller.

The two MDs had planned to perform open-heart surgery in the Asheville area, and with the assistance of King they have been able to do it. The intense level of care needed for such patients, the surgeons said, required a third person and it might not have been economically feasible to use a third surgeon.

King's proficiency in the use of specialized equipment, his previous background in radiology, his patient history-taking training, and his "aftercare" have added new "scope" and "extra dimensions" to their practice, the two surgeons said.

"We felt because of the way we wanted to conduct our surgery," Dr. Mauney said, "we needed a pump technologist to run the pump for us, according to our desires, because we feel totally responsible." But, rather than hire a technologist, it was decided to obtain the services of someone with a broader background who would be more useful "in the whole concept of our practice," Dr. Mauney said.

The acquisition of King's services has had three primary effects so far, his physician-employers said: It has allowed them to keep one person always free for emergency consultations; there is a more rapid response to consultation requests and diagnostic tests; and King provides better coverage for emergency surgery "because this man knows, and can anticipate, and can help us better than somebody we just have to find in the middle of the night."

"Eventually," Dr. Mauney predicted, "he will be a better first assistant because he'll be specialized in our area of surgery."

King cited two examples of the work he does:

It was 3 a.m. on Friday, Sept. 24, when the call arrived at the King household. An 87-year-old man with an aneurysm of the aorta. By 4 a.m. King was the first assistant in surgery, thus freeing Dr. Keller for the next day's hospital rounds.

On Sept. 28, two patients of Drs. Keller and Mauney were admitted to Memorial Mission's emergency room. The MDs were tied up and King was the only one available. "I came over to see them to evaluate whether this was an emergency that they (Dr. Mauney or Keller) should definitely come in on during the next 10 minutes or whether it would be all right for them to finish what they were doing," he said.

Being the first PA at Asheville's Memorial Mission Hospital is not easy. There are problems of acceptance, based on real concerns that other health professionals, primarily nurses, and patients have.

A spokesman for the hospital, told AMN that in the short period of time he has been there, King "has been outstandingly well accepted."

"There were the areas that I worried about most," King said, "whether I would be accepted in the O–R, because they had not been used to a non-MD working with the actual incision . . . (and) I worried about the intensive care unit."

"The nurses there are well-trained and know their business," King said. Consequently, King is able to go ahead and order blood if necessary, or start an IV, under guidelines laid down previously by his physician-employers. No call to the physician and a 20-minute wait or so is required of King as might be the case with a nurse.

Acceptance of the PA concept by other physicians has been gratifying, Drs. Mauney and Keller said. Now, after the initial break-in period, Dr. Mauney and King say other physicians are "beginning to open right up" over the telephone and reveal the nature of the patient's problem once they know King is on the other end of the line. "If it's something I can go ahead and give them an answer for I do and if not, I always know where the doctors are and I can get into them in the operating room or x-ray and give [the caller] an answer back very quickly," King said.

Obviously, such trust and independence transcends the normal employer-employee relationship.

As Dr. Keller put it: "Part of how good a PA is going to be is how good the people who have him strive to increase his capacity."

Stephen Joyner, one of the original graduates of the Duke PA program, is now an associate of J. Elliott Dixon, MD, in his clinic in Ayden, N.C. He said:

"We have a very close relationship, Dr. Dixon and I, in the sense that nothing is hidden from me and I'm quite well aware of everything that goes on in this office, including financially . . . I just don't see how I could get along with someone who kept me in the dark about everything."

Joiner added: "He has to be able, at any time, to listen to what I have to say . . . and never be too hurried to listen . . . and I also have to be able to listen to him and accept the final decision.

Dr. Dixon said that this close relationship exists partially because of their age difference. Dr. Dixon is 38 and Joyner 28. It is not an employer-employee relationship, nor is it an MD–MD relationship. He said one patient of his characterized the relationship by saying "you' all don't talk to each other very much." As with close personal relationships, sometimes words are unnecessary for understanding, Dr. Dixon said.

[From Northwest Medicine, October 1971]

INCREASING PHYSICIAN PRODUCTIVITY AND THE HOSPITALIZATION CHARACTERISTCS OF PRACTICES USING MEDEX—A PROGRESS REPORT

(By Richard A. Smith, M.D., James R. Anderson, M.A. and Joseph T. Okimoto, M.D., Seattle, Wash.)

Having developed a mechanism for employment of returning military medical corpsmen after additional medical school training the Medex Program has begun to determine the impact this new professional is having on the delivery of medical care. Comparing 18 practices, it appears that physicians working with Medex have been able to increase their productivity (as measured by patient visits) between 40 and 50 percent. Hospital utilization by a small sample of practices using Medex apparently offers another area for productive research.

It will be years before the full importance of Medex to the medical profession will be known. However, we can begin to collect certain data now that may further define the role and impact of this new professional.[1]

A continuous job (task) analysis is underway to refine and improve the training given to the former military medical corpsmen who become Medex. In addition, certain data have been and will continue to be collected and evaluated to measure parameters of vital

importance to those of us interested in improving medical care.

This paper is concerned with the collection of data regarding the productivity of physicians using Medex as well as hospital utilization patterns of their practices (medical care units).[1] The productivity study has matched nine practices employing Medex (participating medical care units) with nine practices not employing Medex (non-participating medical care units). The hospitalization study relates experiences in five communities from which reliable hospitalization data were obtained.

PRODUCTIVITY MEASURED BY PATIENT VISITS

The underlyng objective of any pragmatic innovation in the health manpower area should be actual increase in the quantity of medical care and health services provided (accessibility), or an improvement in the quality of such care and service, or both. If the potential, or capacity, of a practice unit to see patients is increased, one has increased the accessibility to medical care of a specific population or geographic draw area. Measuring this productivity, as determined by patient visits made to participating and non-participating medical service units during a specified period of time, provides comparative data to determine whether or not significant changes occurred in practices that utilized Medex in the pilot project.

Method

The number of patient visits made to the participating medical service units was counted for the months of November, February, May and August of the year preceding the arrival of the Medex and repeated for those same months during the next year. Time and labor constraints made annual totals difficult if not impossible to obtain in some instances. We therefore settled for counts of patient visits during the second month of each quarter. This schedule allows for some seasonal variation and also contains known peak and low periods.

Enumeration was accomplished by individuals on the health team in the practice units, by Medex staff who traveled to the site of the practice, and by automated data processing equipment. A critical factor in this procedure was the fact that, in every instance, the individual who made the pre-Medex count returned to make the second count in exactly the same way. Thus, although the method of collecting the figures may have varied slightly from practice to practice, there was no change in data collection in any individual practice. Thus each could serve as a control for itself.

We wished to know whether changes in the number of patient visits handled by the practice unit would have occurred if the Medex had not been present. Thus, each of the participating practice units (with Medex) was matched with a nonparticipating practice unit (without Medex) on the basis of geographic location, size of community population served, and proximity to major referral centers.

To collect data for comparison with the nine "no-change" Medex medical care units under study, we counted patient visits for the same periods in the nine non-participating units. Enumeration procedures were the same as for the Medex practice units.

Results

The number of patients seen in the nine practices practices utilizing Medex had a percentage increase of 40.4 percent with range from 13.5 percent to 62.8 percent, Table 1. When multiple physician practices (partnership or group) and a solo practitioner with two Medex in different locations are excluded from the table (B, D, F), the increase is 50.2 percent. Those practices without Medex had an increase in paients visits of 1.3 percent, Table 2. Removal of the only non-solo physician practice (practice unit E) does not alter the figure significantly. (Increase becomes 1.25 percent.)

Discussion

Recognizing the limitations of data supplied by only nine medical service units, it is of significance to note the consistency of the increase in productivity as measured by the number of patient visits made to the units. The increase in patient visits is offset more vividly by comparing the medical service units with Medex with those medical service units that did not have the services of this new professional. A much more critical evaluation of the apparent increase in productivity (as measured by patients' visits) will await similar studies dealing with larger numbers of medical service units.

Probably the most intriguing aspect of the changes in productivity seen in these two tables is the fact that these changes occurred while the Medex were still in training status. It can be predicted that the productivity as measured by patient visits will continue to increase until a plateau is reached. Only by followup studies with these practices can the magnitude of the increases and the timing of the plateau be ascertained.

HOSPITAL ADMISSIONS DATA

It was anticipated that there would be some changes in the picture of patients hospitalized in communities utilizing Medex. It was felt that there might be alterations in the number of patients hospitalized as well as the length of average hospital stay. These changes were predicted on the basis of physisians having the opportunity to share the burden of practice with another professional. Collection of hospital data was limited to five practice units. Inadequacies in total annual patient visit data did not allow study of the number of patients hospitalized.

Method

The method of collecting data was simple. We talked with the hospital administrators in five of the communities involved with the demonstration program. We asked them to furnish us with the number of patients hospitalized by the Medex preceptor in that community and the total number of hospital days required for them. We needed this information to develop some parameters for discussion and to develop possible comparative figures. We requested the same information about patients of all other physicians who admit to that community's hospital, but who do not have Medex working with them. All of these data were collected for two periods: pre-Medex (September 1968-August 1969) and post-Medex (September 1969–August 1970).

The hospital data were obtained without difficulty from the hospital administrators in four of the five communities. In the fifth community two members of the Medex staff traveled to the community hospital and hand-counted patient admissions for the two periods under consideration.

Results

The total number of patients admitted from each of the Medex preceptor practice units increased during the period of observation in four of the five communities listed in Table 3. On the other hand, nonpreceptor hospital admissions declined or remained essentially the same in three of the five communities.

Of greater interest for future evaluation is the drop in the length of mean hospital stay in four of the five practices utilizing Medex. (The fifth practice [E] significantly altered its hospital utilization by scheduling more surgical procedures, once the skilled hands of the Medex were made available to first-assist at surgery.) Nonpreceptor hospital admissions followed such a pattern in only two communities. Again recognizing the extreme limitations of so few observations, the following tests of significance were performed testing the null hypothesis D=O:

1. Mean hospital stay of preceptor patients vs. mean hospital stay of nonpreceptor patients pre-Medex.

2. Mean hospital stay of preceptor patients vs. mean hospital stay of nonpreceptor patients post-Medex.

3. Mean hospital stay of preceptor patients pre-Medex vs. mean hospital stay of preceptor patients post-Medex.

4. Mean hospital stay of nonpreceptor patients pre-Medex vs. mean hospital stay of nonpreceptor patients post-Medex.

All tests resulted in acceptance of the null hypothesis indicating no significant differences between the groups compared.

Discussion

Although there is no statistical significance in the differences in the hospital picture pre- and post-Medex, the preceptors in these communities felt that the presence of the Medex allowed them to do a number of things they had been unable to accomplish prior to the Medex Program. They stated they were able to discharge patients from the hospital earlier since their practices now had the capability for follow-up visits in the home for minor procedures or observation. They also stated that they were able to devote more service unit time to patient workups and thus perform more thorough initial evaluations. Their statements indicated that this has resulted in some discharges earlier than would have occurred had not the assistance of the Medex given them more time with such patients.

It is not possible to draw conclusions from these five case studies; however, it is quite obvious that patient admissions and mean hospital stays should be considered important observations with larger numbers of practices in subsequent Medex Programs as we continue to determine the full impact of this health manpower innovation.

CONCLUSION

Development of new types of health manpower, such as Medex, appears to hold promise of quantitatively increasing the capability of the medical profession to produce quality medical services. Designed to be guided and controlled by practicing physicians, the development of Medex programs in New England, the North Central states, the Southeast, Southwest and the Northwest have followed a needs assessment and task analysis in each area.[2] Recognizing the limitations of the data contained in this paper, we are continuing the study to determine ultimate magnitude of increase in physician productivity (as measured by patient visits) and hospital utilization.

Physicians can be assured that something new is occurring, however, since 84 Medex are either in preceptorship, or employed, in 14 states, with more Medex about to be trained. Only one of the first 14 graduates is not involved with the provision of primary care. He has retired at age 58.

[1] Smith, R. A., Medex: A demonstration program in primary medical care, Northwest Med 68:1023–1030 (November) 1969.

[2] Smith, R. A., Bassett, G. R., Markarian, C. A., et al, A strategy for health manpower—Reflections on an experience called Medex JAMA 217:1362–1367 (September 6) 1971.

TABLE 1.—NUMBER OF PATIENTS SEEN BY PRACTICE UNITS WITH MEDEX

Practice unit	Pre-Medex: November 1968	February 1969	May 1969	August 1969	Subtotal, 1969	Post-Medex: November 1969	February 1970	May 1970	August 1970	Subtotal 1970	Annual difference (+)	Percent change (+)
A	510	482	455	561	2,008	623	574	1,059	1,013	3,269	1,261	62.8
B	497	371	545	513	1,926	468	668	671	544	2,351	425	22.1
C	360	306	339	400	1,405	405	465	453	567	1,890	485	34.5
D	1,045	985	1,140	1,207	4,377	1,130	1,156	1,178	1,506	4,970	593	13.5
E	636	674	834	627	2,771	964	1,032	1,202	942	4,140	1,369	49.4
F	1,810	2,193	2,511	1,886	8,400	3,000	2,883	3,136	1,596	10,615	2,215	26.4
G	633	527	720	(1)	1,880	689	948	1,106	(1)	2,743	863	45.9
H	624	584	625	(1)	1,833	942	842	1,126	(1)	2,910	1,077	58.8
I	501	660	673	583	2,417	541	1,010	1,025	1,054	3,630	1,213	50.2
Total					27,017					36,518	9,501	[2] 40.4

[1] Physician on vacation.
[2] Mean.

TABLE 2.—NUMBER OF PATIENTS SEEN BY PRACTICE UNITS WITHOUT MEDEX

Practice unit	1st year: November 1968	February 1969	May 1969	August 1969	Subtotal 1969	2d year: November 1969	February 1970	May 1970	August 1970	Subtotal 1970	Annual difference	Percent change
A	618	562	639	501	2,320	581	493	729	783	2,586	266	11.5
B	518	469	610	405	2,002	522	460	657	310	1,949	53	2.6
C	1,055	1,050	1,180	1,190	4,475	1,209	1,215	1,250	1,125	4,799	324	7.2
D	784	745	743	647	2,919	625	1,105	779	642	3,151	232	7.9
E	300	275	280	290	1,145	226	365	268	292	1,151	6	.5
F	781	589	921	703	2,894	581	740	673	703	2,697	197	6.8
G	591	522	539	542	2,194	450	410	504	533	1,897	297	13.5
H	550	472	513	556	2,091	454	526	550	584	2,114	23	1.1
I	630	532	535	477	2,174	522	624	630	540	2,315	142	6.5
Total					22,214					22,660	446	1.3

[1] Mean.

TABLE 3.—HOSPITAL ADMISSIONS BY MEDEX PRECEPTORS AND OTHER PHYSICIANS IN 5 WASHINGTON STATE COMMUNITIES, 1968–70

Communities	Observation periods	Preceptor practice: Hospital days	Patients admitted	Average hospital stay	Other physicians: Hospital days	Patients admitted	Average hospital stay	Number of admitting physicians
A	A	1,381	258	5.35	2,241	370	6.05	3
	B	2,261	440	5.14	1,285	197	6.52	3
B	A	1,785	309	5.8	2,963	559	5.3	3
	B	1,486	295	5.0	2,958	643	4.6	4
C	A	1,531	264	5.8	6,650	1,041	6.5	4
	B	1,238	302	4.1	5,702	1,011	6.2	4
D	A	2,235	431	5.3	3,206	684	4.7	3
	B	2,572	493	5.2	3,257	690	4.7	2
E	A	2,351	844	2.8	793	295	2.9	4
	B	4,329	1,185	3.6	2,009	595	4.4	4

Observations periods: A, September 1968–August 1969; B, September 1969–August 1970.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENT

AMENDMENT NO. 871

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

Mr. DOMINICK (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by them jointly to the bill (S. 2515) to further promote equal employment opportunities for American workers.

NOTICE OF HEARINGS ON NOMINATIONS

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking, Housing and Urban Affairs will hold hearings on the following nominations:

William B. Camp, of Maryland to be Comptroller of the Currency;

Marina von Neumann Whitman, of Pennsylvania, to be a member of the Council of Economic Advisers;

I. H. Hammerman II, of Maryland, to be a member of the Board of Directors of the National Corporation for Housing Partnerships; and

Henry W. Meers, of Illinois, to be a Director of the Securities Investor Protection Corporation.

The hearings will be held on Thursday, February 17, 1972, and will commence at 10 a.m., in room 5302 New Senate Office Building.

ADDITIONAL STATEMENTS

SOCIAL SECURITY RETIREMENT TEST: OUT OF PHASE AND OUTMODED

Mr. MOSS. Mr. President, I recently received a reprint of an article by Truman D. Weller who states the case against limiting earnings of social security recipients. Mr. Weller points out some of the major concerns that I have had about the so-called retirement test which limits the amount of money a social annuitant can earn without sacrificing part or all of his social security check.

While there has been well-entrenched resistence to removing the retirement test, I last year cosponsored a bill which would have allowed those reaching their 65th birthday to have their social security check in full plus any sums in addition that they can earn. I believe the reasons for doing so are more and more compelling.

At the same time I am a realist. I doubt whether Congress will remove the retirement test, so I have proposed my bill S. 218 as a stopgap measure raising the amount that a senior citizen could earn without loss of his pension from the current $1,680 to $2,520 a year or $210 a month. I urge the enactment of the bill immediately to help with the severe income crisis affecting our older Americans.

I ask unanimous consent that Mr. Weller's article be printed in the RECORD.

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

THE CASE AGAINST LIMITING EARNINGS FOR SOCIAL SECURITY RECIPIENTS

(The following excerpts are reprinted by courtesy of Barron's National Business and Financial Weekly. The author is Truman D. Weller, a free-lance writer and member of the Association who during his career was affiliated with Cowles newspapers in Des Moines and later Minneapolis, where he was assistant to the publisher. When he retired he was northeast division manager for the U.S. Chamber of Commerce.)

In truth, Social Security is killing the initiative and incentive of thousands of people. An elderly Indiana farm couple, for example, found themselves hard-pressed because their interest in a small sorghum crop pushed their income over the prescribed limit, cutting Social Security payments.

Much of the unfairness is caused by the stringent, unjust rules governing the Social Security program. Basically, five points cause these difficulties.

(1) Limiting earnings to $1,680 during a calendar year, so as not to affect benefits. As a result, when a Social Security recipient approaches the ceiling, he is inclined to quit working for the remainder of the year.

(2) The inconsistency of a worker obtaining greater total spendable income by earning less. (In a chart which accompanied the magazine story, it was illustrated how a person on Social Security and earning $3,600 would have more disposable income than another Social Security receipient earning $4,800.)

(3) The inequities which arise from the narrow monetary advantage gained by the person who works and forfeits all or part of Social Security benefits, compared with the individual who only collects the benefits. In a typical example, an individual earning $6,000 a year will enjoy an advantage of only $150 a month more than someone with comparable retirement benefits but not working.

(4) The test which limits earnings by salary or wages in a single month unless benefits are forfeited. The test says those earning over $140 in a month must forfeit benefits for that month. In many instances, total benefits of husband and wife are greater than $140. Consequently, any earnings between $140 and up to the amount of the total benefits would represent a loss for the couple.

(5) Restrictions of the retirement test to the self-employed retiree and the handicaps to the operation of his own business. This part of the guideline deals with the amount of time a person over 65 may engage in his business and still collect benefits.

Here, the amount of profit is not a restricting factor. One can make $2,000 or $20,000 from his business. Instead, time is the criterion and anyone spending more than 45 hours a month in his business is, as a rule, deemed to be rendering "substantial service" and thus prone to forfeiture of benefits.

Social Security was adopted in this country during the Depression of the Thirties. At the time the legislation was being considered, unemployment varied between seven and 11 million, and the great hue and cry was to remove those over 65 from the labor market in order to provide jobs for the younger workers. Unfortunately, that philosophy still remains with the Social Security program. It does not square with the relative economic affluence of our present age, nor with a shortage of technical manpower predicted by the National Industrial Conference Board.

Every working retiree pays at least two taxes on earnings—the federal income and the Social Security levies. In some states, he also pays a state income tax and many metropolitan cities now levy a city wage tax as well.

Retirees with private pensions are required to pay income tax on their benefits, once the contributory part has been exhausted. Today, one out of five retirees pays such a tax and in another 10 years, the number is expected to double. This serves to put earnings of retirees in a higher bracket, since they already are liable for the income from their pension. And the necessity of paying tax on earnings in a higher range serves as another repressive measure to discourage earnings by retirees.

The choice of whether a person over 65 wants to live a quiet life of leisure or continue working should be an individual decision. But those who choose to work should be free to do so. Older persons should not be hampered by arbitrary rules and regulations.

COMMENDATION OF SENATOR PROXMIRE AND OTHERS ON PASSAGE LAST FRIDAY OF THE FOREIGN AID APPROPRIATIONS MEASURE

Mr. MANSFIELD. Mr. President, it gives me great pleasure to note the outstanding manner in which the foreign assistance appropriation bill last week was handled by the distinguished Senator from Wisconsin (Mr. PROXMIRE). He applied to this particular funding measure the great skill and high degree of efficiency that have marked Senator PROXMIRE's many years of public service as a Member of this institution.

The foreign aid program has come under vigorous attack in recent years and, in my personal view, the increased criticism has been fully justified. As this program has lingered on into the 1970's, it has, in my judgment, become increasingly apparent that it no longer satisfies this Nation's goals nor its role in the world today and that which it should assume in the world tomorrow.

The current program was created nearly three decades ago. Since its inception, nearly everything has changed about this Nation and its role in international affairs except its foreign aid program. In this regard it was with a degree of optimism that I noted that in this particular funding measure lay the seeds that may correct to some extent the nature and emphasis of the foreign aid program. Specifically, I view with encouragement its shift from too much and too great an emphasis on bilateral arrangements to the multilateral assistance that is addressed more realistically in this bill.

Overall, I was also greatly pleased that the subcommittee under the leadership of Senator PROXMIRE and the full committee under the leadership of Senator ELLENDER effected substantial cuts in the overall assistance programs—cuts which in turn will reflect savings that in turn can be used in the domestic area where the needs are particularly acute.

So, Mr. President, to Senator PROXMIRE and Senator ELLENDER in my judgment the Senate owes a deep debt of gratitude. Senator PROXMIRE's effective handling on the floor last week of this highly important bill was truly exemplary and I simply wish to take this opportunity to express the gratitude of the Senate for such an outstanding job.

May I say that the ranking minority member of that subcommittee, the Senator from Hawaii (Mr. FONG), deserves equally high praise. His support and assistance were indispensible to this great achievement. Also to be thanked are the many Senators who offered their own strong views and sincere opinions about this bill. The distinguished Senator from Arkansas (Mr. FULBRIGHT) is particularly to be commended. His views are always welcome, especially on a subject such as this in which his expertise has been sharpened over his many years as chairman of the Senate's Foreign Relations Committee.

To be thanked as well is the distinguished Senator from Virginia (Mr. BYRD) who contributed to the debate and offered certain suggested changes in the form of amendments. Similar praise must be accorded the distinguished Senator from Illinois (Mr. STEVENSON), the distinguished Senator from Wyoming (Mr. MCGEE), and the many others who joined in the debate and discussion.

To the entire Senate I am grateful for this fine achievement obtained last week with such great efficiency and with full regard for the views of every Member.

THE U.S. JAYCEES

Mr. SCOTT. Mr. President, today I would like to briefly pay tribute to a distinguished group of young citizens whose active participation in the mainstream of American affairs has been spent in service to humanity.

The U.S. Jaycees has come full circle since 1920, the year the organization was founded in St. Louis as the U.S. Junior Chamber of Commerce. In 1965, the name was shortened because of the popular misconception that the organization was affiliated with the National Chamber of Commerce.

Just as our national priorities have undergone dramatic change and revision in the 50 years, so have the goals and objectives of the U.S. Jaycees. Today the Jaycees, more than 300,000 strong, are working diligently and effectively in areas of vital significance to every inhabitant of these United States. Environmental improvement, health improvement, assistance for the disadvantaged, and campaigns against crime and drug abuse—these are some of the many areas in which today's Jaycees are deeply involved. Indeed, these are areas in which the public sector must have assistance from the concerned citizenry.

We will be fortunate to have as visitors this week some of the leaders of this organization. Jaycee presidents from every State in the Union, along with the National Jaycee Executive Committee, will again assemble in the Nation's capital for the organization's 11th Annual Governmental Affairs Leadership Seminar. Their objective is to become knowledgeable in the processes of government and to gain new perspective in areas of national concern.

May we always have young men like these; men whose courage and dedication and faith will help us forge a better America. They are the examples of a principle we must always maintain: that a Nation's richest treasure is its young people.

COUNCIL FOR A LIVABLE WORLD—10TH ANNIVERSARY

Mr. MOSS. Mr. President, this year we commemorate the 10th anniversary of the growth and development of the Council for a Livable World, an organization that has done a great deal to add rationality and substance to the public debate surrounding the military posture of the world. The council's aim since its inception has been an honorable one: it has sought to ease the tensions of the world through multilateral reduction in the weapons stockpiles and other military activities that have contributed to the tense cold war that has dominated the globe since World War II.

Public participation is the cornerstone of democracy, and the council has followed this procedure in developing its membership and activities. With a widespread membership of over 12,000, the council has developed the resource base that allows it to engage in public discussion of world issues in a way that provides an extremely important contribution to our governmental processes.

Moreover, the council has introduced valuable technical and scientific information in greater detail than any other private group on such matters as the ABM and test ban treaties. It is absolutely imperative that Congress receive independent evaluations of major weapon systems and other military matters, and the council has provided a public service by contributing such analyses consistently during its 10 years of existence. In doing so, the organization has helped to redress the imbalance that has occurred between the powers of the Executive and the powers of Congress on foreign policy and defense matters. Such aid is essential to a healthy and competitive democracy, and the council can be proud of the role it has played in strengthening America and its political institutions.

From the first efforts of Leo Szilard in organizing the Council for a Livable World, to the present work of Albert Gore, a former colleague in the Senate and a man who has always put the national interest above all else, the council has enjoyed the finest leadership possible. The activity of its board, coupled with the excellent staff work of Tom Halsted and Jane Sharp—the two most recent national directors of the Washington office—has provided Congress with over 60 seminars on questions of foreign and defense policy. The best minds of the country have been brought in from the scientific and academic communities to counsel with Congressmen who have to make the final decisions on bills that appropriate billions of dollars for defense purposes and establish long-lasting commitments in foreign policy.

The Nation and Congress owe a debt of gratitude to the Council for a Livable World, and it is fitting that we note the accomplishments of these fine people on the 10th anniversary of their outstanding efforts.

PRISON REFORM

Mr. BROCK. Mr. President, our Nation seems to be immersed in a nostalgia for the past that pervades the current fashion trends, literature, advertising, and even our verbal expressions. Yet we have overlooked some of our most pressing problems that have remained unchanged for decades. I am speaking specifically of America's anachronistic, insufficient prison systems.

With more than concern, the Senator from Arkansas (Mr. McCLELLAN) and I have introduced a bill that would establish a Presidential Commission to Recommend Minimum Standards for Federal, State, and Local Correctional programs. The Commission would consider such aspects as qualifications of personnel, health, safety, employment and counseling, general living conditions, recreation and other such programs designed to prepare inmates to cope with the rules of society and encourage them to be responsible participants.

The most in-depth study that I have come in contact with recently is a series of eight articles by Mr. Ben H. Bagdikian, running consecutively in the Washington Post.

Mr. Bagdikian's articles, on a variety of topics, portray a national debacle that has become a part of America's history. From our backed up judicial system to the grossly inadequate rehabilitation facilities employed in today's prisons, Mr. Bagdikian sheds a realistic light on what we are currently facing.

Mr. President, I ask unanimous consent that the first of this series 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, Jan. 30, 1972]

A HUMAN WASTELAND IN THE NAME OF JUSTICE

(By Ben H. Bagdikian)

If today is average, 8,000 American men, women and children for the first time in their lives will enter locked cages in the name of justice.

If theirs is an average experience they will, in addition to any genuine justice received, be forced into programs of psychological destruction; if they serve sentences most of them will not be by decision of judges acting under the Constitution but by casual bureaucrats acting under no rules whatever; they will undergo a significant probability of forced homosexualism, and they will emerge from this experience a greater threat to society than when they went in.

"Justice" in the United States today is so bad that conservative reformers talk openly of salvaging law-breakers by "diversion from the criminal justice system wherever possible" (The American Bar Association Commission on Correctional Facilities and Services).

It so efficiently educates children into crime that one official could say, "It would be better if young people who commit crimes got away with them because we just make them worse" (Milton Luger, Director of the New York State Division of Youth).

American convicts serve a majority of their sentences at the mercy of parole boards whose decisions on which prisoners to release are so irrational that it can be statistically proved that society would be better protected if some passerby pulled names of convicts at random out of a hat.

Coerced homosexualism is merely one of the psychological distortions built into the prison system. It appears to be prevalent among 80 per cent of all women prisoners, from 20 to 50 per cent of male prisoners, and an unknown but significant proportion of juveniles.

Ninety-seven per cent of all prisoners are eventually released back into society, where from 40 to 70 per cent of them commit new crimes.

Human prisoners in the United States are more carelessly handled than animals in our zoos, which have more space and get more "humane" care. Eighty per cent of all prison guards in the country are paid less than $8,000; all keepers of animals in the National Zoo in Washington are paid between $8,400 and $9,100.

Almost everyone seems to agree that our prisons are terrible.

President Nixon: "No institution within our society has a record which presents such a conclusive case of failure as does our prison system."

John Mitchell, Attorney General of the United States: "The state of America's prisons comes close to a national shame. No civilized society should allow it to continue."

Norman Carlson, director of the U.S. Bureau of Prisons: "Anyone not a criminal will be when he gets out of jail."

But the change is glacial. In most places there is no change at all.

The system is hardly a true system, but a disjointed collection of buildings and jurisdictions. The smallest is the federal, generally accepted as the more carefully designed, if bureaucratic.

On any given day the prisoner population in federal prisons is about 20,000, or less than 10 per cent of all sentenced prisoners in the country.

The states have 200 facilities ranging from the big state penitentiaries to an assortment of reformatories, forestry camps and juvenile halls, ranging from some of the most humane in the country to some of the worst. They hold over 200,000 prisoners each day.

There are 4,037 jails and uncounted city and town lockups where the range in conditions runs from fairly good to filthy and dangerous. Technically, "jail" is a place where a person is held awaiting trial, "prison" where he serves a sentence.

The county jails hold about 161,000 persons a day, 5 per cent of them juveniles (usually mixed with adults) and 5 per cent women. Including jails, the total incarcerated population is about 1 million. If one includes town "drunk tanks," 3 million Americans pass through cells each year.

Who are the Americans who find themselves behind bars?

They are overwhelmingly the poor, black and the young. A profound sense of being cheated runs through them. They may have been cheated by the environment they grew up in, by chaotic families, poor neighborhoods, ineffective schools, depressing career opportunities. But this is not the usual reason the average prisoner feels cheated. He feels that he has been unfairly treated by the criminal justice system. He is right.

A TINY MINORITY OF LAWBREAKERS

The President's Crime Commission in 1967 showed that from 3 to 10 times more crime is committed than is ever reported to police. They cite a survey showing that in a sample of 1,700 persons of all social levels, 91 per cent admitted committing acts for which they might have been imprisoned but were

never caught. So most law-breakers are never caught.

If they are, the affluent tend to avoid imprisonment. The concentration in prison of the poor, the black and the young reflects, among other things, a special selection by which we decide whom to put behind bars.

Once found guilty, the fate of a sentenced man is subject to the wildest accidents of fate. Robert Apablaza sold a matchbox of marijuana and happened to find himself in a particular courtroom in New Orleans where he was sentenced to 50 years in prison; hundreds of others have done the same thing elsewhere and not gone to prison.

So every prisoner knows other offenders who received substantially better treatment than he did. He knows, and statistics prove, that justice is not evenhanded.

Once committed to prison, he is still governed by chance. The building he is in may be a 100-year-old fortress with four men in a narrow, dark and damp cell, or he may be in a clean one, one man to a cell. More than a quarter of all prisoners are in prisons 70 years or older.

If he is in Delaware, the state will spend $13.71 a day on his food and custody; if he is in Arkansas, $1.55 a day. If he is in Pennsylvania he will get meat and three vegetables almost every meal; if in South Carolina, meat once a week and other times greens and beans.

In some prisons he will be raped homosexually unless he is strong and has a weapon; in others he will be left alone. In some, the guards will abuse him and turn him over to psychopathic or racketeering fellow inmates, and censor his mail to make sure he get no word of it to the outside. In other prisons he will be treated humanely and can appeal punishments to an impartial board, including inmates, and communicate with the free world.

The people on whom such uncertain justice is visited are men, women and children who already have been unlucky. At least half have been involved in drugs or alcohol. They are generally of normal intelligence (the median for federal prisoners is 104 I.Q.; for a typical Midwest state, 99.73) but they test out between 7th and 8th grade achievement.

In a typical state 25 percent are in for burglary, 22 percent for larceny, 12 percent for robbery, 8 percent for forgery, 6 percent for assault, 5 percent for drugs, 5 percent for auto theft, 4 percent for homicide, and 2 percent for some sex offense.

THE PROTECTION OF SOCIETY

The President's Crime Commission showed that in 1965 there were 2,780,000 serious crimes reported to police and 727,000 arrests made and of these 63,000 people imprisoned. Thus just for reported crime, which is a minority, only 2 percent of criminals went to prison. If they were all released they would not materially increase the law-breaking population.

If they were released the prisoners conceivably could affect the crime rate in another way: by encouraging otherwise inhibited people to commit crimes because they felt they would not be punished.

But nobody knows this or can even guess intelligently.

For all the public clamor about crime and punishment, this field remains a wasteland of research, the most remarkable void of reliable analysis of any major institution in American life. The worst void is prison and prison programs where, in the words of one administrator, "we are sorting marbles in the dark." The American prison system is a monument to mindless procedures in the midst of a society that prides itself on being scientific and measuring everything in sight.

The result is that the lives of millions of prisoners, the billions of dollars spent on them (about $1.5 billion this year), the safety of citizens from crime and the loss of $20 billion to victims of crime, continue to be governed by archaic conventional wisdoms. The only thing we are fairly certain of is that most of these conventional wisdoms are wrong.

It is one of the conventional wisdoms that the current rise in crime is strongly influenced by excessive leniency by prosecutors and courts. Another is that harsh punishment will reduce crime. J. Edgar Hoover told a recent Senate committee, "The difficulty is with the district attorneys who make deals and judges who are too soft. Some are bleeding hearts."

According to the FBI, from 1960 to 1965 the crime rate per 100,000 rose 35 per cent. Beginning in 1964, federal courts and most state judges began giving out longer sentences. From 1964 to 1970, federal sentences became 38 per cent longer and time served was even more because the federal parole board began reducing paroles. California's sentences have risen 50 per cent.

But from 1965 to 1970 the national crime rate—during the harsher period—rose 45 per cent.

Robert Martinson studied every report on treatment of prisoners since 1945 and analyzed the 231 studies. He concluded:

". . . There is very little evidence in these studies that any prevailing mode of correctional treatment has a decisive effect in reducing recidivism of convicted offenders." "Recidivism" refers to crimes committed by released prisoners.

James Robison of the National Council on Crime and Delinquency, and Gerald Smith, of the University of Utah, made one of the most rigorous analyses of various treatment of American prisons and concluded:

"It is difficult to escape the conclusion that the act of incarcerating a person at all will impair whatever potential he has for a crime-free future adjustment and that, regardless of which 'treatments' are administered while he is in prison, the longer he is kept there the more he will deteriorate and the more likely is it that he will recidivate."

A CONFLICT OF MOTIVES

A fundamental reason for confusion is that unlike some countries, the United States has never decided what it wants its prisons to do. There are several motives for criminal punishment:

1. Hurting the prisoner so that he will feel free of guilt, having paid for his act;

2. Using the criminal as a scapegoat for others in society who feel the same criminal impulses within themselves and by punishing the criminal purge themselves;

3. The need of some to feel morally superior by sustaining outcasts in a despised and degraded condition;

4. Keeping the criminal out of circulation;

5. Revenge imposed by the state to prevent the victim or his family from taking private revenge, as in family feuds;

6. Revenge in the name of all society so that the public will not impose its own version of justice, as in lynch mobs;

7. Deterrence of the criminal who, by being hurt, will decide that committing the crime is not worth it;

8. Deterrence of others who, seeing the criminal suffer, will not imitate his crime; and

9. Reforming the criminal so that he will learn to live in peace with society.

Criminal punishment may accomplish a number of those objectives simultaneously. But some are contradictory and cannot be done together. It is not possible to cause a man to respect those who treat him with deliberate cruelty. Scapegoating does not eliminate the illicit impulse; where punishment of the individual is violent and cruel, it promotes violence and cruelty in society at large.

The confusion in goals for prison has its roots in a curious phenomenon: the most damaging practices in criminal justice were started as humanitarian reforms.

The prison itself is an American invention created out of genuine compassion.

For centuries, people were incarcerated only until the local lord or king could impose punishment. Punishment would then be death by hanging, drowning, stoning, burning at the stake, or beheading, usually with a large crowd observing to deter them from imitation.

A PLACE FOR PENTINENCE

In the 1780s, the Quakers of Philadelphia, taking soup to the jails, were appalled by conditions. They organized to pass laws substituting sentences of incarceration in permanent, well-designed prisons as a substitute for death, mutilation or flogging.

They designed the new prisons for solitude and meditation on the prevailing theory that men do wicked things because the devil has invaded them and only through contemplation of their sins could they become penitent and innocent again. The new institutions for pentinence were called penitentiaries. The prisoners were forbidden to speak and saw no one, sometimes not even their jailers.

Europeans studying the new country reported on the new institution and adopted it, though some, like DeTocqueville and Dickens, observed that penitentiaries often produced insanity.

In the late 1800s, it was observed that country people on their farms had been law-abiding but after they moved to the impoverished industrial cities they became criminals. It was thought that there might be some connection between environment and crime, that prisons might be a way to counteract bad environment.

The impact of Freud and psychology complicated the view of human behavior, adding to the physical environment the emotional history of the individual. If prison was an opportunity to change the environment, it might also be a place to give the prisoner a more accurate view and control of himself.

But the conflicts have never been resolved between punishment and "treatment," between the purpose of protecting society by keeping the criminal locked up and the goal of protecting society by trying to condition him for peaceful return to the community.

THE USEFULNESS OF "INDUSTRIES"

Only this continuing confusion could explain the survival of irrationalities like "prison industries" and the decisions of parole boards.

Most work inside federal prisons, for example, is done for an independent corporation called Federal Prison Industries, Inc. It has a board of directors mostly of executives of private corporations who serve without pay. It maintains 52 shops and factories at 22 federal institutions where it employs about 25 per cent of all federal prisoners.

Historically, at the insistence of private business and labor unions (George Meany, head of the AFL–CIO also is on the board of FPI), they do not make goods that will compete with privately made goods, which means that they usually do not develop skills that will let the ex-convict compete in private industry after he gets out.

The chief customer is the federal government. Pay rates are from 19 to 47 cents a day.

FPI in 1970 had earnings of $9.9 million on $58 million in sales, or 17 per cent profit on sales. the highest of any industry in the United States (average for all U.S. industry is 4.5 per cent on sales, the highest being the mining industry at 11 per cent).

FPI has proudly announced that it declared a dividend every year since 1946 and that these dividends total $82 million. To whom was this dividend on captive labor

issued? The American taxpayer—the general treasury of the United States.

Federal prison officials agree that a major reason for repeated crime by ex-convicts is their lack of skill in the jobs that are needed in free life—medical and dental technicians and other categories that will hire all the qualified help they can get. They also admit that they lack the money to train significant numbers of convicts in these marketable skills. Yet they have regularly turned back large profits made by prisoner labor.

THE EFFECTS OF PAROLE

Even prison industries cannot match the performance of parole boards for lack of success and lack of accountability. Parole is another humanitarian reform that was perverted. It was supposed to give the prisoner incentive to improve himself to earn a release earlier than his full term. It was supposed to shorten time spent behind bars. It has lengthened it.

Most prisoners are eligible to apply for parole after one-third of their sentences have been served. Judges and legislatures know that, so they have increased sentences on the assumption that most prisoners will be released in something like one-third their time. The prisoners have not been released at that rate. Consequently, American prisoners serve the longest sentences in the Western world.

But that is not the worst characteristic of American parole boards. Their purpose is to release the prisoner as soon as possible consistent with his own good and protecting society from repetition of crime. The boards are in the position of predicting human behavior, a difficult task for even the most perceptive and wise individuals.

Most parole boards are appointed by governors and include his cronies or former secretaries.

Parole boards regularly release the worst risks, as measured by the best data.

Take the case of Jack Crowell (not his real name, but a real person). He is a stocky, 41-year-old Navy veteran doing 10 years for voluntary manslaughter in a Southern state. He had such a good record in the state penitentiary that toward the end of his sentence he was permitted to join the state's work release program.

Under work release he left prison to live in an unlocked dormitory in a city. He got up each morning, drove his boss' truck to work site where he became a master plumber, supervising an assistant. At the end of the day he returned to the dormitory. He earned $140 a week and had saved $1800. He applied for a parole. The prison system recommended him. He was turned down.

Typically they didn't tell him why except that he wasn't "ready." They did parole some men direct from the state prison who had never had a chance to show that they could hold a good job and handle freedom.

WHO ARE THE WORST RISKS?

Crowell's is a typical case. One can guess what happened. He was in for manslaughter. Parole boards do not like to parole killers and sex offenders because it makes for bad public relations. They fear the headlines if such men repeat crimes while on parole. But contrary to conventional wisdom, murderers and sex offenders are the most likely not to repeat a crime.

In 1969 parole boards reporting to the Uniform Parole Reports released 25,563 prisoners before they completed their full sentences. Almost one-third of them were burglars who in their first year had their usual rate of repeated crime of 31 per cent. There were 2,870 armed robbers released and in the first year 27 per cent went back to prison. The boards released 2,417 forgers, 36 per cent of whom were re-imprisoned, and they released 2,299 larcenists, of whom 30 per cent went back for various violations. Murderers and rapists released had failure rates of 11 to 17 per cent.

These are the failure rates for various offenders as compiled by the most authoritative group, the Uniform Parole Reports of the National Probation and Parole Institutes of the National Council on Crime and Delinquency:

	Percent
Negligent manslaughter	11
Willful homicide	12
Statutory rape	15
Forcible rape	17
All other sex offenses	17
Aggravated assault	22
Armed robbery	27
Unarmed robbery	30
Burglary	31
Forgery	36

(These are failure rates for the first year on parole; the rate increases as the group is out longer but the rank order does not change significantly over the years.)

It appears reasonable for parole boards to be more cautious in releasing violent men. Even if burglars repeat their crimes, theft of property is less harmful to society than killing and raping. But here, too, the data do not support the parole boards: murderers and rapists on their second offense do not commit as many added murders and rapes as do other kinds of criminals. Of 30 cases of willful homicide that sent 1969 parolees back to prison in their first year of freedom, 24 were committed by people not originally in for willful homicide. Six released murderers went back to prison for another killing, but nine burglars went back for murders.

The 511 forcible rapists on parole, to take another example, committed four new forcible rapes; burglars during their paroles committed eight. All men whose original conviction was for property crimes while on parole committed 12 forcible rapes.

The rate of new homicides and rapes by all categories of released prisoners is about the same, approximately one-half of 1 per cent. Since murderers and rapists represent a small proportion of all released prisoners, about 12 per cent of all such categories, their one-half of 1 per cent represents less of a threat to society than do the violent new episodes by other kinds of criminals.

Because they regularly release the worst risks, parole boards would do better picking parolees at random.

Parole boards are not solely to blame. Whatever other notions are in their heads when they make their decisions, they are seriously influenced by public opinion. The police and the general public are outraged at the violent crimes of released prisoners; they don't know that 97 per cent of all prisoners are released anyway and that the longer criminals stay in prison, the more crimes they commit afterwards.

THE TORTURE OF UNCERTAINTY

In prison after prison, the uncertainty of the sentence was mentioned as the most excruciating part of prison. "Give me a fixed sentence anytime," is common.

Or, "I behaved myself, the warden recommended me, I had a job on the outside, my family said they had a place for me, and they turned me down. I ask them why and they say, 'You're not ready.'

"I ask them what that means and they don't say. What am I supposed to do? Give me five, give me ten but let me know how much time I have to do and don't keep me hanging all the time."

Society takes elaborate pains to assure that lawyers and judges are qualified to exercise their power over the freedom of their fellow citizens and that no person is deprived of his liberty without due process of law, including a review of grave decisions. Yet the gravest of decision—a majority of the time a citizen may spend imprisoned—is determined most of the time by untrained persons acting without adequate information in oppostion to the best data and without accountability.

During the last few years, the federal parole board has reduced paroles by 20 per cent.

In Louisiana they stopped giving all convicted armed robbers parole, after which armed robberies in the state rose 57 per cent.

It is tragic for the protection of society and the future success of prisoners that carefully selected boards do not use the best available data to decide the issue of liberty or impisonment. It unnecessarily exposes society to more crime, it stunts the potential for change within convicted criminals and it suffuses American prisons with frustration and bitterness.

THE LEAST STUDIED INSTITUTION

What remains after the available data on criminiality are sifted is the remarkable absence of other good data on American prisons and their effectiveness. Prisons would seem to be ideal laboratories for social scientists—controlled populations in a variety of conditions, available to be measured and compared. But they remain the least scientifically studied of any major American institution.

George Saleeby, associate director of the California Youth Authority, was asked why it is that a society apprehensive about crime, and a country anxious about criminals, did not insist on rigorous study and analysis.

"Wait a minute," Saleeby said. "Wait a minute. Who said society was concerned? Who said they give a damn? They want some people put away and then they want to forget about them."

Why don't prison administrators themselves look carefully at their own results? George Beto, director of Texas prisons, says:

"I know of no institution unless it be organized Christianity which has shown a greater reluctance to measure the effectiveness of its varied programs than has corrections."

The answer seems to be that what happens to prisoners inside American prisons has very little to do with the prisoners themselves or what will happen to them after they are released into the free world. The state of prisons seems mainly determined by the values of the American citizen who considers himself law-abiding.

John Irwin served five years in Soledad Prison for armed robbery. He is now a college professor at San Francisco State College, specializing in penal studies. He says:

"The radicals talk of abolishing punishment, but they really want to start punishing a new population of capitalist pigs. The liberals want punishment but call it 'treatment.' The conservatives are the only ones honest about it, but they want such disproportionate amounts that it's crazy."

It is hard to avoid the conclusion that what goes on inside American prisons tells more about the character of people outside the walls than it does about the inmates inside.

THE VIETNAM RESOLUTION

Mr. MANSFIELD. Mr. President, I am not interested in what North Vietnam may agree to or what South Vietnam may want. The Senate resolution on Vietnam was not based on either consideration. It was derived, introduced, and passed on the basis of a careful legislative judgment of what serves the vital interests of the people of the United States. The resolution states that those

interests will be served by defining U.S. policy in terms of the withdrawal of all U.S. forces at a date certain conditioned solely on the release of the prisoners of war and the recoverable missing in action. That is all. Period. That is not yet the policy of this Government. It is the policy set forth by the Senate. To a degree, it is the policy set forth by the House. It is included among many other considerations in the statement of policy set forth by the administration.

But the resolution is not yet the policy of the United States. Let there be no mistake on that score. In the end, only the President can state that policy. Peace is not yet being pursued on the basis of the position of the Senate. If and when, it is, the Senate resolution will cease to be pressed. So long as it is not, it will be pressed. Indeed, the resolution must be pressed because what is at stake is more than words, more than a political campaign, more than who wins or who loses. What is at stake, in the end, is the vital—the vital—interests of this Nation. The word means what it says: The survival of this Nation in freedom.

THE KEYSTONE SHORTWAY

Mr. SCOTT. Mr. President, in the January 20, 1972, issue of the Pocono, Pa., Record, an article entitled "Keystone Shortway Creates Strong Economic Impact" presents some interesting points on what a highway across the breadth of the Commonwealth of Pennsylvania has done for one region of Pennsylvania. I ask unanimous consent that the news story be printed in the RECORD.

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

KEYSTONE SHORTWAY CREATES STRONG ECONOMIC IMPACT

(By Tim Metz)

STROUDSBURG.—So far in its 15-month history of use, the Keystone Shortway has brought the Pocono region just about what it was expected to bring—more people, more jobs, more money.

And, indications are more of the same can be expected this year and in the years ahead.

Of course, the 313-mile Pennsylvania section of Interstate Route 80 has brought similar benefits to communities all along its route. But as these communities vary in character and circumstances, so has the Keystone Shortway's impact on them.

At the Shortway's western terminus—the Shenango Valley region near Sharon—the trucking industry has substantially expanded its foothold. It expects to grow further in the future.

For example, in 1971, new relay truck terminals established near Sharon by Cooper-Jarrett Inc. and McLean Trucking Co., plus a substantial expansion at an existing Eazor Express Terminal, together added to some $5 million in new investment and brought over 600 jobs to the area.

More big trucking firms are expected to relocate near Sharon this year, and a housing boom is predicted to provide badly needed homes for the newcomers.

In the Central Susquehanna Valley region, the Shortway is having a somewhat different effect on economic development. The growth there is coming not from trucking itself, but from diversified manufacturing firms who rely on trucking to distribute their products.

In this region, however, the Shortway's impact appears to be less dramatic than in central or western Pennsylvania. That's because the Shortway opened in the midst of a continuing economic upswing in the Poconos, at a time when central and western Pennsylvania were trying to stave-off dwindling economic resources.

So while the shortway took on aspects of an economic lifesaver in these other communities, it was just one more positive force for growth in this region.

For example, the Poconos' bellweather tourism-recreation industry had a huge 20 per cent gain in 1970 over year-earlier levels. While the Shortway clearly helped, it couldn't be labelled the major cause of the 1970 boom, since it didn't open until mid-September of that year.

Likewise, it's difficult to tell precisely how much the Shortway contributed to the substantial 12 per cent to 14 per cent gain in tourism in 1971 over 1970.

IMPACT ON TOURISM

Nevertheless, nobody in these parts pretends the Shortway's impact on tourism hasn't been important. "It's really done two big things for our industry," says Bob Uguccioni, executive director of the Pocono Mountains Vacation Bureau.

"It's brought more people into the area, and, secondly, it acts as a kind of Main Street through the Poconos. People coming here on vacations are using the road to travel around to several places of interest in the area and that opens the door to greater potential spending by them," he says.

The shortway was a main consideration, behind the Howard Johnson Motor Inn planned for a May opening and for the decision by Ramada Inns to locate in the area, Uguccioni says. "And the Shortway is a major factor causing other big hotel operators—such as Hilton—to be looking closely at a Pocono development," he adds.

Will the Shortway lure hotellers into an expansion so big it will result in too many rooms in the area, thus hurting business? Uguccioni doesn't think so.

"You have to spend a lot of money these days if you want a facility that will really attract the public and before you make that kind of decision, you're bound to take a hard look at the market potential," he says.

And, he notes, the Poconos could easily absorb more hotels, and vacation spots. "Year-round average occupancy of our hotel and resort rooms is about 75 per cent right now, compared with a national average of 60 per cent. And, during peak periods, the occupancy rate here climbs to around 90 per cent," he says.

Because of the importance of scenic beauty to the vital tourism trade, the Pocono Mountains Chamber of Commerce moves very cautiously locating industries here.

THE SHAPE OF ONE MAN'S OPINION

Mr. MOSS. Mr. President, January 11, 1972, marked the eighth anniversary of the release by the Surgeon General's Advisory Committee of the report on smoking and health. At about the same time the current Surgeon General, Dr. Jesse Steinfeld, released his annual report on the health and consequences of smoking, a report required by the Public Health Cigarette Smoking Act of 1969.

Last week, the Committee on Commerce held hearings on the bill, S. 1454, which I introduced last April. The bill would give the Federal Trade Commission authority to set maximum limits for tar and nicotine and other hazardous ingredients. Additionally at these hearings we discussed other aspects of the smoking and health problem. We discussed the need for amendments to the Public Health Cigarette Smoking Act to eliminate broadcast advertising of some of the cigarette-like products which seem to masquerade as cigars thereby avoiding not only the ban against broadcast advertising, but cigarette taxation as well. Furthermore, we discussed the status of the Federal Trade Commission's efforts to require prominent conspicuous warnings in print media.

Back on January 11, the day after the 1972 report was released, Edward P. Morgan, of ABC news, in his daily talk spoke of these efforts and the general progress which has been made in combating cigarette smoking as a health hazard. I think his comments most interesting and worthy of our consideration.

Mr. President, I ask unanimous consent that the text of Edward P. Morgan's comment be printed in the RECORD.

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

SPEECH OF EDWARD P. MORGAN

Eight years ago the Surgeon General's advisory committee found that:

"Cigarette smoking is a health hazard of sufficient importance to warrant appropriate remedial action." It tied smoking directly to such grave maladies as lung cancer, arteriosclerotic, coronary and degenerative heart disease, chronic bronchitis, and emphysema. It concluded that "cigarette smoking contributes substantially to mortality from certain specific diseases and to the overall death rate."

Despite this and other warnings, official and unofficial, the country has hardly kicked the habit. Indeed, yesterday the present Surgeon General, Dr. Jesse L. Steinfeld, in a report to Congress extended the dangers to non-smokers. The menace is carbon monoxide, raised by smoking in a closed room or car, to unhealthful levels especially for people already suffering from heart disease or bronchial troubles. The monoxide is in the smoke.

The impact of this new alert on Congress remains to be seen. Whether anybody will be successful in ventilating the smoke-filled room in which politicians proverbially make command decisions, especially in an election year, is doubtful. However, a non-smoking Don Quixote of Capitol Hill, Democratic Senator Frank Moss of Utah, will hold hearings of his consumer subcommittee in February on cigarette advertising and the possibility of more regulation. Moss was instrumental in getting enacted the legislation which, beginning a year ago, threw cigarette advertising off the air at an annual loss of revenue to the radio and television industry of about $200 million. Now the senator is unhappy about broadcast commercials for small cigars; he thinks maybe they should be made illegal too.

Nearly a billion small cigars were sold last year, a huge increase over previous years. The Tobacco Institute, the $9-billion industry's major lobby, among other things, complains there has been no professional condemnation of cigars and disputes the surgeon general's statement that there is "no disagreement" among medical scientists, that "cigarette smoking is deadly."

Despite such warnings and the broadcast ad ban, an estimated 44 million Americans smoked last year and at such a rate that if everybody in America, man, woman and child, smoke, they would have consumed 4,000 cigarettes per capita.

However it is estimated that some 29 million quit smoking and Dr. Steinfeld calculates that if the government hadn't started its antismoking campaign, some 75 million would have the habit, now.

In 1969 indications surfaced that the campaign was beginning to impress young people. If this becomes a trend it will be a major

setback for cigarette companies which had counted on youth heavily as an expanding market—witness the fresher-than-springtime themes of gorgeous girls and virile young men smoking their way to success and happiness with their favorite brand.

But if we fall for that line, at any age, against the medical research, we ought to have our heads—and our lungs—examined.

TRIBUTE TO THE LATE CARL HAYDEN

Mr. CHURCH. Mr. President, on behalf of the Senator from Nevada (Mr. CANNON), I ask unanimous consent to have printed in the RECORD a statement by him relative to the late former Senator from Arizona, Carl Hayden.

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

STATEMENT BY SENATOR CANNON

It is with great sadness that the Congress of the United States bids goodbye to one of its most revered members—Carl T. Hayden. I was grateful for the friendship that Senator Hayden gave to me during the 10 years it was my privilege to serve with him in the Senate. I will always be grateful too, for all his assistance.

I can speak as a neighbor. Not once, but on many occasions, the Senator from Arizona gave lavishly of his own counsel and aid to the people of Nevada.

There is a little story I used to enjoy telling on Carl Hayden which I think would be appropriate at this time. Carl Hayden was old enough to personally recall that the southern part of Nevada had once been part of the Arizona Territory. He would say that the land in question was only on loan and that he was sort of a trustee for the arrangement.

The West and, indeed, the Nation and the world have changed drastically in the last half century in ways that could not have been imagined when Carl Hayden began his service in Congress 60 years ago. Yet, Carl never looked back. I was privileged to attend the service in Arizona for this good man and to be impressed by the affection in which he was held.

We know of the monuments in Arizona, such as the Central Arizona Project, and other monuments elsewhere throughout the Nation that bespeak the character of the service Senator Carl Hayden rendered his country. They are to be found in the buildings, highways, irrigation projects, and other material contributions he had made.

However, instead of speaking of the material contributions he made, I wish to speak of the unique character of this great man.

Character—and the calm self-assurance that comes only with the knowledge of duty done to the best of one's ability, with fairness to all, and with rancor toward none. His voice was seldom heard in debate, but his influence was felt, and felt deeply, in every important action taken by this body.

He was a man perennially young in spirit and high in vigor, and the Senate will complete many sessions before seeing the likes of such a man again.

REFORM OF THE FEDERAL JUDICAL SYSTEM

Mr. SCOTT. Mr. President, while there is a great deal of discussion concerning the need for new legislation reforming the Federal judicial system, and I have participated in such discussions, we may not have noticed some of the judicial branch's own attempts at reform. The December 1971, issue of Judicature contains an article by Arlin M. Adams, circuit judge of the U.S. Third Circuit Court of Appeals, which describes one of these relatively small, but still important, efforts.

It is Judge Adams' feeling that the use of selected technological devices, such as computers and dictating equipment, can demonstrably alleviate some problems of court administration. Because I believe the article will be of interest to the Senate, 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:

GENERATING JUDICIAL REFORM FROM WITHIN

(By Arlin M. Adams)

Cases filed in the eleven United States Courts of Appeals have increased more than 300 per cent in the last decade.[1] Despite an increase in the number of circuit judgeships from 78 in 1961 to 97 in 1971,[2] filings per judgeship have increased in that same decade from 54 to 132.[3]

In order for the courts to give the time required for careful deliberation to each case filed, it is apparent that reform in the administration of our system is required. It is in the nature of our judicial process and in keeping with the goals set by Herbert Lincoln Harley in founding the American Judicature Society that fundamental changes in the process should be conceived and executed by members of the system. Yet, at the same time, we must be alert to and recognize the value of changes which can be effected from without the system. With this concept in mind, I should like to add a brief statement of my personal views to the ever-increasing body of literature in this field.

While the mere existence of a heavy caseload is not, of itself, cause for concern, the more than tripling of the backlog in the federal appellate system during the past ten years should alarm us. It is generally conceded that the creation of more judgeships—a change from without—"is at best a temporary stopgap, not a solution." [4] Recently, however, this same force, applied outside the judicial system through legislation, enabled the appellate process to function more efficiently.

I refer to the statute permitting the appointment of a court executive for each circuit to perform many of the non-legal duties ordinarily assigned to the chief judge.[5] Because the chief judge is appointed on the basis of seniority, he may not always consider administration his primary goal as a judge.[6] The court executive, by bringing his specialized training to bear on the day-to-day problems of operating a court of appeals, will thus free the chief judge to perform his manifold legal duties. Additionally, the court executive should be able to "give vitality to the administrative prerogatives now granted to, but not now effectively exercised by, the [judicial] councils." [7]

While legislative enactment may contribute meaningfully to the cause of administrative reform, significant progress can also be achieved within the system through more creative use of manpower, through employing technological advances and reorganizing administrative functions. Such reforms could ease the pressures on appellate courts.

For example, the Third Circuit has taken steps to decrease the time between entry of judgment in the district court and the hearing in the court of appeals by instituting a system for proctoring criminal appeals. Under this system, an individual judge is assigned all such appeals from a specified district. Shortly after the notice of appeal is filed, a conference of all counsel is convened and a briefing schedule adopted. In many instances, the need for a printed record is eliminated. Frequently, permission is granted for briefs to be reproduced and filed in other than printed form, namely, by photo-offset and xerography.

Last spring, all active judges on the Third Circuit agreed to submit detailed time sheets to the Federal Judicial Center for computer analysis in an effort to discover where the need for reform is greatest. The program has been in effect since August, and is expected to yield substantive data.

Optional use of advanced technology can materially aid the judiciary in reducing its backlog. For instance, a significant but unavoidable delay occurs in the appellate process between the date a case is submitted to a panel for consideration and the date the opinion is published. A decrease in this time-span and a concomitant increase in efficiency can be accomplished through the use of modern tools.[8]

Limitations of space do not permit a full discussion of the various methods which have been suggested. However, two brief examples are illustrative. A study indicates that by using dictating machines, work-product may be increased from 18 to 30 per cent.[9] Thus, at a cost which would not be burdensome, an appellate judge might reduce his backlog substantially.

Efficiency in the production of opinions may also be aided by the institution of a workable indexing filing system for decisions from a particular circuit. Before draft opinions are circulated to the court, it is necessary to review all the recent decisions of the circuit to avoid possible conflicts. Countless hours spent reviewing very current slip opinions could be saved if a reasonable information retrieval system were devised.

As members of the legal community, it is vital for us to institute reforms which will contribute to the efficient administration of justice. The American Judicature Society, as conceived by Herbert Lincoln Harley, serves a significant function in helping us to discharge this duty.

FOOTNOTES

[1] 1971 Annual Report of the Director, Administrative Office of the United States Courts II-3.

[2] *Id.* at II-9. By citing appellate statistics, I do not mean to imply that the increase in Federal District Court filings has not been commensurate with the appellate increase. In 1960, 89, 112 cases were filed in the district courts compared with 136, 553 in 1971—an increase of 53.2 per cent. *Id.* at II-20.

[3] *Id.* at II-8.

[4] 1971 Appellate Judge's Conference. Report of the Special Committee on Increasing Administrative Efficiency Through Technology, 2 (hereinafter referred to as Administrative Efficiency).

[5] Pub. L. 91-647 (1970).

[6] Tamm, *Are Courts Going the Way of the Dinosaur?* 57 *A.B.A.J.* 228, 230 (1971).

[7] Figinski & Miller, *Judicial Reform and the Tydings Legacy*, 55 JUDICATURE 75, 77 (1971). The former Chief Judge of the United States Court of Appeals for the Second Circuit, J. Edward Lumbard, has pointed out the potential for progress of the judicial councils which, for a variety of reasons, has never been realized. Lumbard, *The Place of the Federal Judicial Councils in the Administration of the Courts*, 47 *A.B.A.J.* 169 (1961).

[8] For a more detailed exposition of these techniques, see Administrative Efficiency 7-20.

[9] *Id.* 8.

AMENDMENT TO UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970, PUBLIC LAW 91-646

Mr. BROCK. Mr. President, the problems faced by persons and businesses forced to move by Federal and federally assisted programs prior to enactment of

Public Law 91–646 was intolerable. Thus, I consider the Uniform Relocation Assistance and Real Property Acquisition Policies Act to be one of the major accomplishments of the 91st Congress, as it provides for a uniform policy of assistance for those dislocated.

The history of the passage of the bill in December 1970, included a commitment by the Intergovernmental Relations Subcommittee of the Senate and the Public Works Committee of the House of Representatives to hold hearings early in 1971 in order to make necessary amendments that could not be considered in the tight schedule for passage late in 1970.

Last May, the Senator from Tennessee (Mr. BAKER) and I recommended such an amendment, based on the act as it finally passed, in light of administrative regulations now issued. Our bill, S. 1819, would extend indefinitely the period during which the Federal Government pays 100 percent of the first $25,000 of each individual relocation payment required by the act.

The bill is pending in the Subcommittee on Intergovernmental Relations, on which I serve as a member, and has the virtually unanimous support of redevelopment agencies and others affected by the act. Unless S. 1819 is passed by Congress by June 30 of this year, State and local agencies involved in federally assisted projects will be required to share relocation costs on the same basis as their project formulas, rather than receiving the 100-percent Federal contribution for relocation activities, as the situation is and has been in the past.

Mr. President, on the basis of convincing evidence from many local communities that they will not be able to meet this matching share requirement within their limited resources, I urge the support of Senators for S. 1819, to continue 100 percent Federal contribution for relocation assistance beyond June 30, and to insure the continuance of vital urban renewal activities.

A THIRD TERM

Mr. FONG. Mr. President, I was delighted at the recent news that my good friend J. CALEB BOGGS has offered to serve the people of Delaware for a third term in the U.S. Senate.

It has been my privilege to know "CALE" BOGGS ever since he came to the Senate in January 1961. I have served side by side with him on the Committee on Public Works, on the Committee on Post Office and Civil Service, and on the Committee on Appropriations. I can personally vouch for his ability, his integrity, his knowledge, his fairness, and his effectiveness.

No one is better qualified for the U.S. Senate, and no one is a more able champion in behalf of the people of the First State than CALE BOGGS.

Delawareans have been fortunate indeed to have CALE BOGGS serving them for more than 25 years—three terms in the U.S. House of Representatives, two terms as Governor of Delaware, and two terms as U.S. Senator.

In CALE BOGGS' wealth of exerience and long service for Delaware the people of his State have a tremendous investment, an investment from which they can reap still greater returns by reelecting him.

At the risk of seeming presumptuous coming as I do from the 50th and newest State, may I take this opportunity to point out to the people of the First and oldest State that they would do themselves a great disservice to give up the 12 years' seniority CALE BOGGS has accumulated for Delaware in the U.S. Senate.

In an institution where length of service counts heavily toward a Senator's effectiveness for his State, the higher up the seniority ladder your Senator rises, the stronger is your State's voice in the Congress, our Nation's highest legislative body.

With CALE BOGGS in the Senate, the people of Delaware can be sure they will have a voice and a vote on the powerful Appropriations Committee, which handles the appropriations for all Federal departments and agencies, for the judiciary, and for the Congress itself. A seat on the Appropriations Committee is greatly coveted and newcomers to the Senate seldom get on. It takes seniority, seniority which CALE BOGGS has and which a newcomer to the Senate would not have.

With CALE BOGGS in the Senate, the people of Delaware can be sure they will have a voice and a vote on the Appropriations Subcommittee on Agriculture-Environmental and Consumer Protection. Surely, both urban and rural Delawareans want to retain Delaware's seat on this crucial appropriations body.

Surely they want to retain Delaware's seat through CALE BOGGS on the Appropriations Subcommittees on Interior and Related Agencies; on Labor-Health, Education, and Welfare and Related Agencies; on Military Construction; on Treasury-Post Office and General Government where CALE BOGGS is top ranking Republican; and on the District of Columbia.

Surely they want to retain Delaware's seat through CALE BOGGS on the Senate Committee on Public Works, where CALE is the top ranking Republican on the Air and Water Pollution Subcommittee.

As top ranking Republican, CALE plays a key role in writing legislation to help clean up and protect our Nation's air and water and enhance our natural environment. Young people particularly should have a vital interest in keeping CALE BOGGS in the Senate to retain this strategic post for Delaware, for young people have the biggest stake of all in the kind of America we will have in the next several decades.

Moreover, with the announcement by the senior Senator from Kentucky (Mr. COOPER) that this will be his last year in office, CALE BOGGS will be the top ranking Republican on the Committee on Public Works, which in addition to air and water pollution has flood control, river and projects; improvements in navigation; bridges, dams, highways, and public buildings.

Surely all the people of Delaware are interested in retaining a seat for Delaware on the Post Office and Civil Service Committee, where CALE BOGGS is the top ranking Republican on the Subcommittee on Compensation and Employment Benefits.

Experience, ability, leadership, a proven record of accomplishment, seniority—these are all components of the investment CALE BOGGS has amassed for the people of Delaware. In their own self-interest, they should make sure CALE BOGGS remains in the U.S. Senate to strengthen even more Delaware's voice in our Nation's affairs.

Before concluding, may I say that there is one special attribute which CALE BOGGS has which should not be overlooked in assessing his qualifications for office, that is his ability to get along with everyone. Amiable of disposition, and true to his word, CALE has the happy faculty of being able to work well with others even on the most complex and difficult matters. He is universally respected and liked. The people of Delaware can be very proud of CALE BOGGS and rest assured such a man can do more for them.

I commend CALE BOGGS for his willingness to serve his people for 6 more years. I am confident they will have good sense to reelect him in November.

DOCK STRIKES

Mr. BROCK. Mr. President, the hour of crisis again faces the Nation in the west coast dock strike.

I am appalled that Congress has taken no action since the dock strikes started last July 1 on the west coast, and on October 1 at the east and gulf ports.

Inaction cannot be blamed on the President. Nearly 2 years ago the President proposed to Congress a realistic solution to emergency disputes in transportation. Again, on December 15, the President publicly requested Congress to consider the seriousness of the absence of statutory means to deal with further transportation emergencies. Now the administration has submitted special legislation setting up a three-man arbitration board to settle the current dispute.

Mr. President, these recent strikes have meant an enormous loss to our economy. The estimated loss to our Nation has been put at $5 billion as of December 1971. In terms of loss in trade, the amount nears $3 billion. The damage cannot be measured in dollars alone.

I am particularly concerned about the effect these dock strikes have had on our Nation's farmers. Officials of the Department of Agriculture estimate that the current tieups have reduced the price of a bushel of corn by 10 cents and the price of soybeans by as much as 25 cents per bushel.

During October and November of 1970, the east coast and gulf ports handled $917 million in agricultural exports. For the same period in 1971, these ports moved only $400 million in agricultural exports. The strike has also brought many thousands of barges and freight cars to a standstill. The results were to depress farm prices almost instantaneously.

On the west coast the dock workers' strike reduced agricultural exports by $215 million during July and September

compared with the previous year. The majority of losses were in wheat, perishable vegetables and fruit.

Tobacco exports were also adversely affected. In October and November 1971, only $6 million of tobacco were exported from ports along the east and gulf coasts compared with $136 million for the same period the previous year.

Mr. President, the public's tolerance for strikes is clearly diminishing. The average citizen was foursquare behind the labor movement during the New Deal days of the 1930's. Most of us still are, for the workingman has made this country what it is. But is the workingman or woman really represented, or even protected, today? Both big labor and big business have put on muscle since those days of the Wagner Act. Because of everyone's dependence on the goods and services of our major industries, the public is often forced to bear the brunt of so-called national emergency strikes.

With the expiration of the temporary injunction on the west coast without a final settlement and the same fate threatened for the east and gulf port strikes, I believe the public interest has been abused too long. The right to strike or lockout is an important institution of free collective bargaining and of our democratic society. It was fashioned by free men in a free society and it can be modified and improved by those free men whenever and wherever it reduces rather than expands their freedom.

We cannot tolerate further tieups and stoppages forced upon us by big moneyed interests. The Taft-Hartley bill offered adequate public protection in the days when it was first proposed. It is no longer sufficient.

Neither, is the temporary legislation we are soon to debate sufficient to solve the problem. Certainly, I support the President in his attempts to bring an end to this strike but we must not stop here. We must provide a permanent apparatus that is specifically designed to cope with the prevention of impending work stoppages including power to require binding arbitration.

Since early 1969 I have proposed legislation before Congress which would have such power. My legislation would establish a permanent commission and court to deal with all such disputes. As with the President's special legislation, my bill removes Congress from direct arbitration and places this responsibility where it belongs with a high level tripartisan board. This proposal is modeled after the Australian system and would arbitrate and where necessary adjudicate disputes qualifying under Taft-Hartley criteria. An additional feature of this legislation is the voluntary participation clause. This permits any bona fide management and labor partnership to partake of the commission's facilities and expertise, provided both parties voluntarily agree to participation. Aimed at public service industries such as teaching, refuse collection, police and fire protection, it will offer these groups significant third party contribution which is frequently missing and yet critical to the success of negotiations.

The two most important elements of my proposals are their representation of public interest through a commission member with designated responsibility and their permanence so that we will not be faced with having to act upon stop-gap legislation after severe damage has already been done.

I am weary of the daily outpourings of Congress on the erosion of farm income and how we must legislate new programs to revitalize rural economies when this Congress has not acted to end a dock strike that has taken over a billion dollars from the pockets of American farmers. At a time when we are spending close to $3 billion to subsidize agricultural production, how can we deny access to farm markets?

Realizing that 53 percent of all wheat production in this country is for export and that we subsidize its production with $880 million in Federal funds, how can we then ignore this crisis?

Mr. President, this is pure folly.

Senators have openly deplored the occurrence of the first trade deficit in recent history, yet it is the failure of Congress to act that is bound to have far reaching implications on trade and possible future deficits.

Time and time again, the public interests have been overlooked in the handling of labor disputes.

We owe it to the people of the Nation who are increasingly victimized by vicious strikes to establish a permanent mechanism which would represent this same public as well as the rights of the disputing parties.

RAILROAD RATE STRUCTURE SUPERVISION

Mr. TAFT. Mr. President, during the past 10 months I have been very critical of the way in which the Interstate Commerce Commission has supervised the rate structure of America's railroads. I have pointed out that the Commission has permitted rate discrimination as to the nature and value of the commodities shipped and as to the direction in which the freight is moved. Both types of discrimination seem indefensible to me.

Recently, a group of students at the George Washington University, under Prof. John Banzhaf, have undertaken a study relative to the effect of railroad rate policies on the environment. The study concludes that freight rates discourage the use of waste materials at the very time when we are trying to promote recycling in the interest of protecting our environment.

A short time ago, I was visited by members of the scrap-iron industry, who made this same complaint.

I ask unanimous consent that there be printed in the RECORD an article entitled "Railroads Discourage Recycling," written by Michael Drezin, and published in The Hatchet, the student newspaper of George Washington University.

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

BANZHAF GROUP EXPOSÉ—RAILROADS DISCOURAGE RECYCLING

(By Michael Drezin)

A group of GW students investigating the effect of railroad rate policies on the environment has found that current freight rates discourage the use of recycled waste materials and favor the use of raw materials.

Students Challenging Regulatory Agency Procedures (SCRAP) as the five-member group is known, as formed in September and is part of an Unfair Trade Practices course taught by Prof. John Banzhaf.

According to SCRAP Chairman Neil Proto, the cost of transporting a ton of scrap iron and steel for use by the steel industry is approximately $5.30 a ton while the cost of transporting iron ore is only $2.20 a ton. Proto also pointed out that it is more expensive to transport paper waste than virgin timber used to make paper and paper products.

Citing a Nader study report, Proto suggested one possible reason for the rate structure preferred by railroads which favor the use of raw materials. According to the study "Several railroads are actively involved in mining operations which present a gigantic opportunity for increased income." The Union Pacific has mineral rights on ten million acres, the Northern Pacific has mineral rights on eight million acres. Both sections of land contain iron ore and lumber, the study reports.

SCRAP has accused the Interstate Commerce Commission, which regulates railroad rates, of not complying with provisions of the National Environmental Policy Act in granting railroads across the board rate increases in 1970 and 1971.

Proto said the NEPA requires federal agencies conducting activities which affect the environment to file an environmental impact statement with the President's Council on Environmental Quality. The ICC has failed to file this statement, he said.

In an unsuccessful challenge to the 1970 and 1971 rate increases, a petition filed by SCRAP before the ICC accused the ICC of failing to consider "the effect of the . . . rate increase on: The amount of energy needed to produce a product from recycled materials vs. raw materials; the effect of energy demands on the nation's finite natural resources; "the increased likelihood" of a health threat resulting from the inability of cities to move solid wastes; "the possible harm to water resources, fish, and wildlife" resulting "from an inability to move materials for purposes of recycling and the methods utilized for the extraction of raw materials."

In its most recent action, SCRAP has persuaded the ICC to deny—at least temporarily a request by the nation's railroads for a two and a half percent interim surcharge on freight service which would be followed by a request for a general increase on selected commodities.

The railroads which requested their latest increase on Dec. 13, 1971 to become effective Jan. 1, 1972, was denied the request by the ICC until at least Feb. 5.

In denying the request, the ICC said the railroads failed to provide environmental impact statements as required by agency rules in support of the NEPA.

According to a SCRAP publication, "the estimated increase temporarily denied . . . would have yielded the railroads an estimated $246 million annually, and the delay until at least Feb. 5, 1972 will cost an estimated $24 million.

SUPPORT FOR COMMUNITY COLLEGES

Mr. MATHIAS. Mr. President, I recently had the pleasure of attending a meeting of the Maryland Congressional Delegation with a most impressive group of about 50 students, faculty, and administrators from the Community College of Baltimore. Led by Dr. Harry Bard, president of CCB, the group presented a compelling case for several provisions contained in S. 659, Federal higher educa-

tion support legislation currently before Congress.

Particular enthusiasm was shown for the Senate version's $1,400 direct student grant provision, as well as for the support directed specifically at community colleges in the form of construction grants and development funds. The representatives also favored the House provision for noncategorical institution aid.

Community colleges such as CCB, serving an urban, racially, and ethnically mixed student population, represent one of the key vehicles for expansion of educational opportunity in this country. However, without Federal support programs aimed at the needs of such institutions, that opportunity will be tragically limited.

Mr. President, I ask unanimous consent that, for the benefit of Senators, the statements of Mr. Doug Airey, a CCB student, and Mr. Clarence Gregory, a CCB administrator, be printed in the RECORD.

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

STATEMENT OF DOUG AIREY, STUDENT, COMMUNITY COLLEGE OF BALTIMORE

My testimony, when added to that which you have already heard, may not be new or startling, but I must ask you to consider my statement in the light of my responsibility as representative of the Community College of Baltimore Student Government Association.

Our deep concern is that if this and other colleges should fail to receive some form of general aid as proposed in the House Bill HR7248, the alternative for hard pressed colleges would likely be an increase in tuition.

Those who would suffer most from the additional burden of increased tuition would be the very students that urban colleges as ours are working to attract.

The door would again begin to close part of the little distance from which it has been opened to students who are in financial need. Thus it would hurt most those who need, and WANT, the help most.

It is for this reason that we would like to ask for your support for a reasonable general aid provision in the final bill.

In support of this argument we would like to give you several specific examples of actual students and their financial situations.

Because of the confidential nature of this information, the names are omitted. I would, however, be willing to identify the specific students should you be interested in verifying this information.

The editor of the school newspaper is a veteran receiving $175.00 per month, which is his total income for 10 months. Out of this, he must support himself completely, paying for rent, food, utilities, clothing, transportation, and college expenses.

Another student, the Publicity Chairman of the Student Government Association, is more fortunate in that she can live at home. She needs work in order to provide money for transportation, books, and other costs essential, and part of college attendance. For students like her, the present situation in the job market makes life even more difficult than it has been now.

With recession businesses can get more experienced help with resulting keener competition for jobs, according to Mrs. Mullineaux (the College Job Placement Counselor). Stopping the war has cut jobs. At the same time, returning veterans are flooding the job market. All of this results in a more difficult work situation for the average college student.

The upgrading of requirements for numerous career jobs dictates that students who expect to get into these fields, in order that they may make a contribution to our society and economy, must spend more time to prepare themselves with necessary college education.

Another student is part of the vanishing number of those under work-study programs due to a greatly increased number of colleges vying for funds available, according to Mrs. Shirley Smith (Financial Aid Counselor).

Another student has come through the Upward Bound Program, which has motivated him to continue college. At the same time, he works at the United States Post Office to help support himself, while contributing efforts as Sophomore Class Chairman of the Student Government Association.

Another individual is an ex-con, continuing his education and rehabilitation through the National Student Defense Loan and Economic Opportunity Grant Programs. He would receive more funds under a wider definition of matching funds as proposed to you. This would include scholarships under the EOG provisions, and because the student also has a councilmatic scholarship, it would directly increase his benefits. Currently, he must work two full-time jobs in the summer to provide college costs.

A 24-year-old, married at 16, divorced at 22, supports two (2) children while working full time and continuing at night. She is also president of the Baltimore Social Club.

A final example is the full-time mother, married to a minister, while working and attending college both full time.

Another beneficiary of general aid would be the Community Services Division. They have a program starting this semester specifically helping upgrade the skills of under- and unemployed persons. In specific, their Construction Technology Program is undertaking the rehabilitation of Baltimore homes for Baltimore citizens at the same time that students learn.

Last year in testimony for increased aid at the Maryland Legislature, the Freshman Class Chairman concluded that "higher tuition would limit opportunities for many students to continue their higher education, consequently the student and community would lose."

In testimony before the same Legislature, the Student Government Association President said, "Once upon a time there was a college (school) which sat upon a hill. This college was like many other colleges: it was centered in the community, for the community, to educate and train workers to return to the community as productive citizens. These were middle-class, working-class people, poor people. Many of whom had to work twenty to thirty hours a week to stay in school—to 'better' themselves, as they would call it. Things were gay. The robin sang. The sky was blue. But then one day the sky clouded over. The robin vainly flew searching . . . searching . . . for a speck of light . . . a smile. But none were to be found."

"Why? Why? Students began to get dark circles under their eyes. Their faces, lean and fatigued, were tainted with despair."

"Why? Why? Was it because they would return home from work with barely enough energy to peel off their garments and then collapse into one mass of fatigue on their beds? . . . Why did the sky cloud over?"

Money, dust, and ducats made the sky cloud over. General aid must be provided to "make the sky blue."

STATEMENT OF MR. CLARENCE GREGORY, ADMINISTRATOR, COMMUNITY COLLEGE OF BALTIMORE

FEDERAL AID FOR COMMUNITY COLLEGES—EMPHASIZING THE CURRENT H.R. 7248 AND S. 659 OMNIBUS BILLS (THE HIGHER EDUCATION ACT OF 1971)

The Community College of Baltimore, like most other institutions of higher education around the nation, finds fiscal financing increasingly difficult. Urban colleges, such as ours, find themselves in a greater bind in this respect than some others. We exist primarily to attract and serve the needs of the so-called "inner-city or minority student." These students are those who had never considered college before, indeed, are in many instances the first of their families to attend schools of higher education. They are the victims of economic deprivation and the exigencies of providing for the basic necessities left no funds to pay for education. Many of them have to work full time in order to pay for a minimal study load and at the same time help their families, and provide for themselves.

Low family incomes make a high percentage of them eligible for student grants, loans, work-study, and other types of financial aid. CCB has the highest percentage of this low-income student of any Community College in the State of Maryland. As enrollment increases, this percentage goes up.

If we are to remain true to our reason for existence, then we cannot raise tuition and price our students out of the higher educational market. Noncategorical aid will keep us from having to raise tuition.

In addition to the above, urban colleges have some other problems to a greater degree than perhaps some colleges situated elsewhere. The reference is to expenditures for so-called ethnic studies and ecological studies. The "ethnics", including minorities, are in the nation's urban centers. Demands for ethnic studies, non-existent a few years ago, are greater there. Moreover, the problems of air and water pollution (ecological studies) have greater concentration in the cities, causing the demand to seek solutions which take the form of additional studies, which, in turn, increase expenses.

The "new" student and his college are also faced with expenses that were not a part of the college scene until recently. As previously stated, he is probably the first of his family to attend a school of higher education. His problems in this respect have to be met through a program of expanded special services. Various kinds of counseling such as admissions testing and measurements, psychological, job placement, financial aid, academic, vocational, personal, career, and transfer counseling, have to be made available. In other years, much of this was done by college-oriented families. In the absence of such help from the home, the college itself has to absorb this function. Special services alone add a great burden to ordinary college expense.

If the open-door policy of the urban college is not to become a closed door, expenses to the student must be kept within his ability to pay. One of the cruelest actions of one human to another is to crush hopes and aspirations once they have been raised. The Community College, by making higher education available to those for whom it was closed before, has opened pathways to a better life.

Now that at last Congress has put together noncategorical aid to colleges and special aid to students, these forms of assistance would prove of great help to the neediest students. The student in the general education program has the same expense as the one in vocational education. The making of economically secure students, who otherwise may never be, can only result in building a stronger nation.

DOCK STRIKE

Mr. FONG. Mr. President, at long last the press and people in all parts of our country are coming to the realization that something must be done, and done promptly, with regard to the west coast dock strike. For many months, since the strike began on July 1 of last

year, the people of my Island State of Hawaii have felt that their plight has been little known or understood by the country at large.

An economic blockade, for that is what the dock tie-up has meant to Hawaii, is a slow death, like sand running out of an hourglass. A business fails for lack of imported supplies, and five or 10 or a hundred persons are thrown out of work. A laborer's workweek is reduced from 5 or 6 days to 2 or 3. Chlorine to purify drinking water is found to be in short supply. Warehouses run out of space because sugar and pineapple cannot be shipped to mainland markets. Tax revenues essential for the operation of public services drop sharply. Economic growth is set back for years to come.

Early last week a group of concerned citizens came to Washington from Hawaii. They represented an organization called Operation Blackeye, in reference to Hawaii having been struck hard by the economic consequences of the west coast dock strike. They brought with them 80,000 letters and petitions from citizens of Hawaii in all walks of life. This is approximately one-third of our total number of registered voters. Operation Blackeye came here to bring to the attention of Congress and the people of this country the critical situation in which the citizens of Hawaii find themselves as a result of this strike. They came to ask Congress to enact legislation promptly which will safeguard Hawaii.

I was glad to welcome this group and to do everything possible during their visit to enable them to inform Members of Congress of the disastrous effect the dock strike has had on Hawaii's people and economy. It is my strong hope that the appeal for legislative action contained in the 80,000 letters and petitions of Operation Blackeye will stir this Congress to immediate action on remedial legislation.

I ask unanimous consent that the text of editorials published last week in the Washingon Post and the Washington Evening Star and a news report published in the Christian Science Monitor be printed in the RECORD.

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

[From the Christian Science Monitor, Jan. 31, 1972]

DOCK STRIKE: FARM, LABOR IMPACT

(By Richard L. Strout)

WASHINGTON.—President Nixon has yanked the alarm on the West Coast dock strike but Congress is responding with a ho-hum.

The trouble is that Mr. Nixon wants compulsory arbitration, which is one of the most emotional issues in labor relations, and an election is coming up in which trade unions are likely to play a big part.

At the same time many elements in the country are becoming concerned over a situation in which a strike of some 100 days was interrupted by an 80-day so-called "cooling-off period" under the Taft-Hartley labor law, only to have it expire with no cooling off, and the strike resumed again Jan. 17.

The strike is developing from a regional issue into a national and international affair, with no certain modern precedents for government to follow.

Politically it is acute. In addition to the fellow-feeling which many unionists have for longshoremen there is the instinctive opposition to the precedent of compulsory action by labor and its frequently repeated charge that the Nixon administration is "anti-labor."

This was accentuated by the dramatic confrontation between Mr. Nixon and the AFL–CIO convention at Miami last November. This episode, and disputes over the Pay Board, are believed to have produced George Meany's bulldog enmity to the administration as head of the labor organization.

Farmers are deeply affected. The new Secretary of Agriculture, Earl L. Butz, is trying to whip up pressure to get Congress to act, as irritation gradually hardens to anger in Midwest farm areas over the tightening noose of the strike on agricultural exports.

International relations are involved as the West Coast longshoremen attempt to seal off cargo getting through in Canada and Mexico at the far ends of their 2,000-mile picket line.

James D. Hodgson, Secretary of Labor, says the strike costs millions of dollars a day and threatens to halt the nation's economic recovery.

LITTLE URGENCY FELT

Congress, Mr. Hodgson complains, shows "little sense of urgency."

Two weeks after the Democratic Congress returned to Washington a pattern is developing that recalls 1948, when a Republican Congress took a languid interest in a Democratic President's appeals.

Mr. Truman threw the kitchen sink at the 80th Congress, led by Arthur Vandenberg in the Senate and Speaker Joseph W. Martin in the House. He called a futile political session after the Democratic National Convention in Philadelphia, and made the "do-nothing 80th Congress" his principal campaign issue. He won.

Has the 92nd Congress a place in history, too?

With increasing frequency Mr. Nixon, in his State of the Union, budget, and economic messages, is stating or implying that Congress is holding up various projects. Now comes the dock strike.

CONGRESS CASTIGATED

In an appeal to Congress Jan. 21 Mr. Nixon called the dock strike "intolerable." He used such urgent words as "insensitive," "threatens," "damaging," "urgency," "vital," "implore" and declared that "our national economy [has] been made hostage to the interests of those few who persist in prolonging the dispute."

And, then there was this Nixon comment about Congress:

"For two long years, the Congress has had before it comprehensive proposals which I submitted and have repeatedly urged that it pass for the resolution of emergency transportation disputes. This legislation still languishes unenacted."

Congress hesitates like an uncertain team in a firehouse that hears the alarm but isn't sure its engine will run.

COMPULSION THE ISSUE

Should Congress now, a generation after the Taft-Hartley Act, write new federal legislation setting the pattern for compulsory arbitration which, in effect, tells a man that he must work, by order of the government?

It is one of the most delicate areas in a democracy, for it tests the social contract on which democracy is based, an implied agreement by major elements to work for the good of the whole.

A House committee starts hearings Monday, Jan. 31.

A Senate committee took testimony from Labor Secretary Hodgson, but not from two other Cabinet members the administration wants to testify.

The administration is organizing grassroots protests to Congress to stimulate the languid legislature.

Mr. Nixon's remedy—special congressional authority to set up a three-member arbitration board named by Mr. Hodgson from professional arbitrators; the strike (or lockout) to be illegal from the day of enactment, and the board's determination to be made within 40 days, and to be binding on all parties for a definite period of time, at least 18 months.

This is stern action for a deepening emergency. It would set a precedent probably unparalleled in peacetime.

[From the Washington Evening Star, Feb. 2, 1972]

LABOR STALEMATE

Congressional inaction on the administration's call for emergency legislation in the West Coast dock strike is in line with the legislators' generally sorry record on saving the nation from damaging labor stoppages.

The dispute that closed the Pacific ports for 100 days last year and, after expiration of a Taft-Hartley injunction, shut them down again on January 17, is the kind for which the law should provide a method of fair and certain solution. While many shippers have made alternate arrangements, and port activity was speeded during the cooling-off period in anticipation of a resumption of the walkout, a prolongation of the current disruption would pose a substantial threat of economic harm. With the nation struggling to recover from the first trade deficit in more than 80 years, important agricultural exports have been curtailed. The West Coast ports could lose business permanently to rivals in Canada and Mexico. Hawaii's major channel for supplies from the continent has been cut.

Though the differences between union and employers have been narrowed, the uncertainty of an early settlement has left the administration with little choice but to seek ad hoc legislation, in this case requiring a return to work and binding arbitration. As the House and Senate Labor Committees drag their feet on the administration request, it is clear that the legislative need has run afoul of election-year politics. Congressmen, particularly Democratic members dependent on labor support, do not want to offend powerful unions by embracing compulsory arbitration.

The Congress is even less likely, as labor girds for the attempt to hold President Nixon to one term, to act now on the two-year-old administration proposal for broader legislation to prevent costly strikes in the transportation industry. Such legislation is needed—covering other economically vital industries as well—because of the lack of legal tools to require settlements after exhaustion of delays under the Taft-Hartley and Railway Labor Acts.

The administration proposal would give the President a set of options—including possible imposition of the last offer of either side—for ending transportation labor disputes. The plan has merit, as do broader suggestions for adjudication of otherwise insoluble disputes through labor courts or some other binding mechanism.

As it is, Congress repeatedly in the last couple of years has had to legislate specific settlements ending nationwide rail strikes—cases in which national paralysis was so obvious that action could not be avoided. Labor law should not have to be made on a case-by-case basis, but only Congress' failure to approve more comprehensive solutions has made this necessary, as in the West Coast dock crisis.

The legislators eventually must face the fact that the nation cannot continue paying the costs of frequent failures of the collective bargaining system, when these affect indispensable segments of the economy on which we all depend.

[From the Washington Post, Feb. 3, 1972]

CONGRESS AND THE DOCK STRIKE

There is just one major problem standing in the way of legislation to try to deal with labor crisis like that brought about by the West Coast dock strike and that problem is named Congress. The men and women on the Hill won't act on this kind of legislation during a crisis because they don't want to act hastily. And they won't act on it at any other time because there isn't a crisis to urge them along. The result is that nothing gets done, the country drifts from one major tie-up to another, and major sections of the economy are paralyzed with increasing frequency.

Just this week, for instance, Secretary of Labor James D. Hodgson was up on the Hill urging a House Labor Subcommittee to pass President Nixon's emergency legislation to end that West Coast strike. The dockworkers were out for three months last summer and resumed their strike in mid-January after the President exhausted all the effective remedies available to him under existing law. The strike has severely damaged many West Coast businesses, its impact has been felt far beyond the confines of the docks, and international trade has been crippled. Yet the reception given Secretary Hodgson on Capitol Hill indicates that Congress couldn't care less.

The President has proposed that the dockworkers and shippers be forced into compulsory arbitration by a three-man board to be selected by Secretary Hodgson. The board's decision would be binding for at least 18 months. While this is not a particularly good way to break a labor-management impasse, it is better than letting the strike drag on and it is better than anything anybody in Congress has proposed. Yet a Republican member of the House subcommittee, Representative Reid of New York, told Mr. Hodgson that Congress won't act on an emergency basis and the committee chairman, Representative Thompson of New Jersey, said the committee couldn't act without going over the proposal with "a fine-tooth comb." We can't help wondering what the committee has been doing for the past few years if it doesn't understand already what this legislation means and what this particular strike means.

For more than two years, the administration has been asking Congress to deal with the problem of strikes in the transportation industries. These are particularly crucial to the economy since they tie up not only one industry but, eventually, most other industries as well. The attitude of Congress toward the administration's pleas has been to ignore them and to intervene in such strikes only when the situation got so desperate that something had to be done. Indeed, Secretary Hodgson has warned Congress that it better face the problem squarely and delegate power to deal with these situations or get ready to undertake the role of chief mediator itself. Since history suggests that Congress is perhaps the worst possible mediator of labor disputes, the proper course of action is quite clear. Yet, Congress not only refuses to take that course, it refuses even to seriously consider taking it as far as we can tell.

Dealing with labor questions like this is always hard for politicians and particularly hard in an election year. But sooner or later the public interest is going to have to be injected into this particular area of labor negotiations. Congress could save many innocent bystanders from considerable harm and do its part to keep the economy running smoothly by acting sooner rather than later.

TRAPPED RESIDENTS OF INNER CITIES

Mr. TAFT. Mr. President, many of the residents of our inner city neighborhoods feel trapped. They have worked hard to earn a living and raise a family. But the only investment they may have is their home. In all too many cases, however, these homes are beginning to deteriorate, as the neighborhood around them undergoes the signs of gradual decay.

Unable to afford the luxury of suburban living and too affluent for public housing, these residents frequently desire to remain in the old neighborhood, where their longtime friends and acquaintances still live. They are plagued by rising taxes and the fact that their homes are in need of costly repairs. For those who have retired and who are living on a modest, fixed income, these repairs become impossible to afford.

They want to help themselves but they simply cannot afford to do so. They do not want to wait for the bulldozer to renew their neighborhood. They would rather do it themselves.

It is for that reason that I have joined the Senator from California (Mr. CRANSTON), in introducing S. 3109, the Urban Rehabilitation Act of 1972.

This measure would permit residences to be rehabilitated without increasing the monthly mortgage payment. By using the credit of the Federal Government to guarantee mortgages, these property owners could gain a more favorable interest rate and thereby save the homes that they have worked so hard to build.

This approach is not designed for the neighborhood which has already become a slum. Rehabilitation will not work in such instances. This measure is designed to arrest urban decay, rather than to replace urban renewal. It is designed to protect old neighborhoods, rather than create new ones.

The physical deterioration which exists in our inner cities was dramatically reported in the February 3, 1972, issue of the Cleveland Plain Dealer. I ask unanimous consent to have that an article entitled "60 Percent of Cleveland Housing Is Rated Poor or Worse," be printed in the RECORD.

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

SIXTY PERCENT OF CLEVELAND HOUSING IS RATED "POOR" OF WORSE

(By Donald Sabath)

Cleveland's housing stock continues to deteriorate and the abandonment of housing in four East Side neighborhoods has reached crisis proportions.

This was the report given last night by Howard B. Klein, who was elected chairman of the Cuyahoga County Regional Planning Commission. He spoke at the Royal Oak Room in the Terminal Tower at the organization's annual meeting.

The commission released the first two of three reports on the housing stock in the county.

Klein, a Higbee vice president, said it was no surprise that the most severe housing problem exists in the city of Cleveland.

"Six out of 10 dwelling units—fully 60%—of the housing in Cleveland is rated as poor or worse in terms of its conditions and general marketability," he said.

Klein said this percentage totals 150,000 units. The information came from the Cuyahoga County Auditor's office, he said.

"Over three-fourths of the housing in Cleveland was built before the Depression and over one-fourth was built before the turn of the century," he explained. "In short, most of Cleveland's housing is old, in poor condition and only marginally marketable."

The abandonment of housing is blamed on the exodus of 125,000 persons from Cleveland during the 1960s, he added.

"This has resulted in a housing crisis in the east central, Glenville, Hough and the west central areas," Klein said. "These neighborhoods together lost almost one-third of their population and about one-fifth of the housing units during the past decade."

In 1970, he explained, 13% of the remaining units in these four neighborhoods stood vacant.

"Unless something drastic happens to turn these present trends around, the population loss and abandonment of housing in these neighborhoods, and probably in others, will very likely become even more severe in the future."

Klein also said that new homes may soon be priced out of the market for not only low-income families, but also the wealthiest.

"In 1964, the average price of a new home in Cuyahoga County was $22,482," he said. "In 1969, the price jumped to $35,187. At the rate of inflation, the average new home today sells for over $40,000."

Klein said the reports show that the housing problems of Cuyahoga County are not confined to the city of Cleveland, nor are they confined to racial minorities.

"They affect almost everybody in the county," he said.

REVALUATION OF THE DOLLAR

Mr. JAVITS. Mr. President, it is now reliably reported that the administration will submit the legislation to formally revalue the dollar this week, having secured significant short- and long-term trade concessions from our major trading partners.

As was expected, the announcement that a "balanced package" of trade concessions had been negotiated with the European Common Market had the effect of calming the world's monetary markets which had shown considerable nervousness in the preceding weeks.

I ask unanimous consent that the excellent article published in the Wall Street Journal of February 7, on the subject of the devaluation bill and the trade negotiations, be printed at this point in the RECORD.

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

NIXON SHORTLY TO ASK CONGRESS TO DEVALUE DOLLAR BY LIFTING PRICE OF GOLD $3 AN OUNCE

The Nixon administration will formally ask Congress early this week to devalue the dollar by raising the price of gold, as the U.S. agreed to do seven weeks ago.

William Eberle, the President's international trade representative, cleared the way for the measure on Friday when he agreed in Brussels on what he called a "balanced package" of trade concessions with the Common Market. Terms, though, weren't disclosed.

The U.S. has sought, and apparently attained, other trade concessions from Japan and Canada in bilateral talks. It's expected that either the White House or the Treasury Department will summarize the results of these trade negotiations in a formal announcement early this week.

Japan has already disclosed its trade concessions to the U.S. These include reductions of tariffs on several items. Japanese Ambassador Nobuhiko Ushiba said the Japanese concessions would ease restrictions on

items that account for about $650 million of U.S. exports to Japan annually.

The administration's bill will propose a $3 increase in the official price of gold, to $38 an ounce. Chairman Wright Patman (D., Texas) of the House Banking Committee said the panel wouldn't delay hearings on the bill. Other sources said the House committee hearings may take only a day or two.

Some monetary authorities predicted that transmission of the bill, and its passage, could go a long way to claiming world monetary and gold markets, which have been extremely skittish in recent days. Indeed, the announcement of the U.S.-Common Market accord in Brussels brought new strength to the U.S. dollar and prompted an easing in the free market price for gold.

Mr. Eberle described the U.S.-Common Market accord as "a proposed agreement in principle and in substance" on trade relations. The agreement, he said, contains "short, medium and long-term" elements that "help assure" the passage of a clean gold bill in Congress this week.

CONTAINS EUROPEAN CONCESSIONS

He believes, that is, that the pact contains enough concessions from the Europeans to forestall attachment of protectionist amendments to the U.S. devaluation bill.

But neither Mr. Eberle nor Ralf Dahrendorf, the European Communities commissioner for trade relations, would disclose the substance of the agreement. Mr. Eberle explained that its final text is still being drafted, that it remains subject to approval by the Common Market council of ministers and subject to "a last look by me" at the text when drafted.

Both men said the text would be published sometime this week in Brussels and Washington. But Mr. Eberle said he didn't know whether it would be published before the gold bill was submitted to Congress this week.

While declining to discuss the substance of the agreement, members of Mr. Eberle's negotiating team indicated that the problems that had caused a projected one-day wrap-up session to spill over into Friday involved "editing and wording." Any points that would have to go back to the Common Market's council of ministers for special approval would concern "wording but not figures," these sources said.

This indicates that the short-term "concessions" of the EC probably stand as the council mandated them to their negotiators.

The Common Market had offered to stockpile 1.5 million tons of grain from its 1971–72 harvest, up from the 1.2 million tons originally offered but well below the 3.4 million tons of the U.S. request. The object of the stockpile is to hold the wheat off world markets where it competes with U.S. exports and works to lower the world price. The Common Market had also offered to lower its tariffs on oranges for June through September to 4% from 15%, among other concessions.

On the question of tobacco, where the U.S. objects to internal Common Market taxes that tend to erect nontariff barriers against imports of U.S. leaf, it seemed likely as the talks ended that the EC will undertake to keep American interests in mind in setting such taxes.

In like fashion, the EC is expected to undertake to keep the U.S. informed of its trade talks with Sweden, Switzerland, Austria, Iceland, Finland and Portugal. The U.S. had asked to be direct observers in these talks to look out for U.S. interests.

The Common Market member countries are France, Italy, West Germany, Belgium, the Netherlands and Luxembourg.

One problem that delayed a settlement concerned a joint declaration of intent to hold a "complete reexamination of the totality of international economic relations," as the proposed text read. This would involve an examination of the problems, starting this year, and culminate in 1973 in broad and far-reaching negotiations, comparable with the Kennedy round of talks in the 1960s under the General Agreement on Tariffs and Trade.

PREFERENTIAL AGREEMENTS

At issue here was the U.S. distaste for preferential trade agreements that the EC has and might like to renew with other nations and groups of nations. Both sides believe they have arrived at a wording satisfactory to all.

The mere announcement of a U.S.-Common Market agreement, even in advance of terms, was enough of a hypo for the U.S. dollar on international monetary markets.

In Frankfurt, where the dollar had closed at 3.1912 marks on Thursday, the West German central bank was forced to intervene in early dealings Friday to keep the U.S. currency from plunging further. But then came the announcement, and the dollar jumped to close at 3.202 marks.

On the London Market, the pound also weakened against the dollar after the announcement, closing at $2.599, off from $2.6047 at Thursday's close.

The pattern was repeated, in reverse, on the London gold market, where speculators, industrial users and miners trade the precious metal.

National central banks, since March 1968, have refrained from trading on this market, valuing their gold among themselves at $35 an ounce, soon to be officially reset at $38 an ounce. The price on the so-called free market spared of governmental intervention, had skyrocketed early last week to near $50 an ounce on speculation that the U.S. wouldn't limit its increase to only $3 an ounce.

The price fell back later in the week when the U.S. Treasury insisted that it would stick with its $38 plan. It fell further Friday on the announcement of the Brussels accord. London dealers fixed the bullion price Friday afternoon at $47 an ounce, off fully $1 an ounce from the day before.

"It was a one-way market with speculators cashing in on their profits," one dealer said.

Mr. JAVITS. Mr. President, the submission of this devaluation legislation meets the U.S. commitment made in Washington on December 16 and which is an integral part of the interim package of currency realinements agreed to by the major industrial nations of the world. I emphasize the words "interim package" because many issues remain unresolved, a long and difficult period of negotiations lies ahead on the long-term reform of the international monetary system.

One of the most thoughtful studies that has been made on the long-term reforms that will be needed was prepared this January by 12 internationally known economists representing the United States, Canada, the Common Market, and Japan. The study entitled "Reshaping the International Economic Order" has been published by the Brookings Institution.

I ask unanimous consent that the section of the report which sets forth the pending long-term issues of monetary reform be printed in the RECORD.

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

[From Reshaping the International Economic Order]

INTERNATIONAL MONETARY ARRANGEMENTS

The agreement reached in Washington on December 18 established some features of the international monetary system but left others to be settled later. There was agreement on the par values or central rates of the currencies of the leading industrial countries and on the width of the band within which exchange rates would be allowed to move around those parities. But there was no agreement on the conditions that should govern future changes in parities and the degree of flexibility to be expected in the new par values; on the conditions on which any one reserve asset would be convertible into other reserve assets; or on measures for the creation of new reserve assets. In other words, there was no explicit agreement on any one of the three fundamental elements in the international monetary system: the mechanism of adjustment to surpluses and deficits; the means of preserving confidence in alternative reserve assets; and methods of generating new international liquidity.

Such an agreement is indispensable to any long-term settlement. First of all, the mechanism of adjustment has to be improved. The reluctance of countries to allow changes in exchange rates to play their part, especially over the past ten years or so, has perpetrated imbalances that had to be financed and that generated increasing distrust of existing exchange rates. Less reliance on the financing of deficits and more on their elimination through exchange rate adjustments is obviously desirable, and the main issue to be determined is what form of flexibility in exchange rates would work best. Flexibility should not be abused, however, but should be used as a means of correcting external imbalance and never made a substitute for measures of domestic policy to raise the level of employment. It is not the function of exchange rate adjustments to secure full employment.

The achievement of a satisfactory adjustment mechanism to preserve international balance is the chief requirement—but by itself it is not enough. It is also necessary to ensure that existing reserve assets are firmly held. If central banks, for example, come to distrust the dollar because of the large total of U.S. external quick liabilities, a fresh crisis may be precipitated because these banks will be unwilling to accept more dollars or will try to secure convertibility into some other reserve asset. In all probability, this situation would give rise to sharp and undesirable changes in the dollar parities of other currencies and renew world uneasiness about the possibility of competitive devaluations.

This danger has to be viewed against the background of the very large total of U.S. dollars already held by central banks ($45 billion at the end of September 1971 and rising fast) and the possible need to go on financing a continuing U.S. deficit for some time. The urgency of international negotiation for a long-term settlement derives mainly from the need to deal with this large overhang of inconvertible dollars.

In addition, agreement will have to be reached on the future role of the dollar as a reserve asset and on how, if the world is not to be kept supplied with additional reserve assets indefinitely by means of a U.S. deficit, the genuine need for fresh injections of liquidity is to be satisfied. This is the third element required in any reconstruction of the existing system.

The use of the dollar as a reserve currency is widely thought to confer privileges on the United States that should be brought to an end. This is not, however, as easy as it may seem. The reserve currency role does not result from any initiative by the United States and cannot be terminated by a unilateral decision on its part. Moreover, so long as the dollar continues to be the currency of intervention, and the U.S. economy and financial institutions occupy a dominant position in international trade and finance, there is an unavoidable asymmetry in the system. This asymmetry makes it difficult, if not impossible, to reduce the dollar to the same status as that of other currencies or to ensure for the United States the same freedom of action

in relation to exchange rates as that enjoyed by other countries. Nevertheless, it is not in the general interest to perpetuate a system that links the creation of additional liquidity with the continuation of U.S. deficits and multiplies the danger of switches between alternate reserve assets.

ADDRESS BY MRS. ANN BAKER FURROW, KNOXVILLE, TENN.

Mr. BAKER. Mr. President, I take this opportunity to recognize and applaud one of Tennessee's most outstanding women, Mrs. Ann Baker Furrow, of Knoxville. Last year, Gov. Winfield Dunn appointed Mrs. Furrow as a member of the University of Tennessee Board of Trustees. She is the first woman and also, at 26, one of the youngest members ever to be appointed to that body in the 176-year history of the university.

Mrs. Furrow's appointment is only the latest of her many achievements. As a fine sportswoman, runner-up for the National Women's Amateur Golf Championship and winner of the Tennessee State Women's Golf Championship, Mrs. Furrow, a native of Maryville, was the first recipient of the Robert Neyland scholarship for athletic and academic achievement while attending the University of Tennessee. While at the university, Ann served as president of Alpha Delta Pi sorority, was named to Who's Who, received a Mortar Board Senior Citation, and served as vice president of Associated Women Students.

Since her graduation, Mrs. Furrow has been active in many civic activities, including the Dogwood Arts Festival in Knoxville, the Knoxville Symphony Society, and the Tennessee Junior Golf Association, as well as working with a Knoxville real estate firm. She is married to Mr. Sam Furrow, a Knoxville attorney.

Last December, Mrs. Furrow delivered the commencement address at the University of Tennessee in Knoxville. Her remarks and advice to UT graduates describe the personal creed by which Mrs. Furrow has lived. They will, I think, be of value to all American youth. I ask unanimous consent that her address be printed in the RECORD.

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

COMMENCEMENT ADDRESS BY MRS. ANN BAKER FURROW

Today is an important day for each of you, not only because it is your graduation day, but also because it is the first day of the rest of your life. The greatest thing I could hope for each of you is that the rest of your life would be rich, fulfilled, and happy—what I would consider successful. To me, success is not defined in terms of prestige symbols or material wealth, but rather in terms of satisfaction, peace of mind, fulfillment, and creative accomplishment. Based on what I have observed in individuals I think we all would consider successful. I would like to give you only two suggestions that might aid you in obtaining this successful life:

1. Always have a goal before you, a sense of direction

2. Always think you can reach that goal.

Man is by nature a goal-striving, goal-oriented mechanism. In a sense, he is functionally like a bicycle. A bicycle maintains its poise and equilibrium only so long as it is going forward towards something—to some point. We are engineered along the same lines—as goal-seeking mechanisms. When we have no personal goal which we are interested in and which "means something" to us, we are apt to go around in circles, feel "lost" and find life "aimless" and "purposeless." Life becomes worthwhile when we have worthwhile goals.

Today you, and your parents, have reached a goal you set years ago, and I know you must feel a great sense of satisfaction and happiness from this accomplishment. But now with the rest of your life before you, you must set other goals—and this means any goal. It can be long range, such as becoming head of a company, writing a book, making discoveries to improve the environment, becoming a head football coach, or getting your children through college. They can be short range goals such as beating Arkansas, cooking a good meal, painting a picture, shooting an 80 in golf, getting a job promotion, or improving the aroma at Stinky Creek. The scope of the goal is not important—the fact that you have some goal is!

So my first suggestion that might help you attain a fulfilled, successful life is this—get yourself a goal; get a project; stay busy doing something creative; always have something ahead of you to "look forward to," to "work for" and to "hope for."

My second suggestion is to think you can accomplish whatever you set out to do. You might call this attitude positive thinking or self-confidence or any number of related titles. But the point is "Be the man who thinks he can" and you can do it. I have always felt that this was an important attitude to take towards life, and one day several years ago I found a poem that I frequently refer to when I need a "boost."

THE MAN WHO THINKS HE CAN

If you think you are beaten, you are;
If you think you dare not, you don't!
If you'd like to win, but think you can't,
It's almost a cinch that you won't.

If you think you'll lose, you're lost;
For out in the world we find
Success begins with a fellow's will;
It's all in the state of mind!

If you think you're outclassed, you are;
You've got to think high to rise,
You've got to be sure of yourself
Before you can win the prize.

Life's battles don't always go
To the strongest or fastest man;
But sooner or later the man who wins
Is the man who thinks he can!

By coincidence I saw two weeks ago in a Nashville paper where Coach Johnny Majors, who was just chosen Coach of the Year, used this same poem in a speech he gave there.

You do hear so much in sports about the necessity of a positive or winning attitude. It is very obvious in a sporting event, especially in a man-to-man confrontation, that if you go into a match with the idea that you can't win, then you never will. Henry Ford once said, "If you think you can or if you think you can't, then you are right on both points."

But this positive "can-do" attitude is just as important in all arenas of your life—in your business life, your home life, and your religious life. Many of you are probably sitting there saying "I just don't have the ability to do what I really want to do—to get my Masters or Doctorate, or to get a particular job. But this feeling is wrong. You can do anything you really want to do if you are willing to pay the price. A few of you are fortunate to have exceptional intelligence or ability, but each of you can be exceptional.

Any businessman, any educator, any person that is in a leadership position will say without hesitation that an individual with a positive attitude is much more valuable than someone with more ability or more intelligence but with a defeatist outlook. So always take the attitude that any goal or task may be tough, but that it can be licked; and you will be surprised at the things you can accomplish.

Today you are beginning the rest of your life; and if you can find true happiness, fulfillment and peace of mind, then I think you will have had a successful life. I sincerely believe that if you will always have some goal before you, no matter how big or small, how long-range or short-range, but just some goal; and if you will approach that goal *and* approach life with a positive "can-do" attitude, then you will be well on your way to that successful life; and I wish this for every one of you!

SOCIAL SECURITY CLAIMS PROCESS

Mr. PELL. Mr. President, although social security was never meant to cover the full financial needs of individuals, we know that millions of Americans today are forced to depend almost solely upon benefit checks, and moreover, a great many are completely dependent on those checks. This dependence is the consequence of many factors, such as disability which prevents a beneficiary from working, job discrimination, employers who have not provided expected pensions, and past earnings that were too low to permit adequate savings during a working lifetime.

Our senior citizens, already the prime victims of inflation, our cruelest tax, are being asked to bear the burden of yet another problem originating in Washington, that is, the bungling and delays in getting social security checks to their recipients.

These may be procedural matters to a faceless bureaucrat or a soulless computer in Washington. But, they are matters of acute misery and, yes, of disaster to the older man and woman whose often feeble body of life hangs from the thread of those green social security checks.

If such a check is 2 days late in arriving because a holiday forces a postponement in their being received in the mail, the result can be no food or some other horribly real hardship for the recipient.

From a longer term view, complains received by my office indicate that the handling of claims by the Social Security Administration has been the cause of much unnecessary heartache and hardship.

Disabled and elderly persons are suffering undue hardships and deep frustrations while enduring the time-consuming processing of applications and claims, errors in payment and delays in payment at a time in their lives when financial assistance is particularly needed.

My own office files continuously bulge further with complaints from social security beneficiaries. It seems to me that it is time that an examination of the social security claims process be made.

I would urge that the Secretary of the Department of Health, Education, and Welfare undertake an efficiency study of the claims process in the Social Security Administration.

It would be my hope that such a study might consider the implementation of new and more equitable procedures.

I believe this to be necessary if the un-

fortunate bungling that has characterized the claims process in the past year are not to be repeated.

Allow me to cite some examples of the impact which administrative delays have had upon some of my constituents.

After filing the initial application for benefits and then waiting the requisite 6-month period following her disability, a 51-year-old Providence woman, who was unable to work and in dire need of financial assistance to help defray medical expenses, had to wait an additional 6 months before a determination was made on her claim.

It took 4 months for payment to be reinstated to a Cumberland widow in her seventies because of an inadvertent error at the social security office. Another unfortunate incident in this case occurred after my constituent had notified the social security office that he had moved. The Social Security Administration, although recording the change of address on her own account, failed to do so on payment from her husband's account.

At still a later date, my constituent contacted my office after being advised that an overpayment had been made on her widow's benefits. A reply to my inquiry into this matter indicated that the notice of overpayment was in error and a check was to be made payable for the amount erroneously withheld.

A 68-year-old Providence woman received a notice of overpayment. Benefits were stopped. An investigation revealed that a duplicate financial report had been made. But, it took 4 months to recover the payments. To further complicate this individual's case, during the "waiting" period, Congress had passed an amendment to increase benefits which, of course, she could not receive. Unfortunately, the proper adjustments had not been recorded to this account and it was necessary to file a separate report so that a check for the increased benefits could be issued.

In October 1970, I intervened on behalf of a 75-year-old man from West Warwick, who had not received benefits from February 1970, because a question had arisen in his proof of age evidence. This claim traveled back and forth, to and from Rhode Island, Baltimore, and the New York payment center. In December 1970, the claim was approved on a local level. However, Baltimore and New York did not agree with this decision and requested still additional evidence. In May 1971, this claim was finally approved.

A Warwick man who is self-employed, working on a commission with no company benefits, has advised me that he filed several applications because the Social Security Administration had no record of his ever filing a claim, and that he had to wait 2 years for a decision to be made on his claim.

I first indicated my interest in the claim of a Manville, R.I. citizen when he informed me of his decision to request a reconsideration on his claim for disability benefits in October 1969. In December 1970 I received official notification that his claim for disability benefits had been approved. However, after being advised by his attorney that there would be no fee, the Social Security Administration took the liberty of making the 25-percent deduction. I was advised in April 1971 that a check was being mailed to my constituent.

A particularly sad experience was that of a widow and mother of six minor children. This woman became quite ill and was forced to place her children in a home supported by the Catholic charity. Benefits for the children were forwarded to the home. When she was well again, she regained custody of her children and notified the Social Security Administration to make the necessary corrections when mailing the children's checks. The address change should have received clearance so that the widow would receive the checks. Upon notification the first payment was made. However, it was learned that the correction of address did not, in fact, clear and further payments were not being made following the initial check. The family was forced to go on relief and, subsequently, seek legal assistance after failure to receive payment for 3 months.

Another most difficult case involves a Portsmouth, R.I. mother with three children who was twice widowed and had since remarried in 1966. This woman filed a change in status report with the Social Security Administration upon her third married. Three years later, she received a notification from that office that she had been overpaid benefits amounting to $2,234.20 and that an initial payment would be expected within 30 days. My constituent, after numerous attempts to clarify the situation, and after being told by a local social security representative that "he could not understand how it happened," asked for my help. I immediately intervened on her behalf only to be told by the Commissioner of Social Security that:

> Even though the Administration was in error in making incorrect payments, she could not be granted relief from repayment of such amount.

I have since advised my constituent of her right to request a hearing of the Bureau of Hearings and Appeals. I regret to say, however, that I was notified this past month that her appeal had been denied.

I have mentioned only a few cases, but there are many, many more.

While I realized that the work of the employees of the Social Security Administration is most difficult, and sometimes very tedious and boring, I think it is important that they remember that the faceless paper that they shuffle from desk to desk concerns the fate of real people—many of whom have already suffered their share of indignities and who could do well without suffering aggravation at the hands of careless bureaucrats in Baltimore and elsewhere.

The number of persons whose economic well being is dependent upon the largesse of the Social Security Administration is increasing each day. Within a year and a half the administration expects the Social Security Administration to take over the handling of welfare cases from the States.

If the Social Security Administration is to handle the increasing workload efficiently, and with a spirit of kindness, I believe steps must be taken now to reform their slow and clumsy procedures for handling claims.

EDUCATION BUDGET, FISCAL 1973

Mr. CRANSTON. Mr. President, on February 3, it was my privilege to testify before the Senate Committee on Appropriations regarding the administration's budget for education, fiscal 1973.

I ask unanimous consent that my remarks to the committee be printed in the RECORD.

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

THE BUDGET OF THE UNITED STATES FOR FISCAL YEAR 1973

Statement of the Honorable ALAN CRANSTON

Mr. Chairman, and distinguished members of the Committee: It is a great honor to appear before you in these hearings on the federal budget proposals for fiscal year 1973. I thank you for the opportunity to speak on behalf of the students, teachers, administrators, and school boards actively involved in serving the nation at every level and segment of the American educational system, public and private.

PRESSURES FOR CHANGE IN FUNDING PATTERNS

Senators are as conscious as I am that events are moving swiftly and with irresistible force, shaping and forming vastly different patterns of financing the systems which interlock to make up the totality of American education.

The Serrano case in California, decisions in New Jersey, Minnesota—the Austin, Texas, and Richmond, Virginia, holdings—all presage fundamental changes in our traditional patterns of school finance. These decisions, and others, reflect the concerns which informed the Task Force reports on educational finance of elementary and secondary schools of the past two administrations.

In the realms of vocational education, education for the handicapped, our two-year community and junior colleges, our four-year undergraduate institutions, and our graduate and professional training centers, the events of the past decade have produced pressures of such magnitude that only a further major enlistment of our national resources can resolve them.

Legislation on the verge of enactment, when operative and funded, may provide the necessary resources to do the job; but until these proposed programs can begin to operate effectively, it is all the more important that existing programs receive continued and increased financial support. Later this morning you will hear the case presented by my good friend Roger Heyns of the American Council on Education, specifically on the importance of fuller funding of the Higher Education authorities. As one whose present concerns as a member of the Senate Labor and Public Welfare Committee include the post-secondary educational areas, particularly the community colleges of my state, I know that his advice to you is well-considered. On a somewhat more constricted area, but one of deep concern and intense interest—the administration proposals for radical resection and revision of the funding patterns under P.L. 874 and P.L. 815 impacted areas assistance—the information being brought to your attention by Mr. David Fish of San Diego will merit careful consideration.

INCREASED MASKS CUTS IN STATE OPERATED PROGRAMS

The current proposal, even though they contain promises of funding when new proposed legislation is enacted, use the $6.1 bil-

lion recommended to mask an effective cut of $329 million under FY 1972 for programs characterized by one common factor. Each is a state-grant, state-formula program whose ground rules are fairly well understood because the programs have been in existence long enough to work out many of the difficulties which occur in the initial operational years of a new enterprise. Using the states of Louisiana, Mississippi, New Hampshire, New Jersey, New Mexico, North Dakota and Washington as models, let me illustrate:

For programs involving state grants funded in FY 1972, but with zero funding proposed for FY 1973 in the budget estimate, Louisiana would lose:

$1.6 million—Title III National Defense Act—matching grants for equipment and minor remodeling.

$2.9 million—Sec. 3(b) children under P.L. 874—School Assistance in Federally Affected Areas (unless such children have uniformed parent.)

$132.3 thousand—B-2 of Education Professions Development Act—Attracting and Qualifying Teachers.

$78.7 thousand—Title I of the Higher Education Act—University Extension and Community Services Act.

$228.5 thousand—Title VI of the Higher Education Act—Undergraduate Instructional Equipment.

$825.0 thousand—Title I and State Administration of the Higher Education Facilities Act.

$188.9 thousand—Bankhead-Jones Act—Land-Grant College support.

$174.6 thousand—Title II of the Library Services and Construction Act—Public Library Construction matching grant program.

$204.5 thousand—Title I of the Library Services and Construction Act—Public Library Services ($16.6 million cut nationally. Louisiana in FY 1972 received $836.2 thousand; estimated based upon a 25% cut.)

Total—$6.332 million.

For the same programs, the cuts in funds available under FY 1972 for the states indicated, would result in losses as follows:

Mississippi	$4,023,681
New Hampshire	2,262,677
New Jersey	13,532,210
New Mexico	7,086,612
North Dakota	1,556,389
Washington	12,262,423

SHADOW AND SUBSTANCE

Sums of greater magnitude would be involved for states such as New York, California, Michigan and Pennsylvania. But the point is that each and every state, under the budget proposal, will stand to lose substantial amounts for working programs despite the rhetoric which the Wall Street Journal commented upon as follows, in an editorial of January 28, 1972:

"PRINCIPLE AND PRACTICE

"The current budget reiterates as a guiding principle the President's belief that an increasing share of our national resources must be returned to private citizens and state and local governments to enable them—rather than the federal government—to meet individual and community needs."

Certainly in this area of discontinuance of established programs which provide, by formula, determinable sums for laudable purposes, the principle seems to have been honored in the breech.

But, Mr. Chairman, material such as the foregoing belongs more properly in the hearings ahead by the subcommittee on the specifics of line item funding. I have touched upon it as illustrative of the difficulties we face as we learn painfully that we cannot accept blindly, at face value, statements such as: "Funding proposed for Federal Education in FY 1973 shows a steep increase of 16% from actual 1971 spending." If across the board cost increases of 20% have occurred in the same period, then the statement should be rephrased to relate: "4% cut in goods and services expected to occur in FY 1973." The $6.1 billion for education programs in the budget needs to be viewed in the following perspectives:

$1.225 billion of the total is not legally fundable as of this date for new programs, until they become public law.

Some areas in the budget proposals carried under the general heading of Educational Renewal raise questions which I surmise will engender much controversy before they are settled.

EDUCATIONAL RENEWAL

A major question which might be raised concerns the propriety of an introduction of a new field operating program without substantive legislation behind it, including the creation of positions entitled Educational Extension Agents, as staff of some 30 "Renewal Sites" to effect a consolidation of Office of Education programs at the field level.

I pass no judgment upon the merits of the proposal. These will, I am sure, be debated before this Committee and elsewhere. I raise the matter only to express the hope that no matter how the vexing jurisdictional questions may be settled, that in the process, adequate funds be provided for the basic acts involved to do the job they were originally intended to do. The budget in this area carries a myth that should be exploded. I refer to the deletion of funding for EPDA B-2 and Section 504.

TEACHER SURPLUS A MYTH

The same myth appears as the rationale for the further reduction in support of Title IV NDEA, the fellowship program. The myth is that we have enough teachers trained to do the job of educating boys and girls. Evidence is cited of the number of applicants applying for each vacancy, graduates switching to other career fields because they cannot get jobs . . . and so forth.

This is a myth. We do not have a trained teacher surplus. We have a deficit. What is lacking is effective demand. We do not have enough money to run our schools as they should be run. Ask any superintendent of any major school system. Because we have reduced our school year, because we have postponed the maintenance of our school fabric, because we have eliminated in system after system whole categories of teachers such as librarians and physical educators to save money—and it has not been enough—we have been forced to curtail, against our professional judgment, the provision of classroom teacher after classroom teacher that we know we should employ.

Who suffers? The generations of children who are short-changed educationally. That is why we urge this Committee to raise the appropriations far closer to the authorizations in every program that is under-funded. To accept the budget figures for Titles I, II and III of the Elementary and Secondary Education Act, as hold the line figures of last year, means to take a 10% cut in either children served or services given. It is false economy.

ESEA TITLE I FUNDING

While congressional appropriations for Title I have increased gradually from $960 million in 1966 to the present funding level, the number of public and non-public schools served has never approached all those identified as eligible, and the number of students receiving service has declined since the inception of the program from approximately 8,200,000 to 7,400,000. This reduction may be attributed to both the increased costs of providing compensatory education services (inflation) and to efforts by school districts to concentrate a variety of needed services on the most educationally deprived students in schools with the highest concentrations of poverty.

Title I funds have, therefore, never been sufficient to serve all eligible schools, nor have they been in at a level to support the full range of instructional, health, nutritional, and psychological services needed to ensure that all the needs of participating disadvantaged students are met. The U.S. Office of Education has learned that truly successful programs for disadvantaged students require approximately $800 of special services per child over and above regular school programs. The current per pupil expenditure for Title I is $193.

Have we too many teachers of handicapped children? Here is what we are told by the Council for Exceptional Children.

EDUCATION OF HANDICAPPED

There are six million handicapped children of school age in our country. One million of these children have been denied access to any free public education. Of the five million who are in school, only half are receiving any of the special educational assistance they so desperately need. In California we have been trying over the years to right this injustice, but we are still a long way from the goal of full educational opportunity for these children.

Recent U.S. District Court decisions are clearly establishing their constitutional right to an appropriate education. Beyond the fact that handicapped children have a legal and moral right to an education, the evidence is overwhelming that it is cost beneficial to society to provide such an education. Considering the costly alternatives, such as institutionalization and welfare, it is obvious that our society can no longer afford to close the educational door to these children.

Commissioner Marland has established a priority of education for all handicapped children by 1980. If we are to achieve this goal, we must have the partnership of the federal government. The states are now spending over $2 billion for this purpose; we need an additional $3 billion. We must have substantially increased federal assistance to provide educational programs and train an additional 245,000 special education teachers. We cannot allow another generation of handicapped children and parents to remain cast-offs of the American education system.

VOCATIONAL EDUCATION NEEDS

Have we too many trained teachers in vocational education? Let us look at the record starting with a quotation from the report of the Advisory Council on Vocational Education, 1968 (President Johnson's Council):

"Why is vocational education necessary? It is the bridge between man and his work. Millions of people need this education in order to earn a living. Every man wants to provide for his family with honor and dignity and to be counted as an individual. Providing for an individual's employability as he leaves school, and throughout his worklife, is one of the major goals of vocational education."

The National Advisory Council on Vocational Education was created by the Congress through enactment of the Vocational Education Amendments of 1968. It is composed of 21 persons, appointed by the President from diverse backgrounds in labor, management, and education. It is charged with responsibility for advising the Commissioner of Education concerning the operation of vocational education programs, making recommendations for such programs, and preparing annual reports for the Secretary of Health, Education, and Welfare.

A second report of the Council recommended fundamental policy changes for the Federal government which are designed to make education become as relevant for those American citizens who do not graduate from universities as for those who do. The Council recommended that the Federal government invest at least as much money to reduce the flow of untrained youth as it invests in reducing the pool of unemployed.

In fiscal 1971, the Federal government appropriated $1.7 billion to support efforts to recruit, counsel, educate and train, provide

job placement for 1.3 million persons who suffered economic, educational, or physical handicaps.[1] During that year, the unemployment rate in urban poverty neighborhoods showed an overall increase.[2]

Approximately 850,000 young men and women drop out of the Nation's high schools each year before graduating. Many of them flow into the pool of unemployed because they lack the skills and the preparation to make them employable. To reduce this flow, in fiscal 1971, the Federal government spent $7,500,000 for part-time jobs designed to keep youths in school and provided a vocational education expenditure of $20 million for career training for the disadvantaged.[3]

The Advisory Council on Vocational Education pointed out that "the allocation of far more Federal dollars to the problem of the pool than to the problem of the flow is wasteful and inefficient. This Nation will never reduce its pool of unemployed until the Federal government gives as much attention to reducing the flow as it gives to trying to reduce the pool."[4]

In fiscal 1971, approximately 5,523,527 high school students were enrolled in vocational education programs to which the Federal government contributed $183,569,000. The Federal investment, per student, was $33.23.

The total secondary school enrollment for 1971 was 13,329,000. If vocational education is to serve the 80% of our high school students who do not complete four years of college, high school vocational education programs should be doubled in order to serve an additional 5.1 million students. This means that the Nation's investment in vocational education must double if the Federal government continues to provide its proportionate share in financing high school vocational educational programs.[5]

The remedial manpower programs (financed 100% by the Federal government) costs four times as much as it costs to provide vocational education programs in the schools of the Nation.

88% of the enrollees in Manpower Development and Training Act programs come from the high school general curriculum, compared with 10% from the college preparatory, and 2% from the vocational curricula. Approximately 25% of all high school students are enrolled in the general curriculum.[6]

Vocational students placed in jobs in their fields of study consistently needed less time to get a full-time job, found higher job satisfaction on their first full-time and subsequent jobs, had better wage increases, spent more time fully employed, changed jobs less frequently, and had more favorable attitudes toward their former schools than did graduates of academic programs or vocational students placed outside their field of study.[7]

Vocational education has been attacked for excluding disadvantaged students. Often this attack is based on official statistics showing the number of disadvantaged students served in separate classes. Project Talent data indicate that vocational education is serving proportionately far more socio-economically disadvantaged students than other school curricula, and doing it in regular non-segregated classes. There is at least a possibility that some of the added costs of vocational education are due to and justified by the added educational needs of the student population served.[8]

All of this applies with equal or greater force to the postsecondary needs in vocational and occupational education. The Administration talks about launching a broad career education program, when in fact, the community colleges already have in progress a massive and dynamic career education effort. More bureaucrats need to take a hard look at what the community colleges already are doing in post-secondary occupational and technical programs. They are revolutionizing the scope and status of vocational studies in this country. The one glaring shortcoming in what they are doing is the lack of federal recognition and support. Neither the present authorizations nor appropriations begin to fairly reflect the significance of their contribution and development.

By this, I do not mean to suggest that we lower our support for Manpower programs. The situation which created that program exists still and must be met. But for the future to eliminate the need 8 to 10 years from now of a continuation of a remedial program, we should stress the preventative programs through greatly increased funding.

GUIDANCE, COUNSELING AND TESTING

Have we too many guidance counselors?

If we are to follow-up on the recommendations for improved and enhanced career education, as seems to be the thrust of the President's recommendation for expansion in this area, it will be necessary to assist, in far greater degree than is now possible, every school student not only in school placement, but also to a much greater degree than is now possible with limited personnel to help him and to help her develop vocational choice and career decision solidly based upon abilities, needs and achievement. This can best be done through a strong comprehensive guidance program beginning at the elementary level and continuing through secondary and post-secondary levels. The importance of this program as an essential component of Dropout Prevention and Drug Abuse programs, bringing as it does an understanding of the development of the individual into focus with the demands upon him, cannot be over-estimated. Here too, the desirability of far more adequate funding of programs within each state under Title III of the Elementary and Secondary Education Act is most apparent.

HIGHER EDUCATION TEACHER TRAINING

Mr. Chairman, the myth of the teacher surplus at the college level is most vulnerable to rebuttal. Let us look at the facts. We have in the pipeline now, children who will be attending college seven years from now. How many? Where we now have 8 million post-secondary students attending institutions, in seven short years, the time it takes to get buildings planned, site construction done and teacher preparation ready to meet the demand, we will have had to have made preparation for 3 million more students than are now in attendance. It will cost money. We should be investing $2 billion a year in academic facilities construction and renovation every year of the next seven, if we are to be ready.

Here is what I am told by those who have worked long and hard in this area:

Subsidy loan budget request for 1973 is $39,195,000. Of this $39 million, $29 million is to pay for ongoing interest in projects now constructed; $10 million is new money estimated to provide an additional $400,000,000 in additional new construction.

The need for Federal funds for Academic Facilities for Higher Education is stated in three independent national studies. The amount shown in all the studies demonstrates the necessity for more than $2 billion per year for the next seven years.

This construction will provide for an increase of present student enrollment of 8 million to an enrollment of 11 million. It will also replace temporary or unusable facilities.

These facilities are critically necessary if the United States is to continue its history of growth in education—a growth mainly initiated by Thomas Jefferson.

The Federal government this year should provide a minimum of $300,000,000 of the authorized $936,000,000 in grant funds to allow replacement of unusable facilities and to provide for backlog requests for essential new projects in needy public and private institutions as they struggle to meet accreditation norms and local building code ordinance and provide minimum increase.

In addition, $50 million in direct Federal loan funds, which exist in the revolving fund for Title III of the Higher Education Facilities Act, should be released for these projects since the small and needy public and private institutions cannot borrow by state bond routes or from banks.

The Interest Subsidy budget request should be increased to provide $500,000,000 of money borrowed from state bonds or private banks with the Federal government paying annual interest on interest rate above 3%.

Without the above balanced program, there is serious question as to whether the present space available for higher education would not shrink rather than have a modest increase for the students who will be on campus one or two years hence.

I have mentioned the community colleges. They are the fastest growing segment of education, particularly in the enrollment of disadvantaged and non-traditional students. For the budget to again recommend zero funding for community college construction is to propose the crippling of both higher and vocational education, since the two-year colleges are taking such a tremendous share of the growth load in both areas. The whole current authorization of $936 million annually could be spent to great national benefit on community colleges. It would, in fact, hardly dent the backlog of their urgent facility needs. Almost every estimate made of community college growth in the last two decades has fallen far short of their actual growth, and I think this applies again in the current estimates of their facility needs because such estimates cannot begin to recognize the true space needs of the many community colleges which are at present only on the drawing board.

STUDENT ASSISTANCE PROGRAMS

The student assistance programs in the post-secondary educational area bolstered as they are by the welcome FY 1972 supplemental being requested for this coming spring, may need your careful attention for increases when the new authorization ceilings come to you as the result of conference settlement of the legislation now pending. A review of this area is clouded by the intent foreshadowed to ask for a reduction in the Direct Loan Account of Title II NDEA of $288 million on the rationale that it will be unneeded. Should this request be sub-

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[1] *Special Analysis of the United States Government,* Fiscal 1973, Government Printing Office, Washington, D.C.

[2] *Employment and Earnings,* Bureau of Labor Statistics, Department of Labor, Government Printing Office, Washington, D.C.

[3] Division of Vocational-Technical Education, U.S. Office of Education, Department of Health, Education, and Welfare, Washington, D.C.

[4] *Second Report,* National Advisory Council on Vocational Education, Washington. D.C.

[5] Division of Vocational-Technical Education, op. cit.

[6] *Variable Related to MDTA Trainee Employment Success in Minnesota,* David J. Purcel, Department of Industrial Education, University of Minnesota, Minneapolis, Minnesota, 1968.

[7] *Selected Highlights from the Process and Product of Vocational Education in the United States,* M. U. Eninger. Pittsburgh, Pennsylvania: Systems Research Institute, Inc., Vol. 2, 1968.

[8] *Verbal Ability and Socioeconomic status of Night and Twelfth Grade College Preparatory, General, and Vocational Students,* Rupert N. Evans and Joel D. Galloway, University of Illinois.

mitted, before complying with it, I know that you will wish to examine most carefully the consequences to the students who rely on this program for financing their academic preparation. If this action should be justified to you, on the basis of a mythical surplus of teachers, then my comments elsewhere on this point may take on added importance and emphasis. Title II NDEA is a soundly conceived and working program which has justified the confidence that your Committee has reposed in it over the years, as you have attempted to meet the needs it has developed by consistently providing it with funding above administration recommendations.

BUDGET OMISSIONS: PUBLIC LAW 815 SCHOOL CONSTRUCTION

Mr. Chairman, I would be remiss if I did not bring to your attention some holes in this budget for FY 1973. I had hoped to see increases of $200 to $300 million for Public Law 815, so that the backlog of approved projects to build schools could be liquidated. They are badly needed on our military bases, on our Indian reservations and in almost every state in the nation. I applauded the action of the Senate last year as it strove to meet this obligation. I regretted as much as any Senator the opposition of the House conference managers to this item. At a time when unemployment rates are high, construction of this type serves a dual purpose leading to a healthier economy now and a better economy in the future. For this reason, I would urge that the effort be made again this year to get those schools built.

PART "C" OF PUBLIC LAW 874

The expansion of P.L. 874 to include payments for children living in public housing carried with it an authorization of $300 million. To date, no money for this purpose has survived the OMB seine-nets, and although your Committee, Mr. Chairman, has given endorsement to an initial funding to meet the needs in this area, the Senate-approved amounts have been casualties of the conference settlements. If we want to get help where it is most needed, the best delivery system at hand is an initial and substantial funding of this authority.

The attached chart which shows the flow of funding at one-third of the authorization sets forth the city systems which would benefit.

THE COUNCIL OF THE GREAT CITY SCHOOLS—RESEARCH DIVISION

ESTIMATED GRANTS FOR PUBLIC HOUSING BASED ON $100,000,000 APPROPRIATION

City	Projected number of children	Estimated grant
Akron, Ohio	4,208	$355,080
Albany, N.Y	2,528	327,694
Albuquerque, N. Mex	2,040	71,843
Allentown, Pa	1,431	126,556
Amarillo, Tex	0	0
Anaheim, Calif	0	0
Atlanta, Ga	19,600	1,353,779
Austin, Tex	1,755	124,394
Baltimore, Md	18,490	1,651,703
Baton Rouge, La	1,196	82,620
Beaumont, Tex	845	59,894
Berkeley, Calif	1,430	126,126
Birmingham, Ala	8,869	612,733
Boston, Mass	26,159	3,207,829
Bridgeport, Conn	3,783	434,099
Buffalo, N.Y	6,354	923,520
Cambridge, Mass	1,884	230,988
Camden, N.J	2,825	338,141
Canton, Ohio	0	0
Charlotte, NC	4,781	330,299
Chattanooga, Tenn	4,005	276,686
Chicago, Ill	54,864	5,863,853
Cincinnati, Ohio	9,698	818,317
Cleveland, Ohio	16,575	1,398,598
Columbus, Ga	2,655	183,353
Columbus, Ohio	8,633	730,140
Corpus Christi, Tex	2,309	163,648
Dallas, Tex	9,590	679,746
Dayton, Ohio	4,869	410,840
Dearborn, Mich	433	36,623
Denver, Colo	5,909	557,117
Des Moines, Iowa	650	$61,276
Detroit, Mich	13,134	1,111,128
Duluth, Minn	1,459	111,918
Elizabeth, N.J	2,051	245,553
El Paso, Tex	6,960	493,239
Erie, Pa	1,997	176,557
Evansville, Ind	1,535	118,495
Flint, Mich	1,781	150,671
Fort Wayne, Ind	555	42,843
Fort Worth, Tex	1,396	98,963
Fresno, Calif	2,386	197,519
Gary, Ind	3,224	248,828
Glendale, Calif	0	0
Grand Rapids, Mich	426	36,073
Greensboro, N.C	3,041	210,052
Hammond, Ind	779	60,100
Hartford, Conn	4,018	461,100
Honolulu, Hawaii	4,841	344,209
Houston, Tex	3,970	281,408
Indianapolis, Ind	4,688	361,804
Jackson, Miss	390	26,941
Jacksonville, Fla	4,560	314,987
Jersey City, N.J	5,205	623,062
Kansas City, Kans	1,782	111,668
Kansas City, Mo	3,507	269,894
Knoxville, Tenn	4,830	333,622
Lansing, Mich	1,097	92,823
Lincoln, Nebr	1,755	189,540
Little Rock, Ark	1,840	127,073
Long Beach, Calif	910	75,348
Los Angeles, Calif	14,243	1,179,304
Louisville, Ky	7,592	524,455
Lubbock, Tex	476	33,725
Madison, Wis	699	68,143
Memphis, Tenn	9,084	625,036
Miami, Fla	11,049	763,134
Milwaukee, Wis	5,842	569,206
Minneapolis, Minn	10,187	781,633
Mobile, Ala	5,251	362,718
Montgomery, Ala	3,593	248,218
Nashville, Tenn	8,382	579,056
New Bedford, Mass	3,453	423,417
New Haven, Conn	2,467	283,134
New Orleans, La	18,534	1,280,336
New York, N.Y	106,690	14,215,837
Newark, N.J	18,116	2,168,425
Newport News, Va	2,213	181,168
Niagara Falls, N.Y	1,013	131,246
Norfolk, Va	4,836	395,972
Oakland, Calif	6,080	503,432
Oklahoma City, Okla	4,290	324,324
Omaha, Nebr	4,645	501,650
Pasadena, Calif	325	26,910
Paterson, N.J	3,085	369,263
Peoria, Ill	5,355	573,310
Philadelphia, Pa	29,173	2,579,503
Phoenix, Ariz	2,085	164,210
Pittsburgh, Pa	14,689	1,298,775
Portland, Oreg	5,075	606,385
Portsmouth, Va	2,479	202,981
Providence, R.I	4,516	486,756
Richmond, Va	5,312	434,930
Rochester, N.Y	2,570	233,085
Rockford, Ill	2,188	233,843
Sacramento, Calif	3,010	265,438
St. Louis, Mo	12,613	970,540
St. Paul, Minn	6,000	460,441
St. Petersburg, Fla	1,232	85,122
Salt Lake City, Utah	0	0
San Antonio, Tex	8,878	621,251
San Diego, Calif	1,300	107,640
San Francisco, Calif	10,793	893,627
San Jose, Calif	1,937	170,843
Santa Ana, Calif	0	0
Savannah, Ga	3,666	253,211
Scranton, Pa	1,820	160,927
Seattle, Wash	8,588	635,755
Shreveport, La	761	52,535
South Bend, Ind	1,268	97,864
Spokane, Wash	0	0
Springfield, Mass	1,511	185,245
Syracuse, N.Y	3,012	390,368
Tacoma, Wash	2,152	159,276
Tampa, Fla	6,026	416,181
Toledo, Ohio	3,868	326,340
Topeka, Kans	697	56,754
Torrance, Calif	0	0
Trenton, N.J	2,638	315,733
Tucson, Ariz	1,010	79,545
Tulsa, Okla	2,981	225,364
Utica, N.Y	602	78,006
Washington, D.C	15,652	1,394,593
Waterbury, Conn	1,086	124,561
Wichita, Kans	1,344	109,485
Wichita Falls, Tex	104	7,362
Winston-Salem, N.C	4,326	298,868
Worcester, Mass	2,394	293,650
Yonkers, N.Y	2,674	346,563
Youngstown, Ohio	382	116,605

HIGHER EDUCATION PROGRAMS

For the past two years the Senate has most creditably sought initial funding for programs authorized in 1968 in the Higher Education Act Amendments of that year, and for the International Education Act of 1965, now seven years aborning. Programs of this type, and I use Title XI of the Higher Education Act Amendments of 1968 as an exemplar, have repeatedly demonstrated that there is a continuing need for their activation despite repeated disappointments and an apparent bar against new starts that has appeared to govern the activities and approvals of the Office of Management and Budget. It presents a picture on a par with the frustrations brought about by Executive use of impoundment procedures to thwart the will of the Congress. If there is any route that can be used to break through this wall of indifference to needs that are valid, and to provide the useful services which would flow from the activation of these programs, I would certainly implore you to use them. Their cost is very modest on start-up. If they do not prove their worth within a five year test period, erase them from the books; but let them have their day of light.

Mr. Chairman, I have concentrated upon the myth, as I see it, of a teacher shortage. I think it is very shortsighted to curtain the training of teachers. For a short and limited time in the mid '70's, there will be a small dip in our student population, but our demographic experts tell us that the climb will start up again before the decade is out. The costs of educational opportunity for all of our children are staggering, so staggering that many of those who served on the Education Finance Task Force were afraid they would be laughed out of court if they set them forth as they found them to be. To testify before you as Chairman of the Senate Appropriations Committee, asserting that within eight years budget recommendations from a successor administration for funding programs administered by the Department of Education just for the elementary and secondary schools of this country may well be $20 billion a year more than the $1.8 billion of this budget, is to strain your credulity, I know. Yet, such are the implications of events now occurring. There is no better way to prepare ourselves for these choices which will be upon us very soon, than to decide that we will do it, and that we will pay for what is needed. A good way to start is to look at our present programs and fund them so they will not fail from anemia and attrition. This is the road to equal educational opportunity where the lights are being lit by the Court decisions. If we follow it, we will reach and truly attain that land of promise which is our America.

Thank you, Mr. Chairman.

THE BIG SPENDERS ARE STILL WITH US

Mr. CURTIS. Mr President, on January 11, the Joint Economic Committee released a most interesting and important staff study entitled "The Economics of Federal Subsidy Programs."

Among its many informative facts and valuable warnings is the following quotation:

New subsidies are constantly being proposed, often enacted, and the total subsidy system grows in size and cost to the general public. The system of Federal subsidies seems to be somewhat out of control in the sense that it continues to grow despite the fact that we know so little about it.

As these comments imply, difficulty in controlling the subsidy system stems from public ignorance about this fact of government activity. Neither the facts nor a framework for identifying, understanding, and evaluating the facts have (sic) been brought to the public arena. Subsidies have been allowed to exist in the shadows of public policy.

That new subsidies are constantly being proposed, often enacted, and the

subsidy system is constantly growing in size and cost to the general public is certainly borne out by the study which I have twice earlier reported to you covering the cost of new domestic spending proposals introduced in the first session of the 92d Congress.

I certainly agree that these subsidies and, indeed, many other aspects of Federal spending and budgeting, "have been allowed to exist in the shadows of public policy." I am convinced that if the American people really knew the financial scope of the proposals of many of their elected representatives and were aware of the little apparent concern given to the cumulative cost of Federal subsidy and spending initiatives, they simply would not stand for it.

So I commend the Joint Economic Committee on this excellent study and the enlightenment it provides regarding the cancerous growth of Federal subsidies.

One of the principal reasons that I had the very difficult and time-consuming study on the cost of legislative proposals undertaken was in the hope of shedding some light on the topic, in a framework that would be understandable to the general public.

The Denver Post, in a September 6, 1971, editorial about my earlier reports on this study made this observation:

> Years ago the surest way for a politician to make hay with the voters was to promise to work for reductions in government spending and taxes.
>
> But the American public somehow over the years has lost its devotion to thrift. Politicians, of course, have been quick to sense the new popular rapture with the idea that more spending and bigger deficits will fulfill the dream of health, wealth and happiness for everyone.
>
> As a result, new multi-billion dollar spending schemes are appearing in Congress with such frequency that they seldom cause a raised eyebrow or a gasp of surprise, except among a few old-timers.

I am not at all sure I agree with the editorial premise that there is a new popular rapture with the idea that more spending and deficit budgets will fulfill all our dreams. I tend to think the public knows better, and it is only the politicians who have become enraptured with the idea.

If, however, the premise is true regarding the voting public, I submit it is because these spending panaceas have been sold to them on a one-at-a-time, piecemeal basis, and that the overall scope and impact of such schemes have not been sufficiently emphasized. This is a case in which, at least in one respect, the whole does not equal the sum of its parts. That is, a good case may be made on merit for many of the individual programs, but the cumulative economic chaos which results more than counterbalances the anticipated benefits to be derived from the component parts.

It is for that reason that I had the study structured to emphasize the cumulative impact of proposed legislation. For details of the framework of the study you may wish to refer to the previous reports—see CONGRESSIONAL RECORD, volume 117, part 8, pages 9652–9654, and part 23, pages 29940–29941.

Today I would like to bring the study up to date through the end of the first session of the 92d Congress. By way of background, I will again point out, in keeping with the basic framework of the study, the following categories of legislation were excluded from the study:

First, bills authorizing appropriations for the simple extension of existing programs.

Second, bills relating to defense and military spending.

Third, bills authorizing appropriations for public works.

Fourth, bills establishing repayable loan operations such as the Rural Telephone Bank, National Student Loan Association, and so forth.

Fifth, bills providing income tax deductions, exclusions, credits, or incentives.

Sixth, bills increasing benefits or modifying coverage under social security, veterans, civil service, and railroad retirement programs.

My last report on the study, covering bills introduced through July 15, 1971, included 197 measures for which cost figures or estimates were available. In the last half of the year, 68 additional bills were added to the study for a total of 265. As in the past, there were many additional bills which should have been included if cost figures had been available. This is a very important factor, since it means that all of the figures in the study are definitely on the conservative side. If the cost of these additional measures could be calculated, it would unquestionably add several billions of dollars to the totals reported in the study.

As they stand, the totals are truly astonishing. During 1971 there were 18,146 bills and resolutions introduced in the House and Senate. The fiscal year 1972 cost of the 265 included in the study comes to $166,222,819,700. The total projected cost—which, in general, assumes a 4-year life for continuing programs—runs to $441,849,322,455.

What do these astronomical figures mean in layman's language? They mean, for example, that, if enacted, we would in a mere 4 years more than double the current national debt of $423.77 billion. For make no mistake about this: The expenditures included in this study are for new or vastly expanded domestic spending proposals, and would be almost entirely over and above the current Federal budgets, which are already running substantial annual deficits.

In even more understandable terms, it would mean a single year additional tax bill of $796.96 for each of the 208,569,344 men, women, and children living in these United States on January 1, 1972. For the average family of four—a more realistic entity in considering the tax burden—that is a single year additional tax of $3,187.84.

The individual tax burden represented by the total projected cost of these proposals amounts to $2,118.48. For a family of four that means that, generally speaking over the next 4 years, their tax burden would be increased to the tune of $8,473.92 if all these proposals were enacted.

It is, again, worthy of note, I think, that six legislators widely discussed or already announced as presidential candidates are, among them, the authors or chief sponsors of bills totalling $148 billion or more than one-third of the measurable cost of the year's domestic spending proposals.

As in the past, the 68 bills added to the study since July 15 include greater expenditures for the Department of Health, Education, and Welfare than for any other agency of the Government. For fiscal year 1972, HEW's share, at slightly less than $969 million is only about one-tenth of the total $10,086,542,700 projected cost. However, its $61.1 billion share of the total cost leaps to more than two-thirds of the total figure, which is $90,544,677,700.

The reason for this discrepancy stems from the fact that there is no fiscal year 1972 estimate available for the single most costly of the 68 measures, S. 2747. This bill is a far more costly proposal for welfare reform than that contained in H.R. 1. It is drafted to become fully effective in fiscal year 1976. At that time it would provide a guaranteed annual income equal to $6,500 a year for a family of four.

Debate on H.R. 1 indicated that if its guaranteed annual income level were increased to $6,500, it would cost $70 billion a year. Since S. 2747 contains no cost figures and no official estimate of its cost has yet been made, the $70 billion has been used as a conservative estimate of its potential cost when fully effective in 1976, and no effort has been made to estimate its probable cost during the years 1973–75. This factor alone means that both the 1972 total and the 4-year total are substantially underestimated. Furthermore, since duplicative measures are not included in the study more than once, the cost of H.R. 1, included in the initial study, has been deducted from the estimate for S. 2747 in arriving at the new figures.

The Department of Health, Education, and Welfare continued, then, to dominate the picture insofar as expenditures for projected legislation are concerned. In terms of the entire study, bills attributable to this area account for two-thirds of the entire fiscal year 1972 costs and for more than half the total costs. Allotted to HEW would be $110.35 billion for fiscal year 1972 and $225.7 billion of the total.

Looked at in a slightly different light, Members of Congress were asking that the fiscal year 1972 budget of $229.2 billion be increased by half again and the increase be devoted entirely to programs within the purview of HEW. No one, including this Senator, doubts the importance to the well-being of our Nation of good health, good education, or care of the needy. But for elected representatives to seriously entertain the notion that adequate health, education, and welfare can be provided only by that kind of increases in public spending is sheer lunacy, and I believe the taxpaying public, if given the whole picture, will see these tax-and-tax-and-spend-and-spend postures for what they really are, and will reject them.

I invite the attention of Senators to a

measure, Senate Joint Resolution 129, of which I am a cosponsor. This joint resolution, presently pending before the Senate Judiciary Committee, proposes a constitutional amendment requiring the submission of balanced Federal funds budgets each year by the President and action by Congress to provide revenues to offset Federal funds deficits.

This measure already has 13 cosponsors and a similar measure in the House, House Joint Resolution 1004, has 50 cosponsors.

It was my pleasure earlier in the year to be host at a luncheon for visiting members of the West German Federal Legislature—the Bundestag. During our discussion, one of the visitors noted that the West German Constitution required a balanced Federal budget. Some of my Senate colleagues expressed surprise and pressed the gentleman to explain how the legislature managed to circumvent that provision, assuming there must exist some escape mechanism such as the U.S. Congress employs with regard to the myth of our "legal debt ceiling." In actual fact, however, there is no "looking the other way" with regard to this constitutional provision in West Germany. If revenues at the end of the fiscal year are insufficient to pay for all the programs, the programs are cut to balance the budget.

I feel strongly that this is one of the important reasons for the rapid economic recovery of postwar free Germany and for its strong economic position today.

I am convinced, too, that if our Constitution had a similar requirement, with no "escape hatches", this would be a healthier, better educated, and economically more stable nation than it is today. And we may be certain that if elected representatives found it incumbent upon themselves to suggest a source of revenue for their "new and expanded" domestic spending proposals, they would think twice before introducing some of the measures that went into the legislative hopper last year.

So long as legislators are free to assume that their grandiose schemes can always be financed by deficit spending, there will be no end to such schemes—until one day when the bottom drops out and no return to solvency is possible except through the penance of another period of economic dislocation and chaos, while the natural law sets things straight again. Unless we discipline ourselves, nature has a way of imposing discipline upon us. And in such times it is health, education, and welfare which suffer the greatest setback.

For these reasons, I urge Senators who share my concern for putting this country back on a sound financial basis to join as cosponsors of Senate Joint Resolution 129, if they have not yet done so. I would hope, too, that the Judiciary Committee might find it possible to schedule consideration of the resolution in the near future.

WILL THE GENOCIDE CONVENTION VIOLATE DOMESTIC SOVEREIGNTY

Mr. PROXMIRE. Mr. President, there are those who believe that the Genocide Convention poses a double edged threat to the U.S. Government. First they maintain that the convention would entitle foreign governments to determine and act upon incidents of possible genocide occurring within U.S. borders. This they feel would represent a violation of American sovereignty. Second, these critics are wary of any treaty which might require the United States to take similar punitive action in the internal affairs of a foreign state.

Certainly these fears are legitimate, but they are unjustifiably aroused by the articles of the Genocide Convention. For this treaty, endorsed by the United Nations and ratified by an overwhelming number of member nations, quite explicitly safeguards these nations against such difficulties. No action is unilateral. Rather, contracting countries employ appropriate agencies of the United Nations, according to the provisions of the Charter, to intervene in instances of obvious violations of the Convention's articles. Questionable situations are presented before an international tribunal acceptable to the parties concerned. Finally, all subsequent actions of the tribunal, including powers of extradition, must be consistent with existing extradition treaties and the constitutions of the nations involved.

In reality, those who remain skeptical of the Convention need only realize that no foreign state can intervene directly or indirectly in American domestic affairs. Only international organizations can mediate or arbitrate disputes, and the protections guaranteed by the U.S. Constitution and existing treaties cannot be superseded or abrogated.

What the Genocide Convention does represent is a tangible commitment to peace and human dignity. Therefore I call upon the Senate to act now to ratify this most important Genocide Convention.

ENDORSEMENT OF CEASE-AND-DESIST POWERS TO EEOC

Mr. PELL. Mr. President, the Permanent Advisory Commission on Women in Rhode Island recently passed a resolution endorsing the granting of cease and desist powers to the Equal Employment Opportunity Commission and the enlargement of the Commission's jurisdiction. These are provisions which I support.

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

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

ADVISORY COMMISSION ON WOMEN IN RHODE ISLAND,
Providence, R.I., January 20, 1972.

Hon. CLAIBORNE PELL,
Providence, R.I.

DEAR SENATOR PELL: The Permanent Advisory Commission on Women in Rhode Island submits the following Resolution:

Whereas to effectively combat sex discrimination the Equal Employment Opportunity Commission requires power to issue cease and desist orders in cases of sex discrimination, and

Whereas such procedures would relieve the individual employee seeking redress of the financial burden of litigation and the susceptibility to harassment on the job, and

Whereas coverage under the Equal Employment Opportunity Act should be extended to employees in educational institutions, in state and local governments, of private employers with eight or more employees, and to federal employees: Therefore, be it

Resolved, That this Commission urges Senator Claiborne Pell, Senator John O. Pastore, Congressman Robert O. Tiernan and Congressman Fernand J. St Germain to support legislation to accomplish these ends.

Very truly yours,

MAXINE V. S. NICHOLS,
Chairman.

E. M. BRADY

Mr. McGOVERN. Mr. President, for 40 years, my hometown of Mitchell, S. Dak., has been inspired and enriched by E. M. Brady. Mr. Brady was the executive editor of the Mitchell Daily Republic for many years, and more recently was general manager.

On my many visits to the newspaper office, I never failed to gain fresh inspiration and new insight from a discussion with Ez Brady. He had that tough grasp of issues and events, that seasoned judgment, that special brand of commonsense, which comes only from long years on the beat. He insisted on standards of excellence in his own career as a newsman and civic leader, and he demanded it from those who worked with him. He battled for honesty and progress with the independence that earned him respect and influence in our State.

As one who leaned on Ez Brady for advice and counsel, I am saddened by his passing. I will miss him, along with my fellow townsmen in Mitchell, and the people of our State who relied on his editorial leadership.

My wife, Eleanor, joins me in extending our sympathy to his wife, Helen, and to the Brady family.

I ask unanimous consent to have printed in the RECORD an editorial published in the Mitchell Daily Republic of February 2, 1972.

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

E. M. BRADY

Ezra M. Brady, who retired in 1969 as general manager of The Daily Republic, died last Saturday at the age of 58 after an extended illness. At the time he left this firm, he had devoted more than half his own life and nearly half of this newspaper's life at that time, to his profession and to service to his adopted hometown—a total of 38 years.

He came here from Sanborn, Iowa, at the age of 18 and began work immediately as a cub reporter. He was, in the ensuing years, to rise to every higher position on the editorial side of the business, and to become for the last 27 years of his career, general manager. This writer was privileged to have been associated with him for more than two decades as both friend and employe. If one were to write an epitaph, he would look to a passage Abraham Lincoln once wrote in a letter to the most prominent newsman of his time, Horace Greeley: "I shall try to correct errors where shown to be errors, and I shall adopt new views as fast as they shall appear to be true views."

Ez Brady was a vital part of the development of The Daily Republic as a sort of maverick, if you please, among South Dakota newspapers. At a time when the state's press was almost totally on the same side of the political fence, this newspaper chose not to go with the herd. It chose to become an inde-

pendent editorial voice. That it has long pressed for progress, opposed the status quo and mostly favored those issues and individuals of moderate to liberal persuasion, is a reflection of philosophy, not of partisanship. Ez expressed satisfaction on the many occasions when we were drawing criticism from leaders of both parties.

His strongest interests as a newspaperman influenced his most active personal roles in local, state and national affairs. In his earlier years, he joined a handful of others to organize the Mitchell Junior Chamber of Commerce, which group has since compiled a mass of credits in community service. He was in the forefront in the losing battle to change the Pick-Sloan Plan of highhead dams on the Missouri River to a system of small watershed and lowhead mainstream structures for a true multi-purpose development in the Missouri Basin. He served as a member of the South Dakota Water Resources Commission and he was one of two South Dakota members of the Missouri Basin State Commission years back. He also was at one time a director of the S. D. Parks Association and the S. D. Industrial Development Corp.

He served on a long list of boards, committees, and organizational groups in Mitchell, most notable of which were the City Planning Commission, Mitchell Board of Education and the Mitchell Industrial Development Corp. His favorite charity was S. D. Children's Aid, which operates Abbott House in Mitchell for children from broken homes; he served for several years on that organization's board of directors.

Ez Brady was one of the first recipients of the Outstanding Businessman's Award from the University of South Dakota's school of business. He was the very first person to receive the Mitchell Jaycees' Boss of the Year Award. And he was named several years ago to receive the Mitchell Area Chamber of Commerce Distinguished Service Award. All of this he deserved, and yet we're sure that he would want best to be remembered as "one damn good newspaperman." And that he will.

PRESS RELEASE CONCERNING SENATOR KENNEDY AND THE VICE PRESIDENT

Mr. THURMOND. Mr. President, I ask unanimous consent that a press release issued by me on Saturday, February 5, 1972, concerning remarks by the senior Senator from Massachusetts (Mr. KENNEDY), about the Vice President, be printed in the RECORD.

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

PRESS RELEASE BY SENATOR STROM THURMOND

Senator Strom Thurmond (R-SC) today expressed amazement "at the intemperate remarks of Senator Edward Kennedy (D-Mass.) on the Senate floor yesterday concerning the Vice President's efforts to mediate the Camden, New Jersey, Legal Service dispute."

Kennedy charged Friday that Vice President Agnew improperly interfered in the Camden situation.

Thurmond's statement follows: "Senator Kennedy's statement fails entirely to place the legal services controversy and the Vice President's activities in proper perspective.

"In the first place, this matter involves litigation against the duly elected public officials of a municipality, financed and directed by a federal agency funded with the taxpayers' money. Without commenting on the merits of the charges brought by the legal services lawyers, I think it is clear that Camden, New Jersey officials were acting properly in wishing to settle the dispute by contacting the federal government which, in the final analysis, is responsible for pursuing this litigation.

"Secondly, the Vice President has been charged by the President with the responsibility of serving as the Administration's liaison between the federal and local governments. It is entirely proper and appropriate that the Vice President should attempt to solve disputes such as this one, which can so easily form the basis of mistrust and bad relations between the federal government and local governments.

"Thirdly, Senator Kennedy makes much of the fact that the Vice President had received a memorandum by 'Executive Branch attorneys' warning him that he should not be involved in the matter. Senator Kennedy fails to point out that the memorandum came from the outgoing head of the legal services program and, as such, it should not be considered an objective opinion, but rather as a self-serving statement.

"Fourthly and finally, much has been made of the importance of the independence of the Office of Legal Services on the theory that it should be free of so-called political interference. The truth is, if democracy is to mean anything, large concentration of power in the hands of people who are not subject to the power of the people thru the political process must be avoided. The Vice President has acted responsibly and admirably in the Camden, New Jersey controversy and his efforts should be praised, not held up to attack with divisive and intemperate rhetoric.

"The Vice President's ethics are beyond reproach and I think Senator Kennedy's floor statement Friday was harsh, unfair, and unnecessary."

H.R. 1

Mr. RIBICOFF. Mr. President, in the last few weeks, debate on H.R. 1 has focused exclusively on welfare reform.

H.R. 1, however, contains many important changes in social security, medicare, and medicaid which will affect far more people than welfare reform.

Spencer Rich of the Washington Post wrote a perceptive article in the Sunday Post, February 6, 1972, describing these forgotten provisions of H.R. 1. I ask unanimous consent that the article be printed in the RECORD.

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

WELFARE BATTLE OBSCURES BROADER BENEFITS IN BILL

(By Spencer Rich)

President Nixon's embattled family assistance plan has been getting the headlines. But other provisions of the massive social welfare bill moving through Congress will cost at least as much, affect more people and may ultimately have an equal or greater social impact.

Among the changes likely to be approved by the Senate next month are an increase of between 5 and 10 per cent in Social Security cash benefits for more than 27 million people, major changes in government medical care programs, boosts in Social Security payroll taxes and a guaranteed minimum income of $200 a month for indigent aged, blind and disabled couples.

Many of these provisions have already been passed by the House and are expected to be enlarged by the Senate Finance Committee or the full Senate before the bill goes to a House-Senate conference to compromise differences.

The proposal for family assistance involves a new system of welfare for low-income families with small children. In the form sought by the Nixon administration, it would add some 8 million persons in its first year to the 15 million now eligible for all forms of welfare.

But the other, little-publicized provisions of the legislation will touch the lives of a far greater number of people.

For the average person, the most important new benefit is likely to be the Social Security increase. The House-passed bill raises existing benefits by 5 per cent across the board for all 27.4 million recipients, with the minimum monthly benefit raised from $70.40 to $74 and a provision for automatic cost-of-living increases in benefits in the future.

With the 5 per cent increase, the average old-age benefit payable under the bill would rise from $133 a month to $141 for a single person, and from $222 to $234 for an aged couple. The maximum benefit payable to a person retiring this month with top entitlement would rise from $216 to $226.80, and for a couple from $324 to $340.

Senate Finance Committee Chairman Russell B. Long (D-La.) has hinted that he might favor higher minimum benefits and a 10 per cent increase instead of 5 per cent. It is possible that the Finance Committee will approve these boosts, with the difference between the House and Senate bills to be ironed out in the eventual House-Senate conference.

Another major change, affecting 3.4 million persons now on Social Security, would raise a widow's benefits from the present 82.5 per cent of the amount the dead husband would have received to 100 per cent.

The amount of additional income a Social Security beneficiary can earn without losing benefits would also be increased. Such earnings now can total up to $1,680 a year, and benefits are reduced by $1 for each $2 earned between $1,680 and $2,000. Under the House bill, no-loss earnings would be $2,000 and any earnings above that would be reduced on a $1 for $2 basis. More than 1 million aged persons would benefit under this provision.

These plus other, lesser Social Security changes would boost annual Social Security benefit payouts by $3.7 billion to a total of $43.5 billion.

HIGHER PAYROLL TAXES

To pay for these increases and to shore up the Medicare trust fund, the House bill raises Social Security payroll taxes to 5.4 per cent each on the first $10,200 of annual earnings. This works out to a $550.80 bit each for the employer and employee, compared with $405.60 in 1971 and $468 this year.

Although Social Security is the major government income program for the retired and permanently disabled, a substantial number of people are not eligible for it because they have not worked long enough—or at all—in a job subject to the Social Security tax.

More than 3 million such aged, blind or permanently disabled persons with little or no income from private sources now receive charity payments from the states, with the federal government bearing part of the costs. Benefits differ in each state, and ranged from $97 to $350 per month for the aged couple as of July 1970.

Under the welfare bill, however, the federal government would take over the operation of these programs, guaranteeing to supplement the incomes of beneficiaries from other sources so that they would have no less than $130 a month in 1973 for an individual, rising in two steps to $150 by 1975. A couple would be guaranteed $195 in 1973 and $200 in 1974 and thereafter.

States could provide added amounts if they wished. This will increase benefits overall for these categories nationwide, but they would drop in states which refuse to supplement the basic federal payment.

HEALTH CARE CHANGES

Still another major group of changes in the bill involves the Medicare program of medical insurance for the elderly through So-

cial Security and the Medicaid programs of charity medical aid for the poor.

The biggest change in the House bill makes eligible for Medicare 1.5 million persons receiving federal Social Security disability insurance income payments, but only after they are on the disability insurance rolls for two years. The cost will be $2.8 billion a year. The House bill also tightens up on doctor costs and increases the deductible under the option insurance portion of Medicare from $50 to $60.

The bill also makes it much easier for states to contract for coverage in prepaid group health service plans.

It is possible the Finance Committee, or the full Senate, will add a number of highly significant provisions:

A proposal, sponsored by Sen. Joseph Montoya (D–N.M.) and many others, to have Medicare cover the costs of outpatient prescription drugs for insured Medicare beneficiaries. The administration estimates this could cost $1.8 billion a year, but Montoya says the cost will be lower. The proposal calls for federal establishment of a formulary (official list) of low-cost generic-name drugs that can be used instead of higher-price brands.

Long's proposal to provide "catastrophic illness" insurance giving the average person—not just Social Security recipients—a government-operated form of major-medical insurance to be financed by a payroll tax, the government would pick up 80 per cent of doctor costs in excess of $2,000 a year for a family, and 80 per cent of hospital costs in excess of charges for the first two months in hospital. Long has put this plan forward as a partial solution for middle-income families facing financial ruin through the long-term illness of a family member.

A proposal by Sen. Wallace F. Bennett (R–Utah) to establish local review groups of physicians to make sure that doctors don't pad charges under Medicare and Medicaid.

A plan by Sen. Abraham A. Ribicoff (D–Conn.) to set up a federal inspector general for health administration to review all federal health programs for inefficiency, hospital overcharges and the like. Increases in hospital and medical charges, at a rate much faster than the general rise in the cost of living, are a major reason for the near-bankruptcy of the Medicare trust fund and for states' desire to cut back on benefit levels under the Medicaid program.

RULES OF THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. McGOVERN. Mr. President, section 133B of the Legislative Reorganization Act of 1946 as amended by the Legislative Reorganization Act of 1970 requires that the rules of each committee be published in the CONGRESSIONAL RECORD not later than March 1 of each year.

In accordance with this section, I ask unanimous consent that the rules of the Select Committee on Nutrition and Human Needs be printed in the RECORD.

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

RULES AND PROCEDURES OF THE SENATE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

(Adopted September 6, 1968)

(Amended November 5, 1969)

1. *Committee meetings:*

(a) The Chairman of the Committee, or if the Chairman is not present a member designated by the Chairman of the Committee, shall preside at all meetings.

(b) The regular meeting date of the Committee shall be the second Friday of each month at 10 A.M. The Committee shall convene at the call of the Chairman at such times as are necessary to transact Committee business.

2. *Executive sessions:*

(a) For the purpose of conducting an Executive session, seven members* of the Committee actually present shall constitute a quorum. No measure or recommendation shall be reported from the Committee unless a quorum of the Committee is actually present at the time such action is taken.

(b) Proxies will be permitted in voting upon the business of the Committee by members who are unable to be present; these proxies to be valid must be signed and assign the right to vote to one of the members who will be present.

(c) There shall be kept a complete record of all Committee action. Such records shall contain the vote cast by each member of the Committee on any question which a "yea and nay" vote is demanded.

The Clerk of the Committee, or his assistant, shall act as recording secretary of all proceedings before the Committee.

(d) No person other than members of the Committee and members of the staff of the Committee, shall be permitted to attend the Executive sessions of the Committee, except by special dispensation of the Committee or the Chairman thereof.

3. *Hearings:*

(a) No hearing shall be initiated unless the Committee or the Chairman of the Committee has authorized such hearing.

(b) All hearings shall be open to the public unless an Executive hearing is specifically authorized by the Committee.

(c) Any witness summoned to a public or Executive hearing may be accompanied by counsel of his own choosing who shall be permitted while the witness is testifying to advise him of his legal rights.

(d) No confidential testimony taken or confidential material presented in an executive hearing of the Committee or any report of the proceedings of such an executive hearing shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the Committee.

(e) Any member of the Committee shall be empowered to administer the oath to any witness testifying as to fact.

(f) The Committee shall so far as practicable, require all witnesses heard before it, to file written statements of their proposed testimony at least seventy-two hours before a hearing and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the Committee.

4. *Subcommittees:*

The above rules shall apply to all duly constituted Subcommittees of the Committee.

* Amendment approved by the Committee on November 5, 1969, provided that seven members actually present shall constitute a quorum. The amendment was approved at the time the Committee requested an increase in its total membership to 14 by addition of one minority member selected from the Senate at large. The former Rule 2(a) provided that a majority of the Committee actually present constitute a quorum.

NEWSPAPERS UNANIMOUS ON FAILURE OF CONGRESS TO ACT

Mr. PACKWOOD. Mr. President, seldom does it occur that newspaper editorial policy around the country is unanimous in appraising the great issues which come before this body for judgment. But today we seem to have a unanimous press, unanimous in its sharp criticism of Congress for its callous disregard of the enormous impact the west coast dock tieup is having on the entire Nation and for its refusal to pass crucially needed legislation to settle the dispute, which is now entering its 17th month of talks.

The national press is further unanimous in strongly castigating Congress for its irresponsible failure to move permanent leigslation to provide improved procedures for protecting the public interest when emergency labor disputes occur in the transportation industry.

Just in the last 2 years, while Congress has been sitting on permanent legislation recommended by the administration, we have been forced to intervene four times in emergency transportation labor disputes. I know of no Senators who enjoy playing labor arbitrator in these disputes; yet until we provide the executive branch with new authority, we as legislators have no alternative but to continue in this ill suited and highly inappropriate role.

Mr. President, I am convinced that the national press, in pinpointing the irresponsible nature of Congress dillydallying, reflects widespread public opinion. The public is coming to realize what the Washington Post capsulized so well in an editorial on Februay 3.

The men and women on the Hill won't act on this kind of legislation during a crisis because they don't want to act hastily. And they won't act on it at any other time because there isn't a crisis to urge them along. The result is that nothing gets done, the country drifts from one major tie-up to another, and major sections of the economy are paralyzed with increasing frequency.

Mr. President, this theme has been echoed again and again throughout the Nation's press, from the Washington Post to the Wall Street Journal, from the Chicago Tribune to the New York Times. I ask unanimous consent to have printed at this point in the RECORD a selection of editorials which have appeared in recent weeks around the country, including the Washington Post, Christian Science Monitor, Oregon Journal, Eugene (Oregon) Register-Guard, New York Times, Chicago Tribune, Washington Daily News, Baltimore Sun, Philadelphia Inquirer, Oregonian, Los Angeles Times, and Trenton (New Jersey) Times.

Let us not kid ourselves into thinking that the public does not care, or is not watching what we do, or fail to do, to protect them from the current paralysis and from repeat performances at any time in the future.

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

[From the Washington Post, Feb. 3, 1972]

CONGRESS AND THE DOCK STRIKE

There is just one major problem standing in the way of legislation to try to deal with labor crises like that brought about by the West Coast dock strike and that problem is named Congress. The men and women on the Hill won't act on this kind of legislation during a crisis because they don't want to act hastily. And they won't act on it at any other time because there isn't a crisis to urge them

along. The result is that nothing gets done, the country drifts from one major tie-up to another, and major sections of the economy are paralyzed with increasing frequency.

Just this week, for instance, Secretary of Labor James D. Hodgson was up on the Hill urging a House Labor Subcommittee to pass President Nixon's emergency legislation to end that West Coast strike. The dockworkers were out for three months last summer and resumed their strike in mid-January after the President exhausted all the effective remedies available to him under existing law. The strike has severely damaged many West Coast businesses, its impact has been felt far beyond the confines of the docks, and international trade has been crippled. Yet the reception given Secretary Hodgson on Capitol Hill indicates that Congress couldn't care less.

The President has proposed that the dockworkers and shippers be forced into compulsory arbitration by a three-man board to be selected by Secretary Hodgson. The board's decision would be binding for at least 18 months. While this is not a particularly good way to break a labor-management impasse, it is better than letting the strike drag on and it is better than anything anybody in Congress has proposed. Yet a Republican member of the House subcommittee, Representative Reid of New York, told Mr. Hodgson that Congress won't act on an emergency basis and the committee chairman, Representative Thompson of New Jersey, said the committee couldn't act without going over the proposal with "a fine-tooth comb." We can't help wondering what the committee has been doing for the past few years if it doesn't understand already what this legislation means and what this particular strike means.

For more than two years, the administration has been asking Congress to deal with the problem of strikes in the transportation industries. These are particularly crucial to the economy since they tie up not only one industry but, eventually, most other industries as well. The attitude of Congress toward the administration's pleas has been to ignore them and to intervene in such strikes only when the situation got so desperate that something had to be done. Indeed, Secretary Hodgson has warned Congress that it better face the problem squarely and delegate power to deal with these situations or get ready to undertake the role of chief mediator itself. Since history suggests that Congress is perhaps the worst possible mediator of labor disputes, the proper course of action is quite clear. Yet, Congress not only refuses to take that course, it refuses even to seriously consider taking it as far as we can tell.

Dealing with labor questions like this is always hard for politicians and particularly hard in an election year. But sooner or later the public interest is going to have to be injected into this particular area of labor negotiations. Congress could save many innocent bystanders from considerable harm and do its part to keep the economy running smoothly by acting sooner rather than later.

[From the Oregon Journal, Jan. 19, 1972]

ONLY CONGRESS CAN OPEN PORTS

Collective bargaining has broken down so completely on the West Coast waterfront that no other course remains than congressional action to get the ships moving again.

Congress in fact has two challenges before it in this area, one a piece of legislation aimed at ending the West Coast shutdown, the other a more comprehensive bill designed to deal with labor disputes in the whole transportation industry.

Historically, the federal government has shied away from intervention in purely regional labor tieups. President Nixon did not invoke the 80-day cooling off provision of the Taft-Hartley Act until after the West Coast waterfront had been idle for 100 days and until strikes on the East and Gulf coasts had shut down all the nation's docks.

But the West Coast stalemate has gone on for a scandalously long time, and it has so damaged the regional economy that the national welfare inevitably is affected. Unless Congress acts in this situation, economic recovery in the region and in the nation will be jeopardized.

Both sides, the Pacific Maritime Association (PMA) and the International Longshoremen's and Warehousemen's Union (ILWU) were at fault in the failure to bargain seriously through much of the initial 100-day shutdown.

Later bargaining was hung up on an issue where both the employers and the general public were victimized by an ILWU jurisdictional dispute with the teamsters over container handling away from the docks. While this was partly resolved by the PMA agreement to pay a $1-a-ton tax to the ILWU on container cargo handled in certain areas by the teamsters, the question of whether that revenue should be used to help pay a guaranteed annual wage is one that ought now to be settled by an impartial third party.

If the nation's collective bargaining procedures were not still at a primitive level, the jurisdictional question would never have been allowed by itself to shut down the waterfront in the first place.

Congress has been terribly negligent in this whole field for a long time. Oregon's Sen. Bob Packwood has been trying in the last year to persuade his colleagues to pass legislation which would provide permanent procedures for the settlement of labor disputes in the whole transportation industry. He wants them to be applicable to regional as well as national disagreements. Several bills are pending but have repeatedly been stalled.

Picket lines on West Coast docks Monday after a voluntary extension beyond the 80-day cooling off period had failed to produce an agreement signal a genuine crisis in our region. Oregon's Gov. McCall was not just grandstanding when he went to Washington with a plea in behalf of seven Western states for federal intervention. The time for stalling by Congress is long past.

[From the Chicago Tribune, Jan. 18, 1972]

WILL CONGRESS WAKE UP NOW?

Once again, the Taft-Hartley Law has failed to stop a dock strike. At 24 West Coast ports, longshoremen have resumed the paralyzing strike which the administration halted last Oct. 6 with a Taft-Hartley injunction.

The 80-day cooling-off period provided by the Taft-Hartley Law has now expired; the ship owners and the International Longshoremen's and Warehousemen's Union are still unable to agree on all the details of a new contract; and 15,000 dock workers have therefore walked off the job again. The issues involve the union's demand for a guaranteed annual income [pay for 36 hours a week of work whether it is performed or not] and a jurisdictional dispute with the Teamsters union over which union should handle containerized cargoes—those which reach the dock in prepacked truck-size containers. The employers have agreed to pay the dock workers a "royalty" on container cargoes loaded by the teamsters, but there is a dispute over how the money is to be used.

Meanwhile, negotiations between East and Gulf Coast shippers and another union, the International Longshoremen's Association, drag fatefully toward a possible resumption of that strike, too, presenting the country with the threat of a repetition of last summer's nationwide shipping paralysis.

The dock strikes of 1971 cost American farmers alone about $1 billion thru the loss of exports and the resulting depression of farm prices, especially for corn and soybeans. The West Coast ports never regained the business they lost; Japan and our other Pacific trading partners diverted their ships to more reliable ports such as Vancouver. A nationwide dock strike today would cripple the economy just as we are trying to recover from the damage which inflation has caused us both domestically and internationally.

It is worth noting that of all the Taft-Hartley injunctions issued since 1947, almost one-third have involved dock strikes. In the last 12 years there have been an average of 20 strikes a year, mostly on the East and Gulf Coasts, involving an average loss of nearly 500,000 man-days of work. Dock strikes, like railway strikes, tie up our lines of transportation and force unemployment in industries which have nothing directly to do with the dock workers.

So once again we are told that the only lasting solution to these crippling strikes lies with Congress. This is what we have been told time and again, especially during the railway strikes, and Congress has never aroused itself to do more than pass specific legislation aimed at solving an immediate crisis, usually by ordering employers to give in to the unions.

Congress has avoided any lasting solution like the plague—and understandably, perhaps, because such legislation would be worse than the plague for the many congressmen and senators who depend on organized labor to finance their election campaigns.

For 20 years, successive administrations have promised to protect the country from crippling strikes in essential industries. Two years ago, President Nixon offered legislation calling for a longer cooling-off period, authorizing the President to order part of any industry to be kept operating, and providing for compulsory arbitration, if all else failed, thru what is called the "final offer selection." This would require the arbitrator to pick one side's offer or the other's, with no compromises, and would thus encourage both sides to make reasonable offers. This in itself would tend to bring them together without the need for arbitration.

These are sensible proposals which would interfere as little as possible with the collective bargaining process. And if other laws were modified so as to reduce the advantage which unions now have over management, the need for compulsory arbitration might be reduced to almost nothing. How many disastrous strikes must we suffer before Congress awakens to its duty to do something?

[From the Trenton Times, Feb. 2, 1972]

MAKE THEM BARGAIN

Congressman Frank Thompson Jr. of Trenton has "great reservations" about using compulsory arbitration to end the West Coast dock strike, and well he might. Congress is ill-suited to legislate individual settlements of complex labor-management disputes. On an election year, union-backed congressmen are particularly reluctant to use a device that organized labor dislikes.

But four times since 1970 the Senate and House have found it necessary to overcome their reluctance and to legislate such solutions to strikes in the nation's railroads. Rail shutdowns, or threat of them, brought economic pressures too great for Congress to ignore. The shutdown of Pacific ports, renewed last month after a 100-day strike in 1971, is having a damaging effect upon economic activity using ocean-going transport.

The plain fact is that Congress, continually professing reluctance to use compulsory arbitration, has failed to come up with a usable alternative in dealing with national emergency strikes in transportation. Until the House subcommittee headed by the Trenton Democrat and or the Senate Labor Committee of New Jersey Democrat Harrison Williams act, they must share the blame for the economic losses and one-strike laws that come out of such walkouts. The more frequently Congress imposes individual settle-

ments in those disputes, the more frequently one side or the other will seek advantage in that kind of outcome.

For two years the Nixon administration has pushed a plan that Labor Secretary Hodgson calls "compulsory bargaining." A neutral panel would select the "final offer" of either labor or management that is considered most fair. That would avoid the temptation in arbitration, fact-finding and other such procedures to make extreme demands so the inevitable compromise splitting the differences will be in your favor. Collective bargaining doesn't lend itself to ironclad guarantees, but compulsory bargaining might work better than what we have now. Why not try it?

[From the Los Angeles Times, Jan. 19, 1972]

DOCK STRIKE—PHASE 2

For 100 days last summer and fall, 24 West Coast ports were paralyzed by a longshoremen's strike. Farmers whose produce normally moves through these ports lost millions of dollars. The total impact on the economies of California, Oregon and Washington was serious.

Now that the cooling-off period ordered by the President has expired, the strike has resumed, raising the danger of what Labor Secretary James D. Hodgson calls "crippling and widespread economic hardship" in a region that has had too much already.

Unless the strike ends quickly, President Nixon will have no alternative but to request legislation ordering the longshoremen back to work. Congress, in turn, will have no responsible alternative but to honor the request.

The truth is, however, that the congressional wheels tend to grind slowly, particularly when a Democratic-controlled Congress is being asked to take action against the labor movement in an election year. Weeks would pass before the legislation was enacted. By that time, the dock strike could do a lot of damage.

The best hope for ending the dock strike soon, therefore, lies in a successful conclusion to the months-long negotiations. Despite the fact that the two sides are not really very far apart, the prospects for a speedy settlement do not appear bright at the moment.

Union and management representatives already have agreed to pay increases of 72 cents an hour, or 16.8%, in the first year—a settlement which may or may not prove acceptable to the federal Pay Board when it comes up for review.

The Pacific Maritime Assn., representing employers, also has agreed to pay workers a base salary for 35 hours a week, whether or not work is available. In a move to resolve a jurisdictional dispute between the longshoremen and the Teamsters Union the PMA also has agreed to pay a $1-a-ton penalty on cargo loaded in containers by non-longshoremen.

Two major sticking points remain: The employers refuse to promise that the pay increase will be retroactive to Nov. 14. And the union refuses to accede to the PMA's demand that part of the proceeds from the penalty payments be used to help finance the guaranteed annual income.

Both sides should ponder whether these differences are really great enough to justify a strike which will be painful and costly to so many.

[From the Oregonian, Feb. 3, 1972]

CONGRESS IN THRALLDOM

Congressional milquetoasts who quaver before the political power of organized labor must take responsibility for the paralysis of West Coast shipping, the insidious spread of unemployment, the losses to farmers and shippers, the new blow to the U.S. balance of trade.

Committees of the House and Senate are moving at a snail's pace, with no apparent intention of reporting out bills on President Nixon's emergency legislation to compel binding arbitration of the longshoremen's strike. And for two years Congress has done nothing about adopting Administration-backed legislation to end strikes when collective bargaining fails, as it has in the Pacific ports.

Had Congress adopted "The Crippling Strikes Prevention Act," now designated as S. 560, the longshoremen's strike would not have occurred, or it would have been settled long since. Instead, as President Nixon said to Congress in his special message Wednesday, "Our government stands idly by, paralyzed because the executive branch has exhausted all available remedies and the Congress has been unwilling to enact necessary legislation."

President Nixon said the strike, renewed Jan. 17 after expiration of the 80-day "cooling off" period of a Taft-Hartley Act injunction, is costing the people of California, Oregon and Washington $23.5 million a day, including an estimated loss of $600 million in blocked exports.

Sen. Bob Packwood of Oregon, a sponsor of legislation for final settlement of major strikes in transportation when bargaining fails, provided more details of the consequences of 100 days of last year's strike and the lengthening strike this year:

"At the same time the government was handing out $247 million in emergency employment funds in three states, the 15,000 striking longshoremen had caused additional unemployment of 2,000 seamen and 42,000 others in docks-affected jobs," said Sen. Packwood.

As the government was subsidizing farm production at a cost of $2.77 billion a year, including $880 million for wheat subsidies alone in fiscal 1971, the lockup of our ports reduced the 53 per cent of normal wheat export to 2 per cent, as well as causing the long-time loss of foreign markets by displacement from other nations.

Exports losses over-all have been at a rate of $9.5 million a day, including almost $1 million a day for the lumber industry, while the U.S. trade deficit mounts.

President Nixon said the West Coast longshoremen's strike has "thrust a spike into our progress toward economic recovery." Sen. Packwood testified to the subcommittee on Labor and Welfare:

"No union or industrial baron, individually or collectively, should have the right to strangle an economy and inflict untold injury on thousands and thousands of innocent victims. At some point, the public interest must take precedence, and I think we have reached that point."

The point actually was reached many times in the past, as Sen. Packwood's testimony delineated. In the 20 years since Taft-Hartley has been the law, strikes have occurred in 25 of the 30 disputes in which injunctions have been asked. Eleven of the 25 strikes against the national welfare were in the longshore and maritime industry, and in only two of the 11 were the strikes fully resolved within the 80-day cooling off periods.

The thralldom of the United States Congress to organized labor is a national disgrace.

[From the Eugene (Oreg.) Register-Guard, Oct. 29, 1971]

PORTS THREAT UNDERSCORES PERIL

Congress has only from now until it recesses for its between-sessions holiday to enact legislation that will protect the nation against grave consequences of a major transportation tie-up.

Unless Congress enacts new legislation at least granting the President standby power to halt closure of major ports on both the East and West coasts, such an economy-wrecking closure may occur while members of the House and the Senate are still home languishing in the Christmas-New Year's mood.

Harry Bridges and Teddy Gleason, respective presidents of the West Coast and East Coast-Gulf Coast longshoremen's unions have made this tacitly plain. Meeting in New York Wednesday, the two powerful longshoremen's leaders did everything but publicly declare that when present Taft-Hartley law 80-day "cooling-off" restraints are lifted from their backs they'll join forces to cut U.S.-overseas maritime trade lines by simultaneously calling their men back on strike.

Once the Taft-Hartley cooling-off period runs out in late December Bridges and Gleason will be legally free to reinstate strike actions that began first on the West Coast in July and then spread to East and Gulf Coast ports three months later.

The U.S. economy, struggling to get rolling again after a recessionary period that threatens to hang on well into 1972 in any event, simply cannot be left in such jeopardy. The West Coast, especially, already has suffered all the adversity it can take from closure of its docks for almost a third of a year. Millions of dollars were lost by people of Oregon alone during Harry Bridges' summer-long tussle with managements of shipping lines and dock operators. This may be a major factor contributing to need for a special session of the Oregon Legislature and difficult solution of a state government financial deficit of more than $28 million. Oregon's industries suffered from July to October because of inability to export or import via shipping lanes. Corporate and personal income revenues to the state dropped accordingly.

Now, if a national docks tie-up is permitted to develop, Oregon's plight will be made worse—and the entire nation will be set back on its financial uppers. Jobs will be lost from coast to coast, and profits needed to make President Nixon's phase two recovery plan the all-round success it should be will be lost in the same wasteful way.

Congress, and the President, for that matter, should have acted aggressively long before this newest national transportation problem began taking shape. Years of labor-management strife in the railroad industry have been proving the ineffectiveness of existing U.S. emergency strike-control legislation. But Congress has acted only as it has been compelled to act to keep the railroads going. It has only nibbled at the core problem of firmly establishing national interest ahead of those of almost incessantly warring labor and management interests. The President has called for scrapping of the National Railway Labor Act. He has suggested some beefing up of the more broadly applicable Taft-Hartley law. But he hasn't pushed these issues even as hard as he has some of his most questionable Supreme Court nominations.

So the track record suggests the best that can be expected now is some temporizing action by Congress to somehow keep the Bridges-Gleason alliance from producing its promised bitter fruit. But this action must be taken before Congress recesses. Then the general American public, with malice toward none but with strong motivation, must set up a real clamor for better means of resolving all labor-management disputes which threaten national solvency or security.

[From the Washington Daily News, Jan. 26, 1972]

STILL NO ACTION

Mesmerized, perhaps, by momentous matters of politics, Congress is in no hurry to give President Nixon the power he needs to end the West Coast dock strike.

The best guess now is that no action will be taken until next week—and none will be taken at all if the longshoremen (backed by AFL–CIO President George Meany) have their way.

Meanwhile, the strike, which began last summer and resumed last week after an 80-day cooling-off period, is now in its 110th day. It is costing exporters—particularly farmers—millions of dollars in lost income, and raising serious questions about the nation's ability to protect its own economic interests.

Nobody, least of all Congress, likes to intrude in collective bargaining disputes. And it may well be that if the government sat on its hands long enough (how long is that?) the strike would be settled.

But this strike has gone on far too long already. Too many innocent people are being hurt. And, at this point, the issues can be thrashed out while the ports are open just as easily as while the ports are closed.

[From the Christian Science Monitor, Jan. 25, 1972]

WRAPPING UP THE DOCK STRIKE

President Nixon has thrown the problem of the nagging West Coast longshoremen's strike, renewed last week by order of ILWU president Harry Bridges, back into the lap of Congress. This is Mr. Nixon's second resort to congressional help in settling the vexatious and costly strike that tied up West Coast ports for 100 days last year, and has shut down 24 ports again. Now the President is asking for a back-to-work-order, along with compulsory arbitration.

Congress is understandably reluctant during an election year, to carry the ball in a play guaranteed to offend organized labor. Yet it is the fault of Congress, and not of Mr. Nixon, that it is faced with this unpalatable choice. More than 18 months ago the President asked for permanent legislation to bar such crises, but his bill has never got through committee.

The latest White House request for action poses much more than a political problem for Congress. It threatens the power, perhaps even the existence, of the President's Pay Board. Should Congress appoint an arbitration panel, such a group would not likely hold itself to the 5.5 percent benchmark supposed to be the wage settlement ceiling in Pay Board deliberations. More likely, it would be influenced by the 32.2 percent direct wage increase tentatively agreed to by the ILWU and PMA (Pacific Maritime Association), along with a $5.2 million annual employer payment to a guaranteed annual wage fund. Beyond that, any such massively inflationary settlement would of a certainty carry over into the East Coast negotiations now going on with the International Longshoremen's Union.

The impact of such a settlement, bearing White House imprimatur, would be devastating on the tripartite Pay Board. Its five business members could be expected to walk off in protest, and the five public members might well follow suit.

It would be far preferable if other pressures could be brought to bear on the ILWU and PMA to continue to negotiate over their few remaining differences.

This is one instance to linger a little longer on legislation. But once the present crisis is ended, it should pick itself up in a hurry and give Mr. Nixon the permanent legislation he has been denied for the past two years.

[From the Baltimore Sun, Feb. 4, 1972]

TOWARD A TIPPING POINT IN LABOR POLITICS

The President asks for congressional action to resolve the West Coast dock strike and Democrats snap back that only the farmers, who vote Republican, are suffering. Yet the strike already has lasted 100 days in an earlier stanza and farmers, who are certainly affected, are not the only victims. In a trading country denied its commerce across the greatest ocean the harm is broadly generalized over the whole population.

That is easily enough demonstrated in an examination of a major issue remaining unsettled. It is not dock wages, not working conditions in any direct sense, not pension rights or assurances of stable employment. It is the quarrel over what shall be done with the proceeds of the private tax the dockers levy on employers to discourage the new containerization techniques in ship loading and unloading. The Pacific Maritime Association has already agreed to the levy itself, with its neutralizing effect on cost economies otherwise available.

But union efforts to neutralize cost economies deny to the whole public the lower prices otherwise probable in the free play of market forces. In effect the union converts cost reductions to a private tax in behalf of its own members. The impact is exactly that on view locally in the turbulence at construction sites where non-union workers are employed. The fact that they are non-union releases private and public contractors from "antiquated" work rules and the matching disbursements which otherwise would inflate hospital costs, education fees, fire protection expenditures.

As the interchange we cite above suggests, resistance to the President's plan for emergency and permanent legislation against paralysis strikes in the transport industries traces very largely to the 1935-type idea that it is better politics to serve union demands than the economic welfare of the country as a whole. In 1935 it could be argued with considerable persuasiveness that the two goals were one. No longer. And paralysis strikes and picket violence bring always nearer the now inevitable tipping point where narrow union partisanship will stop being good politics and turn bad. The President, by no means a slow learner, seems aware of this.

[From the Oregon Tribune, Jan. 29, 1972]

IN PLACE OF RAW POWER

The image of the American industrial society as one of eternal conflict between management and labor in which labor represents the welfare of all "little people" is at least a generation out of date.

But it surfaces every now and then, and it did the other day in a letter on this page from a longshore defender. He argued that the West Coast dock workers really represent the interests of all laborers, including the unorganized, in their "struggle for self-respect."

The writer declared that any laws aimed at the settlement of such disputes are totalitarian in concept and would be tantamount to ushering in a police state.

This is too much!

We can't conceive that Harry Bridges, West Coast longshore boss, gives a damn about anybody outside his union. Furthermore, it is hard to believe that some of the attitudes taken by the union are really in the long-term interests of the longshoremen themselves. The destruction of oversea markets which will adversely affect this region for years to come certainly is not.

Whatever gains the longshore union wins over what could have been achieved months ago will in no way benefit rank-and-file citizens in or out of labor. Many farmers, businessmen and workers dependent on ocean commerce have suffered losses from which they will never recover.

Legislation designed to cope with these kinds of disputes would simply substitute the law of reason for the law of the jungle. Since when is that the mark of a police state? On the contrary, the misuse of raw power in labor relations reflected in the present primitive level of collective bargaining is out of harmony with a democratic, civilized society.

There is no proposed law that would destroy the collective bargaining process. The whole idea is to provide a mechanism in the transportation industry whereby the judgment of reasonable, disinterested persons can be brought to bear, for the benefit of all, when a simple power struggle for the benefit of a few jeopardizes the welfare of the whole society.

Such a refinement in collective bargaining is long overdue.

[From the Philadelphia Inquirer, Feb. 6, 1972]

THE SHOE FITS SENATOR WILLIAMS

President Nixon's "persistent pretense" in faulting Congress, says Sen. Harrison A. Williams, is "not only outrageous but certainly detrimental to our efforts to search out ways to improve our Federal laws dealing with labor disputes."

To the contrary, it is the persistent failure of Congress to act which is outrageous. And as chairman of the Senate Labor and Public Welfare Committee, the New Jersey Democrat bears a heavy share of the blame.

The Washington Post, which hardly rates among Mr. Nixon's most enthusiastic fans, has neatly summarized the situation this way:

"There is just one major problem standing in the way of legislation to try to deal with labor crises like that brought about by the West Coast dock strike and that problem is named Congress. The men and women on the Hill won't act on this kind of legislation during a crisis because they don't want to act hastily. And they won't act on it at any other time because there isn't a crisis to urge them along. The result is that nothing gets done and the country drifts from one major tie-up to another, and major sections of the economy are paralyzed with increasing frequency."

It has now been more than two years since President Nixon sent to Congress legislation to deal with labor disputes in the transportation industry. But the lawmakers have blithely ignored his proposals. So now, for the fifth time in that two-year period, they are faced with the necessity to intervene in a labor crisis with hasty, one-shot legislation.

Where, then, are Sen. Williams' "efforts to search out ways to improve our Federal laws dealing with labor disputes?" It is time he quit talking about them and start making them.

[From the New York Times, Jan. 18, 1972]

ALWAYS TROUBLE ON THE DOCKS

The renewal yesterday of last year's hundred-day longshore strike in Pacific Coast ports reflects a triple breakdown—in the processes of collective bargaining, in the effectiveness of the nation's statutory safeguards against strike emergencies and in the credibility of Federal wage controls.

It is a bizarre abuse of union power that a single, rather rarified issue affecting the mechanics of employer payments into a wage guarantee fund could result in an order to cut off deep-sea commerce in the West. It is doubly strange that such a hang-up should develop after employers and union had agreed on wage increases and other benefits extravagantly in excess of the Pay Board's loosely monitored guideposts.

Unfortunately, it is not surprising at all that the eighty-day injunction provisions of the Taft-Hartley Act have proved no adequate defense against a resumption of the strike. The feebleness of that protection has been proved over and over again in the last quarter-century in tie-ups of Atlantic and Gulf ports.

Now the Administration must rush to Capitol Hill with hastily improvised back-to-work legislation of the kind it has repeatedly had to devise in the railroads. But any formula the White House proposes for final settlement of the West Coast dispute opens up a Pandora's box of new woes in this shaky stage of wage stabilization.

If compulsory arbitration is decreed, the

umpire designated by President Nixon almost surely would limit his ruling to the one unresolved issue and certify the rest of the package as independently agreed to by the parties, in effect, that would put a governmental imprimatur on wage raises of 32.2 per cent in a contract with less than eighteen months to run. Such a pact would represent a green light for Federal approval of the tentative accord reached ten days ago on the East Coast for increases of 41 per cent over three years; it would shatter respect for the 5.5 per cent annual standard set by the Pay Board.

For Congress to act on its own to legislate a settlement embodying the basic terms of the West Coast wage understanding would be even more destructive of the stabilization effort. What is required is a formula for limited ship operation that would meet national needs without stripping the wage regulators of the authority that unions insisted they be given to determine what pay increases are "unreasonably inconsistent" with their anti-inflation mandate.

Strikes and strike threats by overstrong unions cannot become the make-or-break element in a program essential to America's economic welfare.

[From the Christian Science Monitor, Nov. 29, 1971]

UNLOADING THE DOCK STRIKE

Ending the dock strike at home was a vital step toward ending the United States trade impasse abroad.

Few would argue that there was not also a strong domestic motive behind the President's wielding the Taft-Hartley law to get East and Gulf Coast strikers back to work, two months after they had walked out. As with the West Coast strike, similarly breached by the President a few weeks ago, the East Coast strike had been hurting the pace of the American economic recovery.

But the dock strike was also causing much mischief in U.S. attempts to settle its trade and monetary disputes. It was distorting an already bad U.S. trade picture. Imports exceeded exports in October by more than $800 million. This was in part due to the fact that the West Coast strikers had been sent back to the job while the East Coast strike was still in effect; since the West Coast usually handles a greater percentage of imports and the East Coast a greater percentage of exports, the strike situation exaggerated the import/export imbalance in America's trade position.

Secretary of the Treasury John Connally will have enough on his hands when he meets with the Group of Ten in Rome this week, without the nuisance of the long dock strike confusing matters. The simple trade balance face he takes with him is that the United States now stands to run a $2 billion trade deficit in 1971. This deficit would be the reverse of the $2 billion surplus last year. It would make the first trade deficit for a full year since 1893. Such a deficit is not calamitous in itself. But from it stems the weakening position of the American dollar, and with that the need to rejig the free world monetary system and the relative value of most countries' currencies.

As it is, the chief resentment of America's trade partners, who are now held at sword point by the 10 percent surcharge, is that the U.S. wants them to do all the backing down. They would still prefer the U.S. simply devalue its own currency instead of trying to wrest a package of upvaluations from them. They feel the U.S.'s awkward trade position is its own fault, the result of such ventures as the Vietnam war. And in this context, for Washington to tolerate a dock strike while trying to make them swallow trade concessions would only add to the irritation America's trade partners already feel.

This is not to say Secretary Connally's mission will be noticeably easier in Rome. Hopefully, signs of give on the 10 percent surcharge will be flashed in his meeting with the Group of Ten finance ministers. The beginnings of some agreement shoud be laid, or Mr. Nixon's meeting two weeks hence with President Pompidou in the Azores and his other economic summitry could come to nought.

Again, with West European economies in recession, with Canada deeply anxious over a serious employment slump, with the 10 percent surcharge itself inhibiting trade, the emphasis in free world economic policy should turn to stimulating trade and production. Thus for reasons far greater than perking up the domestic economy, the U.S. dock strike could no longer be tolerated.

[From the New York Times, Dec. 18, 1971]

ACTION ON TRANSPORT STRIKES

The overwhelming vote of West Coast longshoremen to reject proffered wage increases that run nearly triple the Pay Board's basic 5.5 per cent guidepost confronts the country with the prospect of a new dock strike after the present eighty-day injunction under the Taft-Hartley Act expires on Christmas Day.

Many observers suspect that Harry Bridges, leader of the West Coast union, will defer an actual walkout until mid-February in the belief that such delay would enable him to join forces with Atlantic and Gulf longshoremen, currently back on the job in response to a similar court order.

The East Coast dock workers have a long tradition of renewing strikes after going through the ritual of a Taft-Hartley "cooling off" period, and there is little reason to doubt that this routine will be repeated when they are free to strike again two months hence.

The danger of a three-coast tie-up to enforce inflationary wage demands just when the first glimmers of hope are emerging on the international trade and monetary front should be all the spur Congress needs to come to life on stronger statutory safeguards against crisis strikes.

For two years the Administration has been pushing a bill that would vastly improve the defenses against such strikes in the railroad, maritime, longshore and other vital transportation industries. Its distinctive feature is a provision for a modified form of arbitration that would assure an ending for disputes that now drag along for months or years and often wind up in ill-considered emergency legislation on Capitol Hill.

In testimony before a Senate Labor subcommittee last week, Secretary of Labor Hodgson made a strong new plea for fast movement on the Administration measure or on any other that would provide more dependable public protection. The impending new showdown on the docks underscores the urgency of his appeal.

[From the Chicago Tribune, Feb. 6, 1972]

ARROGANT LABOR LEADER

Harry Bridges, bellicose boss of the striking West Coast dock workers, has defied Congress and threatened a worldwide shipping tieup if a law to end the strike by compulsory arbitration is passed. Threatening at first to ignore such a law if passed, Bridges later told a House labor subcommittee that his longshoremen at least would stage a work slow down. Furthermore, he said, any law to end the strike would affect only ships touching at United States ports, and he might call on "friends" in other countries to prevent the ships from doing that.

Bridges represents 13,000 members of the International Longshoremen's and Warehousemen's Union, which is striking against the Pacific Maritime Association, representing the employers. Because of a jurisdictional dispute, the Teamsters Union also is involved in the strike. The strike, which resumed Jan. 17 after tying up the West Coast for 100 days last fall, has closed 56 ports.

Because of the serious economic dislocations the strike is causing, President Nixon on Jan. 21 asked Congress for speedy emergency legislation to settle it. Secretary of Transporation Volpe, Secretary of Agriculture Butz, and Under Secretary of Commerce Lynn have all testified that the situation requires urgent action. But this is an election year, and Democratic leaders in Congress are dragging their feet for fear of affronting the labor unions which traditionally support Democratic candidates.

This reluctance on the part of the Democratic leadership not only adds to the economic severity of the strike, but encourages Bridges' defiance. Even worse consequences could evolve if longshoremen on the East and Gulf Coasts should decide to emulate Bridges and resume their prolonged strike, which is currently in limbo under the 80-day cooling off provisions of the Taft-Hartley Act.

Bridges' arrogance should not be allowed to go unchallenged by Congress. If it is and the dock strike brings further disaster on the economy, the American people can blame Democratic leaders in Congress who are willing to put union-delivered votes ahead of the best interests of the country.

[From the Wall Street Journal, Dec. 23, 1971]

ADRIFT ON THE DOCKS

Once again a Taft-Hartley injunction is proving totally inadequate as a solution to a transportation strike. This time it's the West Coast dispute between the International Longshoremen's and Warehousemen's Union and the Pacific Maritime Association, an organization of employers.

The workers have just gone through the ritual of rejecting the employers "last offer," the maritime association's contribution to the play-acting. No one expected the workers to vote otherwise, since union officials had urged a negative vote.

The offer was a hefty one by any standard, but Taft-Hartley history presumably persuaded the union it could do better. In the past the so-called last offer has usually been no more than a floor on which unions have been able to build.

When the Taft-Hartley injunction expires on Christmas Day, the ILWU will be free to strike, since the government's legal machinery will be exhausted. An immediate walkout is unlikely, though. Union leaders don't relish putting their men out of work over the holidays and, besides, if they wait a while the Taft-Hartley injunction will run out on the East Coast, setting up the possibility of much greater pressure on the public and the government.

If and when a strike does resume, J. Curtis Counts, the head of the Federal Mediation and Conciliation Service, says he will recommend a special federal law to settle it. This is becoming a pattern in transportation: Taft-Hartley fails, so Congress must deal with the resulting strikes on an ad hoc basis.

You would think that Congress would be growing tired of the pattern. Many months ago, however, President Nixon proposed new legislation to deal with transit strikes, and so far Congress has gotten nowhere either with the President's proposal or any alternative of its own.

Maybe a new dock emergency will be enough to make the lawmakers move. It should be apparent by now that present transportation labor policy is little better than no policy at all.

[From the Chicago Tribune, Feb. 1, 1972]

SETTLING AN INTOLERABLE STRIKE

Secretary of Labor James D. Hodgson made his second trip to Capitol Hill yesterday to urge Congress to end the 115-day West Coast

dock strike which has shut down 56 coastal ports. The Longshoremen's Union has extended its picket lines to the Mexican and Canadian borders to prevent trucking in of cargoes unloaded in the two countries.

Hodgson told the House Labor Subcommittee, "You have one of two choices. Either gear up to getting into the labor disputes-settling business on a massive basis—or give the Executive Branch the tools to do the job."

He said that while he was opposed to compulsory arbitration, he had no course other than to support President Nixon's formula imposing an order for an immediate resumption of work while an arbitration board held hearings preliminary to an imposed settlement. The settlement would remain in effect for 18 months—the same period for which the Pacific Maritime Association, representing shippers, has been attempting to negotiate a contract.

Its offer of a 16.8 per cent wage increase for the first nine months and 8 per cent for the second period is accompanied by a guarantee of 36 hours' pay a week even when work is not available. Together with fringe benefits, the increase would amount to $2.335 an hour, which the association says far exceeds settlements in steel, railroad, telephone, copper, and aerospace industries.

Mr. Nixon has called the strike "intolerable" and has asked Congress to quit stalling while thousands of men are out of work, commerce is at a standstill, and heavy losses have been sustained by agricultural producers who can't move their crops.

The President's biggest obstacle is that this is an election year and Democratic majorities in Congress don't want to do anything to offend the unions. But the alternative, as Secretary Hodgson said, is further disruptions because of other transportation strikes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The assistant legislative clerk read as follows:

A bill (S. 2515) to further promote equal employment opportunities for American workers.

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. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with the nomination of George H. Boldt of Washington.

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

PAY BOARD

The PRESIDING OFFICER. The clerk will report the first nomination.

The second assistant legislative clerk read the nomination of George H. Boldt, of Washington, to be Chairman of the Pay Board.

Mr. PROXMIRE. Mr. President, I must oppose the nomination of Judge George H. Boldt to be the Chairman of the Pay Board. Judge Boldt is a decent, fine and honorable man. As I got to know him, when he appeared before the Joint Economic Committee last year, and when he appeared before the Banking, Housing and Urban Affairs Committee this year, I have talked with him several times. I like him. He is a fine person. I have no doubt that he is an excellent judge. But in my view, he is totally unqualified to be the head of the Pay Board. He has no experience in labor-management negotiations. He does not know his way around Washington. He brings no professional expertise to the job. He simply does not have the background and experience needed for the job.

There are literally hundreds of well-trained, experienced arbitrators who are much more qualified than Judge Boldt—men who command the respect of both labor and management. It is inconceivable that President Nixon could not have found a person with these credentials to head the Pay Board. Why must we settle for a person with no experience and reputation in the field? As Andrew Biemiller put it in testifying for the AFL–CIO against the Boldt nomination.

We see no reason for anyone so unknowledgeable in labor management relations to receive such expensive on-the-job training.

Mr. President, my view of Judge Boldt is rather widely shared by those familiar with the operations of the Pay Board. As I indicated, he is opposed by the AFL–CIO and also by the United Auto Workers. How can Judge Boldt possibly do an effective job in bringing harmony to the divergent views on the Pay Board if he does not enjoy the confidence and respect of organized labor? Whatever other arguments may be made on behalf of Judge Boldt, the fact that he is so strongly opposed by organized labor makes it difficult, if not impossible, for him to do an effective job.

I call attention to the fact that this is not because Judge Boldt is antilabor. I do not think he is. There is nothing in his record to indicate that he is opposed to labor. After all, the man who is the Chairman of the Construction Board, one similar to this, but on a smaller scale, John Dunlop, highly respected by labor, no one says John Dunlop is prolabor or that he makes prolabor decisions. He is a man who is enthusiastically supported by both labor and business because of his competence and his ability.

Here is what the Secretary of Labor, James Hodgson, had to say about Judge Boldt in a telephone conversation with George Meany on October 19 when Judge Boldt was under consideration for the job. Secretary Hodgson said, and I quote—

He [Boldt] is totally and completely unfit for this job. He has absolutely no experience in this field and he just couldn't handle it at all. He knows nothing about it.

Mr. President, that is the judgment of the Secretary of Labor before Judge Boldt was appointed. According to Senator TOWER, the Secretary of Labor is now supporting the nomination of Judge Boldt. Whatever Secretary Hodgson's reasons, it is understandable that a member of the administration would not publicly oppose a man nominated by the President. Once President Nixon made the decision to nominate Judge Boldt, it is natural and proper for members of his administration to swallow their disagreements and support his decision. Any other course of action would produce chaos. Not wishing to be another Hickel, I can see why Mr. Hodgson now supports the Boldt nomination. But I believe his earlier remarks, when he was not constrained by the administration, are far more revealing of his true feelings.

Incidentally, the Senate Banking Committee had an opportunity to explore the views of Secretary Hodgson about Judge Boldt in executive session. One member of the committee moved to postpone action on the Boldt nomination until a meeting with Hodgson could be scheduled. Unfortunately, this motion failed by a vote of 11 to 2; hence, we do not have the benefit of Secretary Hodgson's first-hand views.

The view that Judge Boldt is too inexperienced to head the Pay Board is not confined to Secretary Hodgson. An article in the December 28 New York Times says that—

The Pay Board, by the testimony of a representative cross section of its members, has been ineptly led, acrimoniously divided and largely ineffectual in the first months of the second phase of President Nixon's economic stabilization program.

Th article went on to pin most of the blame for the Pay Board's failures on Judge Boldt. Let me quote from this article:

Most discussions of what has gone wrong with the Pay Board thus far start with the quality of leadership provided by the 68-year-old Judge Boldt who is from Seattle.

One business member described the judge as a "hard working, straightforward man who has earned the respect of every member of the board—he is a saint who has taken a tremendous amount of abuse without complaint."

But another, and perhaps more representative, view on the board was expressed by a nonlabor member, who declared, "To throw an elderly, inexperienced judge into this bear pit was just not sensible. He has guts all right, but he just doesn't understand what is hitting him."

Another nonlabor member asserted, "One of our chief difficulties is a lack of substantive leadership. The judge is a fine gentleman and I have a deep personal regard for him, but he doesn't understand the issues and he is unable to force accommodation among the conflicting interests. This is a rough and crude league, and the judge is no one to create harmony."

The judge has also been unable to provide organizational leadership to the board, according to some of its members. One said, "He still thinks he is in the courtroom and all he has to do is go into his chamber and tell the bailiff what has to be done. But in the meantime we went for two months without anything resembling an adequate staff."

One member said that the judge went without a secretary of his own for several days because he did not know how to obtain one. The same member also said that the judge had been unable to operate within the Washington bureaucracy. He said, "He [Boldt] just doesn't talk to the right people. We told him to talk to Connally to get something done and instead he called somebody who was nine levels down in the bureaucracy."

Mr. President, I have quoted extensively from the Times article because it indicates the off-the-record comments of the Pay Board members themselves about Judge Boldt's leadership. It is also important to note that many of the criticisms came from the business and public members as well as the labor members. To be sure, the comments were anonymous, and it is, therefore, difficult to evaluate them.

Moreover, the business and public members have written to the committee expressing confidence in Judge Boldt and urging his nomination. Thus the members of the Pay Board seem to be saying one thing off the record and another thing on the record. That was on the record. We could expect statements like that to be made for the record. However, when the members were asked to comment with the assurance that their statements would be protected, their answers were as I have indicated, to the effect that while they liked the judge as a man and as a person, they feel he is incompetent to do this job.

Of course, all the business and public members of the Pay Board were appointed by President Nixon, and undoubtedly they feel a need to support the President just as Secretary Hodgson does. No Presidential appointee wants to embarrass the President if he can avoid it. Thus I believe, in many respects, the viewpoints expressed in the New York Times article are probably more indicative of the true feelings of the Pay Board members about Judge Boldt.

Mr. President, it might be argued that in spite of Judge Boldt's lack of qualifications, we should confirm his appointment in order to maintain public confidence in the Pay Board and in the entire phase II program. Such an argument is extremely shortsighted. We will be much better off in the long run with a qualified, able head of the Pay Board who can command the respect of labor and business and put an end to inflationary wage settlements. Indeed, one of the reasons the business community still lacks confidence in the administration's anti-inflationary program is the apparent inability of the Pay Board to exert effective leadership. One of the best things we could do to promote business and public confidence would be to reject Judge Boldt's nomination and insist that President Nixon appoint someone with more experience.

Mr. President, I want to make it clear that I have no animosity at all for Judge Boldt. As I say, I like him as a person. I think he is probably a good judge and is perhaps qualified for other jobs, but not for this one.

Just think that the success or failure of the anti-inflationary effort hinges very considerably on the quality and ability of the Chairman of the Wage Board.

With the cost-push, wage-push inflation of the kind that we have had, if the Chairman of the Board is forceful and wise and effective, the likelihood of stopping inflation will be far greater. If he is weak, uninformed, and ineffective, our chances of winning the inflation fight are greatly reduced. No one can objectively consider the not-for-attribution comments on the judge by nonlabor Board members without severe reservations about the future of our anti-inflation effort. No one can hear the judgment of Secretary of Labor Hodgson without having a real concern that however gentle and kind and humble and decent Judge Boldt may be, he just should not be confirmed for this job.

The buddy system, the "I-never-met-a-man-I-didn't-like" attitude, is a marvelous thing about this body. But when we let that persuade us that we should appoint an incompetent to this critical anti-inflation position we, as Senators, are being weak and irresponsible.

Mr. President, it is not easy to get up and take this position, because I know the Senators I disagree with on this issue are men who are as honest and as sincere as I am in trying to achieve an effective anti-inflation program. However, we have to draw the line as I see it, and as I see it we are making a serious mistake in not considering the statement of members of the Board that as the head of the most important anti-inflation board, Judge Boldt is not a man in whom they have confidence.

Mr. BENNETT. With respect to the nomination of Judge Boldt, I yield myself such time as I may require.

Mr. President, the objections to the nomination of Judge Boldt to be Chairman of the Pay Board sound as if he is eminently qualified for nearly any position except the one for which he has been nominated and in which he is now serving.

The point was made that Judge Boldt is opposed by organized labor. It is interesting in light of this fact that the labor members of the Pay Board voted to give Judge Boldt authority to act in all cases before the Board, subject only to challenge by other Board members. Mr. President, it is only natural, by the very makeup of the Board, that any individual who was not under the control of organized labor would be opposed by the labor members of the Board. How can such members who are naturally biased and against any limits on wage agreements support a Chairman who does not agree with their position and, in fact, has been given the responsibility specifically to limit wage increments which are not in line with the phase II program to reduce inflation? It should probably be pointed out that labor also was critical of the public members of the Board other than the Chairman. This criticism must be taken for just what it is and not given overriding weight with respect to the confirmation of the nomination.

Mr. President, the comments about Judge Boldt, attributed to Secretary of Labor James Hodgson in a telephone conversation, were brought out at our hearings. I do not know what Secretary Hodgson knew about Judge Boldt at that time. It would appear that, at best, he had not been familiar with the judge's career to any extent and that he was passing on the comment of others who may have expressed an opinion to him. Frankly, it does not much interest me who said what about the appointment. We have all had the experience of having to take back our first impressions of a person. The important thing is what the Secretary of Labor thinks of the man after seeing him at work for a period of time.

It is my understanding that the Secretary's most recent view of Judge Boldt is that—

Considering the cross currents and difficulties under which the Board has had to operate, Judge Boldt's work is to be applauded.

I agree with that assessment.

In our hearings, and again here on the floor, extensive quotations were used from an article in the New York Times which purported to contain comments from members of the Pay Board sometime last year. It is worthy of note that the comments were not attributed to any member of the Board. Furthermore, regardless of the problems that existed at the time the Board was set up and during the first few weeks of its existence, which were destined to be difficult ones, it seems now that a competent staff has been assembled, that the Board is operating well, and that the opposing factions are working as well together as could be expected. In the long run, the experience to date and the method of operation taken by Judge Boldt may prove to have been the best approach that could have been taken.

Mr. President, I ask unanimous consent to have printed in the RECORD a telegram that was sent to the chairman of the Committee on Banking, Housing and Urban Affairs just the day before our hearing and was signed by all public and business members of the Board, which seems to bear out my conclusion.

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

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.:

We have been privileged to serve as members of the Pay Board under the Chairmanship of Judge George H. Boldt. During our tenure on the Board we have come to appreciate and benefit from his judicial qualities and his personal integrity. He came to the job as Chairman of the Pay Board on short notice, interrupting a distinguished career as a U.S. District Judge. In a short period of time, with patience and civility, and under the extreme pressure of events, he has had to guide the establishment of a new and complex administrative machinery and to insure the development of policies and regulations necessary to achieve the goal of economic stabilization.

These tasks are difficult in their own right but the problems have been made more demanding by the fact that the Pay Board is tripartite in nature and brings together spokesmen for different and often conflicting points of view. This aspect of the Pay Board has meant that Judge Boldt, as Chairman, has had to exercise great tact, skill, and, above all, fairness in the performance of his duties. In our judgment he has clearly demonstrated these attributes in the face of intense controversy. Moreover, because he assumed his position with no rigid views on many of the technical issues associated with labor-management relations, he has provided a broad perspective and fresh insight that otherwise would be lacking on the Board.

Under Judge Boldt's leadership, in less than three months the Pay Board has recruited a highly qualified staff, become a going concern, and has successfully weathered several controversies which have caused other wage stabilization agencies to founder in the past. Throughout these difficult early months Judge Boldt has performed his duties with a dedication to the national interest that sets a high standard of public service. We are pleased to convey to the Committee our confidence in the leadership of Judge Boldt and to strongly urge his confirmation by the Senate as Chairman of the Pay Board.

Judge Boldt is not aware that we are sending this message.

Sincerely,

Robert Bassett, Ben Biaggini, William Caples, Virgil Day, Kermit Gordon, Neil Jacoby, L. F. McCollum, Rocco Siciliano, and Arnold Weber; Public and Business Members of the Pay Board.

Mr. BENNETT. It appears that, in fact, Judge Boldt has been able to do an effective job, has weathered any problems that confronted the Board in the first few weeks, and has been able to obtain the confidence of all of the members of the Board except perhaps some who feel that an expression of support might be interpreted as an expression of weakness or a repudiation of some more or less official position.

Mr. President, I support his nomination, and I hope the Senate will confirm it.

Mr. SPARKMAN. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. SPARKMAN. The Senator just placed in the RECORD a copy of the telegram we received, signed by all the public and management members. Is it not true, though, according to the testimony over the past—well, over some weeks, probably—certainly several days—that Judge Boldt had been supported unanimously in various decisions that were made; and also was not their testimony to the effect that when the board voted to give him the power to make decisions, the vote of the members of the Board was unanimous?

Mr. BENNETT. Both of those things are true. It seems to me that the matter which I have referred to might best be illustrated by a statement a friend of mine used to make frequently, "We are inclined to be down on what we ain't up on."

I think there were many people who, before Judge Boldt actually took over and carried out the functions of his job, were not "up" on him and, therefore, because of some predilection or some background and perhaps some more or less formal relationships, felt that they had to be "down" on him automatically but now, I think, we are "up" on him, so to speak. I am sure that the chairman and most of the members of the committee would urge members of the Senate to follow their judgment and confirm the judge.

Mr. SPARKMAN. The point that I hoped to make, of course, and I am sure the Senator agrees with me on it, is that whereas at the very beginning there was a pretty bad rift, not directed at Judge Boldt at all, but just at the operations, as time went on apparently that has pretty well healed. Until within the recent past at least, the Board has been unanimous in its actions.

Mr. BENNETT. That is eloquent and evident testimony, among other things, to the leadership the judge has given to the Board. I can understand why there would be such antagonisms to start with. They always exist where there is a tripartite board with obviously conflicting views and another group in there, like being the "swing man" in the middle. It has not been an easy job for the judge, I am sure, but he has done well enough to deserve our expression of support.

Mr. MANSFIELD. Will the distinguished Senator from Utah yield me 3 minutes?

Mr. BENNETT. I am happy to yield 3 minutes to the Senator from Montana.

Mr. MANSFIELD. Mr. President, Judge George H. Boldt is listed on the Executive Calendar as being from the State of Washington. That is true because in late years, beginning with the Eisenhower administration, he has been sitting as a Federal judge with headquarters in Tacoma. Actually, he is a Montanan, a graduate of the Stevensville High School down in the Bitter Root Valley, and a graduate of the University of Montana. He has the full and wholehearted support of the two Senators from Montana.

Neither one of us had the opportunity, because of circumstances over which we had no control, to appear personally in behalf of Judge Boldt but both of us sent strong letters indicating our full support of this outstanding public servant.

Now we know that the Pay Board has not been in operation for too many months. We know that the members and especially its Chairman were called in "cold" so to speak. We know that there was a certain amount of friction in the beginning, as was natural, but we have an idea that that friction, based on statements made by the distinguished chairman of the committee, the Senator from Alabama (Mr. SPARKMAN), and the distinguished ranking member of the committee, the Senator from Utah (Mr. BENNETT) has been alleviated to a considerable extent.

It was a most difficult assignment, but I would urge my colleagues who have any questions about Judge Boldt to take into consideration his outstanding record as a Federal judge for the western district of Washington, and to be guided by the record which he has made as to his ability, as to his integrity, as to his courage, and as to his knowledge.

I believe that this Republican judge was a good choice for the position to which he has been appointed. I hope that the nomination of this outstanding man from Montana will receive an overwhelming vote of approval on the part of the Senate when it comes to a vote shortly.

Mr. SPARKMAN. Mr. President, I want to call attention to one thing. I do not want to prolong the debate. However, with reference to the statement quoted from Secretary Hodgson, that statement was made before any action was taken on any matter before the Board. That was his opinion expressed at that time. However, after he had seen him at work, he testified that he had been doing a good job.

Mr. BENNETT. Mr. President, I am ready to yield back the remainder of my time.

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

The PRESIDING OFFICER (Mr. SPONG). All time having been yielded back, the question is, Will the Senate advise and consent to the nomination of George H. Boldt, of Washington, to be Chairman of the Pay Board? (Putting the question.)

Mr. PROXMIRE. I vote "No."

The nomination was confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of George H. Boldt, of Washington, to be Chairman of the Pay Board.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

FEDERAL RESERVE SYSTEM

The legislative clerk read the nomination of John Eugene Sheehan, of Kentucky, to be a member of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. I yield 30 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. I thank the distinguished majority leader. Once again I find myself in a very small minority.

Mr. President, I am vigorously opposed to the nomination of John E. Sheehan to the Federal Reserve Board. Mr. Sheehan is an intelligent and able man. There are many jobs in Government for which he would be eminently qualified. He is a very successful businessman. He has a background which is similar to my own. Both of us went to the Harvard Business School, majored in financial management, and both of us graduated with distinction. But he is sadly lacking in the qualifications needed for a Federal Reserve Board member.

The Federal Reserve Board exercises a profound influence on our economy. There is widespread disagreement among professional economists on how monetary policy affects the economy and how it should be carried out. There is disagreement over the goals of monetary policy. There is disagreement over the immediate targets of monetary policy. Some say the Fed should concentrate on free reserves. Some prefer the monetary base. Others look to the money supply

both narrowly and broadly defined. Still others argue the Fed should focus on interest rates and conditions in the short-term money markets.

However, virtually all economists agree that the subject is exceedingly complex, highly technical, and requires a great deal of economic expertise of a particular kind. They are also agreed that monetary policy is a highly delicate instrument which can work great harm upon the American economy if improperly exercised.

President Nixon is proposing to put on the Federal Reserve Board a man who admits he has no background in the technical problems of monetary economics. Moreover, in his appearance before the committee he seemed to make a virtue out of his ignorance. He presented himself as a talented amateur—a man who had no fixed position on controversies surrounding monetary policy, but a man who would study hard and try to come up with a reasonable decision.

One evidence of Mr. Sheehan's lack of sophistication can be seen in his appearance before the Committee on Banking and Currency. In the 14 years that I have been in the Senate, this was the first time I ever saw a witness so poorly qualified that he actually read answers to questions put to him by a committee member. I do not know who prepared Mr. Sheehan's answers, but it is obvious that he was not equipped to deal with the issues on his own. We ought to be able to find someone who can do better than merely regurgitate canned answers to questions put to him. One of the purposes of a nomination hearing is to see how a nominee thinks, how he handles himself, how he responds to questions, how he reaches conclusions. If Mr. Sheehan does not have enough confidence in himself to answer questions on his own without the benefit of a prepared text, then I submit he is not qualified to sit on the Federal Reserve Board.

When I asked Sheehan about one of the most rudimentary principles discussed in economic policy—the trade-off between unemployment and inflation in the Philips curve—he struck out.

Sheehan seemed to think the Philips curve referred to the pitching technique of a Chicago Cubs left-hander.

It is most unfortunate that on the most important and powerful economic policy agency in our Government—an agency that makes the critical decisions that determine the level of interest rates, and has profound influence on inflation and unemployment—the President could not find a single competent economist to serve.

Mr. Sheehan is obviously an intelligent, able, and honorable man, but so are Johnny Unitas, Muhammed Ali, and Coach George Allen, as well as millions of other Americans, but all of them, like Sheehan, are appallingly unqualified to serve as governors of the Federal Reserve Board.

Mr. President, I apologize for taking up the Senate's time on this nomination, for I am sure that Mr. Sheehan will be overwhelmingly approved. Nonetheless, I think a record must be made that we need qualified men on the Fed. I hope that in the future, Presidents will recognize that the Federal Reserve Board demands professional legal competence, and that it should be just as wrong to appoint a noneconomist to the Federal Reserve Board as a nonlawyer to the Supreme Court.

Mr. President, I submit that this simply is not the man for the Federal Reserve Board. There are literally thousands of professionally trained economists who are more qualified than Mr. Sheehan, who has been a businessman and management consultant most of his life. At this critical time in our economic history, we need trained professionals on the Federal Reserve Board. We cannot afford to appoint an amateur, however well intentioned he may be. The decisions of the Federal Reserve Board affect the lives and well-being of every American citizen. We need all of the professional judgment and expertise which the economic profession can bring to bear on monetary policy.

Mr. President, the Federal Reserve now has five trained and competent economists among its seven members. The appointment of professional economists to the Board has resulted in a considerable improvement in the conduct of monetary policy. True, the Board has still made mistakes. But the magnitude of those mistakes is nowhere near as great as the disastrous blunders committed when businessmen and bankers dominated the Board. Anyone conversant with Friedman and Schwartz' monumental work, "A Monetary History of the United States," must realize the grievous policy errors made by the Board. For example, during the 1929–33 depression when the unemployment rate reached 25 percent, the Fed incredibly permitted the money supply to shrink by 33 percent, thus exacerbating the economic decline and sending the country into the worst depression in its history. Many economists feel the erratic stop-and-go monetary policy pursued by the Fed in the 1950's—a policy which William McChesney Martin characterized as "leaning against the wind"—was largely responsible for the three recessions suffered during that period. Every time the Fed was leaning one way the economy had turned around and was also leaning in the same direction. With bankers and businessmen calling the shots, untrained in professional economics, the Fed, on balance, exerted a destabilizing influence on the economy during the 1950's.

The Fed has had a much better record in the 1960's. The professional economists appointed to the Board brought a new sophistication and a better sense of timing which kept it from making major mistakes. The two recessions experienced in the 1960's and early 1970's have not been nearly as great as the three recessions suffered in the 1950's.

One of the most difficult problems in monetary economics is measuring the lag effects of monetary policy actions. Policy actions taken today will not have an impact until some time in the future. How long is the lag? How is it distributed over time? How do we forecast economic conditions ahead of time so that our policy actions today are in harmony with future economic conditions? These are enormously complicated and technical problems. The Federal Reserve has one of the best staffs in Washington to analyze these complex issues. But only the members of the Fed can decide the course of monetary policy. I do not believe an amateur can make an informed decision on the many technical issues surrounding monetary policy. Why should we settle for an amateur when there are so many competent professionals?

Mr. President, constitutional law is an equally complex subject. The experts frequently disagree on constitutional issues. Why do we not appoint a nonlawyer to the Supreme Court to give the Court some balance? If Mr. Sheehan is such an able man, why do we not appoint him to the Supreme Court?

The answer should be obvious. It takes a trained legal mind to deal with the complex issues of constitutional law before the Court. Likewise, it takes someone trained in economics to deal with the difficult issues of monetary policy before the Federal Reserve Board.

Mr. President, already there are rumors that the Nixon administration is seeking a banker to replace Governor Maisel, an outstanding economist whose term on the Board expired last December 31. Thus the Nixon administration appears to be trying to turn the clock back to an earlier era when noneconomists dominated the Fed. I am under no illusion that the Senate will reject Mr. Sheehan's nomination. Nonetheless, I believe a record of protest must be made, not only with respect to this nomination but to possible future nominations which might be submitted by the Nixon administration.

If confirmed by the Senate, Mr. Sheehan will serve at least 10 years, and will be eligible for another 14-year term. Mr. Sheehan will thus be in a position to exercise judgment for 24 years on highly technical matters on which he has no present competence. Perhaps in time he can learn. But our economy cannot afford to indulge in on-the-job training for members of the Federal Reserve Board, especially when there are so many qualified men available who do not need a long period of training and preparation before they can be expected to pull their weight.

Mr. President, not only does Mr. Sheehan bring a lack of technical competence to the Board, he also brings the typical biases of the businessmen and bankers which have dominated the Board in the past. Mr. Sheehan made it clear in his testimony before the committee that he thought the problem of inflation was the No. 1 economic problem facing the country. He ranked it ahead of the problem of unemployment which is bad news for the millions of Americans who are out of work. Moreover, Mr. Sheehan seemed to be unaware that there is a trade-off between the goals of full employment and price stability.

It was this simple-minded faith in the primacy of anti-inflationary policy to the exclusion of other economic goals which caused the Fed to so mismanage monetary policy during the 1950's. We are

now being asked to put another tight money man on the Fed—a man well versed in the conventional wisdoms espoused by bankers and businessmen. However, the problems of our economy are too complex for the conventional wisdoms. We need men on the Fed who have the professional background to apply a deeper and more sophisticated analysis to our economic problems.

I reserve the remainder of my time.

Mr. BENNETT. Mr. President, I yield myself such time as I may need.

Mr. President, I support the nomination of John E. Sheehan to be a member of the Federal Reserve Board. Mr. Sheehan has had a broad experience in business management, a background which Dr. Burns, Chairman of the Federal Reserve Board, apparently feels could be very helpful in the considerations which come before the Federal Reserve Board. As has been stated, Mr. Sheehan is not a professional economist. Neither was the Board member whom he is replacing a professional economist, nor is the present Vice Chairman of the Board, Governor Robertson.

At this particular time, it might be well to remember the old wisecrack that if all the economists were laid end to end, they would never reach a conclusion.

Some diversity among the Board of Governors was thought to be wise at the time the Federal Reserve Board was established in 1913, and it seems wise to have a diversity also today. Although Mr. Sheehan is not a professional economist, he was able to respond well to the many questions posed by members of our Banking, Housing and Urban Affairs Committee when we considered his nomination. It is especially noteworthy how well he answered the questions which appeared to be posed for the very purpose of trying to show that he was not qualified as an economist. Although Mr. Sheehan admitted that he was not an economic technician, his answers to questions were very responsive and, if I recall correctly, were satisfactory to all members of the committee except perhaps one member, and I imagine that even he was surprised that the nominee was able to respond so well.

I do not understand the criticism that Mr. Sheehan brings to the Board biases of the businessman and the banker. When asked about our balance-of-payments problem and the outflow of money that could occur if interest rates declined as compared with the problem of slow business if interest rates are high, Mr. Sheehan said that he felt it more important to take a policy that would stimulate the economy and this in turn would assist in our balance of payments. Indeed, the comment in this area could not have been better by the most competent of economists.

It is true that Mr. Sheehan stated that inflation is the No. 1 economic problem facing this country. However, he said that unemployment is a very close second. He added that the two are tied in together and that inflation has been partially the cause of our present unemployment problem. There is no doubt that this is true. Although there was an attempt to get Mr. Sheehan to comment on whether fiscal policy or monetary policy is the more important in achieving full employment and economic stabilization, Mr. Sheehan was sufficiently knowledgeable to state that he would keep an open mind in that area.

That particular subject has been debated for decades and ranks with the question, "Which came first, the chicken or the egg?"

He added that he doubted he would ever become associated with an extreme or rigid or fixed position on monetary policy and that at one time monetary policy may have a greater influence but that another time fiscal policy may loom larger than monetary policy. I must say that in the final analysis, Mr. Sheehan made a very credible showing before our committee, and on the basis of that showing, his nomination was approved by a bipartisan, nearly unanimous vote of the committee.

Mr. President, I have been interested in the comment that Mr. Sheehan read the answers to the questions asked. I should like to read from the hearings of the committee on what Mr. Sheehan's answer was to the accusation that this somehow meant that he was not fit to sit on the Board:

> Mr. SHEEHAN. Let me say this, Senator. You may be familiar with Marcus Aurelius' book "Meditations." In that book he suggests "I never made a public statement that I did not carefully write down beforehand." I have found this such a successful procedure that I even use it with my wife.

I would suggest that a man who is that cautious will make an excellent member of the Board of Governors in the Federal Reserve System.

Mr. PROXMIRE. Mr. President, I yield myself such time as I may require.

I may say to my good friend from Utah that there is no question that some of the responses by the nominee, Mr. Sheehan, were good responses, but the problem is, whose responses were they? Here was a nominee who came in and when we asked him a question, he read the answer. I submit that these are questions of monetary or economic policy, and yet he reads those answers, which could have been prepared by the staff of the Federal Reserve Board, by Mr. Burns, or anybody else. Even if he prepared them, it seems to me that is not a satisfactory way to respond to a Senate Committee. The Senator from Utah has been here more than the 14 years I have been here, and in that time I do not think he can think of any other nominee who appeared before the committee and read his answers to questions asked by committee members.

Mr. BENNETT. May I respond?

Mr. PROXMIRE. Yes.

Mr. BENNETT. The nominee learns quickly. He has learned to use the technique that most Senators use in making speeches on the floor of the Senate. They read material that is prepared by somebody else. I do not fault him for that. Here is a man nominated for a very important job, and I will admit that he had had no previous experience with respect to the job. He devotes himself for weeks in an attempt to learn all about that job and to master its intricacies, and realizes he is going to face a grilling before the committee. I do not blame him for trying to prepare himself to face the committee by recording his answers.

Mr. PROXMIRE. May I say to the Senator from Utah that I agree that Senators come in and read speeches, as witnesses come in before the committees and read their statements. They do. It is rather rare when a witness appears before us and ad libs. It is usually not as good as when they read their statements. I am not talking about that. I am talking about when Senators on the committee are interrogating the witness or interrogating the nominee and he has prepared answers and written out those answers in advance. That is entirely different. I think that rarely happens on the floor of the Senate. It does happen sometimes when we want to make complicated legislative history, but that is only on rare occasions.

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

Mr. PROXMIRE. I yield.

Mr. COOPER. While Mr. Sheehan is a resident of my State of Kentucky, I may say that I never knew him until he was appointed to this position. I sat by him that day while he was before the committee in the hearings on his nomination. I certainly have no great expertise in the field of economic matters which is very difficult and complicated. Many people have differing views. But I sat by him. I heard all the questions asked of him, and particularly I listened to those asked by my distinguished colleague from Wisconsin (Mr. PROXMIRE).

I think the committee agreed that he responded well to the questions. I would guess that the Senator from Wisconsin was rather surprised. I would like to point out that he did not read answers to all the questions asked him. I sat by him. On major issues he did have a statement which he read from.

I think this preparation indicates a quality which may be valuable, and that is a disciplined mind in one who thinks out in advance what the problems will be. With this kind of disciplined mind—and that is shown by his background—he was prepared. I see nothing wrong with that.

I must say to my colleague that, without his having definite knowledge that the answers were written by someone else, I do not think it is quite fair to say that the answers were not prepared by Mr. Sheehan.

I have talked to Mr. Sheehan since then, and he had heard the Senator's statement—I do not know whether the Senator made it or not, but I believe he made it—that these answers had been prepared by some member of the Federal Reserve staff. He was very upset about it, and said that, of course, it was absolutely incorrect.

He is a student. He had read hearings conducted by the committee upon which the Senator serves so ably. He knew, he told me, the Sentaor's position on various questions, and he prepared himself for them; I think that type of preparation shows the qualities of mind and disci-

pline which are needed, not only on that Board, but I might say in many areas of the Government, both on the executive and legislative sides.

I am familiar with his background. As I recall, he is only 42 years of age, and yet in that time he has been successful in every field in which he has worked. I know he made a tremendous financial sacrifice to take this position, which shows that he wants to serve well. He wants to serve his country. He believes that the work of the Board is of great importance.

I make this comment only to say that I construed his appearance and his statement before the committee as that of a man who had a disciplined mind and who knew what he was talking about. And I say, in a general way, I do not think the Senator should charge him that some of his responses were written by someone else unless he has the fact. He told me absolutely that he wrote it himself.

In closing I would like to state that Mr. Sheehan is exceptionally well qualified by education, training, and experience for this most important position, and I strongly support his confirmation. President Nixon deserves our commendation for making this appointment.

Mr. President, I ask unanimous consent that a brief statement I made before the Senate Banking and Currency Committee on January 27, in introducing Mr. Sheehan to the committee at the time of the hearings on his nomination, be included in the RECORD at this point.

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

STATEMENT OF SENATOR COOPER

Mr. Chairman, members of the Committee, it is an honor for me to come before this Committee to support the nomination of Mr. John E. Sheehan of Louisville, Kentucky to be a Governor of the Federal Reserve Board.

I have not had the opportunity to know Mr. Sheehan personally. Many citizens in the city of Louisville, Kentucky who know him well, among them Senator Cook, former Senator Morton, have told me about his fine qualities and abilities, and I support strongly his confirmation.

His résumé is before you, and I think it testifies to his abilities, his interest, his scholarship as a Naval Academy graduate and a graduate of Harvard Business School, and his capacity as an executive. Also I should note the fact that he served as a director of the Louisville branch of the Federal Reserve Bank of St. Louis.

Aside from his résumé, I have learned that he is one of ten children, all living. And all of these children have worked hard and accomplished a great deal for their country and for their families, and I think that, too, is a good recommendation.

I have heard only the highest tributes to his ability and his capacity and qualifications for this position, which is, of course, a very important position in our country. I shall strongly support his confirmation.

Mr. BENNETT. Mr. President, I am prepared to yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I shall yield back my time in a moment, but I should like to discuss one point briefly. I yield myself 2 minutes.

I do not want to get off on a side issue. I think that the fact that the nominee read his answers is relevant, but it is not the fundamental objection. Whether he read them, or read them well, it seems to me, is not the pertinent point. The pertinent point I wish to make is this: The Federal Reserve Board, above all other agencies I know of, is a Board requiring high technical competence. What kind of competence is that? They do not require lawyers. They do not require people with business background and training in business, but what they require is a trained economist, a man like Arthur Burns. President Nixon made a splendid appointment in Arthur Burns. Some of the other members of that Board, including Governor Maisel and Governor Brimmer, are men who have fine economic backgrounds, who understand the complexities of monetary policy, who have dealt with them for a lifetime, who understand the complexities of the implications of the actions of the Federal Reserve Board on housing, on State and local governmental activity, and on employment.

I think Mr. Sheehan will learn about these things as time goes on. My point, however, Mr. President, is that this is a far too complicated, vital, and important a Board to use it to provide on-the-job training for anyone.

I just hope that in the future Presidents, whether it be President Nixon or any other President, will do their best to select men for the Board who have a good solid training in economics. I realize that in 1913 the Federal Reserve Board was not contemplated as a Board to have principally economic experts on it; and as I say, the whole record of the Board shows that was a bad misconception on the part of Congress. Recent Presidents, including President Eisenhower, President Kennedy, President Johnson, and President Nixon have appointed a large number of economists to the Board. I hope that Presidents will continue to do this in the future. I hope that in the future Congress and the country will consider it as shocking to appoint a noneconomist, a man with no training at all in monetary policy, which he has to deal with, to the Federal Reserve Board, as it would be to appoint a nonlawyer to the Supreme Court.

I realize that this is a new conception, and maybe it is asking too much of a President to make that kind of a shift; but that is the reason I am making the record this afternoon, and the reason I shall vote against Mr. Sheehan, although I do so with great respect to him as a man and as a person, and I wish him well on the Board. I hope he will get that on-the-job training in a hurry.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. PROXMIRE. I yield back the remainder of my time.

Mr. BENNETT. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SPONG). All remaining time having been yielded back, the question is, Will the Senate advise and consent to the nomination of John Eugene Sheehan, of Kentucky, to be a member of the Board of Governors of the Federal Reserve System?

The nomination was confirmed.

PRICE COMMISSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the third nomination on the calendar that of C. Jackson Grayson, Jr.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of C. Jackson Grayson, Jr., of Texas, to be chairman of the Price Commission.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the nomination.

Mr. BYRD of West Virginia. Mr. President, I yield 30 minutes to the Senator from Wisconsin (Mr. PROXMIRE).

Mr. PROXMIRE. Mr. President, I shall take far less than that. I am happy to say that in this case I enthusiastically support the nomination, but I would like to call the attention of the Senate to something extraordinary in connection with this nomination.

As I say, Mr. President, I plan to vote for the nomination of Mr. C. Jackson Grayson to be the Chairman of the Price Commission. Mr. Grayson is an enormously able and dedicated man. He has one of the toughest jobs in Washington and he brings a high degree of training and experience to it. He is also pleasant, personable, and modest in appearance. This should not disguise the fact that he is without doubt one of the most powerful men in Washington. He exercises a life and death control over vast segments of the American economy, a control that is carried out in almost absolute secrecy.

Before approving Mr. Grayson's nomination, I think the Senate should realize the vast amount of power delegated to Mr. Grayson and the absence of effective restraints on that power. The Economic Stabilization Act delegates sweeping power to the President to control the prices of every economic unit from the corner grocery store to the giant corporation. That power has been delegated to a seven-man Price Commision, and what the Commission itself did was to delegate the entire power without veto to Chairman Grayson. While it is true that the Commission sets the overall policy, Chairman Grayson has complete authority to approve or reject individual price applications from business firms.

In response to questions when he appeared before our committee, he stated that he has not, never has been, overruled by the Commission, although theoretically they can do so. But they have served for several months now, and the Commission has yet to exercise that authority; he has exercised it fully. Thus, we have delegated to one man virtually dictatorial power over the American economy—a man who is not elected by the American people and who operates in complete secrecy.

Chairman Grayson has already ruled on over 1,200 requests for price increases submitted to the Price Commision. Some of the increases were granted in full.

Some were rejected. Some were reduced. How reasonable were these decisions by Mr. Grayson? How many of the price increases were justified? Is Mr. Grayson being fair and impartial in his application of the price guidelines? Are certain companies favored and are certain companies discriminated against? The answer is that the public does not know. Under the present practices of the Price Commission, it has no way of knowing. We are being asked to accept on blind faith that the Price Commission is operating in a fair and equitable manner.

The only effective check on Mr. Grayson's enormous and unprecedented power is the spotlight of publicity. And yet despite the requirements in the Economic Stabilization Act—and my amendments were among the amendments that provided for this—the Price Commission has released virtually no information to the public. It has instead established an iron wall of secrecy. Those who have tried to obtain information about the decisions of the Price Commission have been rebuffed.

For example, a reporter from the Washington Star recounted this experience:

> An effort . . . to use a case picked at random to see what can be learned about the reasons for a price increase ruling led quickly to one conclusion: Not much.

The reporter chose the decision by the Price Commission on December 16 to grant the full 8-percent price increase requested by the National Steel Corp. Here is what happened as quoted from the Evening Star:

> The reporter was referred to the general counsel's office. Long interviews there produced no significant further information beyond the assertion that increased labor costs had been the major factor. "It was a catch-up," said Slawoson. [The General Counsel] "They suffered wage increases since their last round of price increases."
>
> How much had workers' wages gone up? "That's confidential." What was the impact of this onproduct unit costs? "Confidential." What about increased productivity? "That's confidential," And profit margins? "Confidential."

In other words, Mr. President, all the information a citizen would need to determine the validity of the Price Commission's actions is confidential. Here is a Government agency under the rule of one man, with enormous power, operating in complete secrecy. There is no way the public can check up on the Commission to see if it is doing a good job. I am sure that Mr. Grayson is doing his best to apply the price guidelines in a fair manner. But no man should be given such broad powers without some degree of public accountability.

Ralph Nader and his associates have also experienced frustration in getting any meaningful information from the Price Commission. In a letter to me which was included in the hearing record, Mr. Nader states:

> the Price Commission has shown abundant disdain for any public participation in deliberations dealing with price policy toward consumers. Under the banner of expeditiousness, the Commission has chosen to hear only the corporate voices concerned. The Commission's viewpoint can be seen in Chairman Grayson's answer to my recommendation for immediate establishment of procedures allowing for meaningful public participation. Mr. Grayson's letter of December 29 (first page) bluntly shows the Commission's lack of concern.

In his letter, Mr. Nader documents how the Price Commission has ignored public participation.

The Commission has not held one single public hearing on a requested price increase despite the clear intent of Congress, expressed in section 207(c), that public hearings be held to the maximum extent possible on significant cases. Mr. President, that was my amendment. As author of the amendment, I did not expect that the Price Commission would hold no public hearings—none. As Mr. Grayson said, they have no plans to hold any.

The Commission has not described the information available for public inspection, nor the procedures for obtaining such information, as required by the Freedom of Information Act.

The Commission offers no detailed reasons for its actions on individual increases, but rather recites that the price increases were justified by "increased labor and material costs and adjustments for productivity."

The Commission continues to issue rules and regulations without providing for public hearings and comment as required by the Administrative Procedure Act to which the Commission is subject.

The Commission has not adopted policies to judge whether specific data submitted by companies to justify a price increase should be considered confidential. Instead, it simply takes the company's word that the information is confidential.

The Commission has not released the final votes of members of the Commission as required under the Freedom of Information Act.

In other words, Mr. President, we have had almost a total information blackout on the activities of the Price Commission. Perhaps some of blackout is due to the problems of setting up a new Commission in a short period of time with insufficient staff. Mr. Grayson did assure the Senate Banking Committee that he is sensitive to the problem and that he will try to make more information available. For example, on the subject of public hearings, Mr. Grayson said:

> I anticipate we will have some open hearings. I have none scheduled at the moment, but we are certainly receptive to the request for open hearings.

Mr. Grayson went on to indicate that anyone could request an open hearing, including a Member of Congress. I hope the Members of the Senate will accept Mr. Grayson's offer and request open hearings on price increases whenever their constituents will be significantly affected.

Mr. Grayson also indicated that the Commission is considering revising its policy of automatically stamping "confidential" all information claimed to be so by the company which submits it. I certainly hope and expect the Commission will move in this direction. Much of the information claimed to be confidential by large conglomerate or multiproduct corporations is already publicly available with respect to smaller corporations and firms. There is no reason for the Price Commission to preserve the unfair competitive advantage already enjoyed by large firms over their smaller business rivals.

After all, it is often the large corporation which is seeking the price increase. If it is not willing to release information which its smaller competitors already make public, then the price increase should not be granted. The Commission is not at the mercy of large companies for information. Just the other way around. The large companies depend upon the Commission for approval for their price increases. To say that these large firms would not cooperate if their data were made public is nonsense. Corporations have no alternative but to cooperate if they expect to justify their requested price increases.

Mr. President, I hope that Mr. Grayson will take to heart the concern expressed by several members of the committee about opening up the activities of the Price Commission to the public. It certainly is in the best interests of the stabilization program that the public participate. The Commission cannot bring inflation under control if it hears only the company's arguments for a price increase. The Commission cannot maintain the public's confidence in its decisions if the public is systematically excluded from relevant information. The entire stabilization program depends upon voluntary compliance on the part of the American people. I believe the people will support the program if they think it is fair and equitable. The people will not support the program if they think decisions are being made behind closed doors without public accountability.

I believe the Senate should confirm the nomination of Mr. Grayson for the chairmanship of the Price Commission. As I have said, he is an able man. He is a fine economist, with a background as an educator. He has won the admiration of people who have worked with him in one of the most difficult and delicate positions in which a man could serve in Washington. But I hope the record of the Senate reflects the strong desire of Congress that the operations of the Commission be opened more to the general public. It is the only way the program can succeed.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I am prepared to yield back the remainder of my time.

Mr. PROXMIRE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is, Will the Senate advise and consent to the nomination of C. Jackson Grayson, Jr., of Texas, to be Chairman of the Price Commission? (Putting the question.)

The nomination was confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Does that include the nomination of Mr. Sheehan?

Mr. BYRD of West Virginia. It does.

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

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate resumed with the consideration of the bill (S. 2515) to further promote equal employment opportunities for American workers.

Mr. JAVITS. Mr. President, the manager of the bill, the Senator from New Jersey (Mr. WILLIAMS) and I, as the ranking minority member of the committee, are currently engaged at this moment in a special meeting of the Committee on Labor and Public Welfare to get at the issue of the dock strikes. This is an immediate emergency. We have had to give it preference to our duties on the floor with respect to the bill on Equal Employment Opportunity Commission. The leadership is thoroughly acquainted with the situation and desires to give this measure the priority it deserves.

Mr. President, I make this explanation to the Senate with respect to our failure to actually be here currently debating the pending measure. We will, once we finish the matter we are working on, be free again to return to the floor. However, I felt that the Senate should have an explanation as to the situation this afternoon.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

THE DOCK STRIKES

Mr. STENNIS. Mr. President, I wish to voice my deep concern regarding the dock strikes which with persistent regularity close the ports of this country. These strikes have such widespread effects that they are felt in practically every aspect of our national activities. However, because I am from an agricultural State, and because I am the chairman of the Senate Armed Services Committee, I will address my comments to the effects these strikes have caused, or can cause, in the agricultural community and in national defense matters.

American farmers, as a group, have been particularly effective in increasing their productivity. There have been striking increases over the years in crop yield per acre and per man-hour, so that our agricultural commodities have retained a favorable competitive position in the world market. Slightly over a quarter of the crop production is excess to the needs of this country, and is sold abroad. This is beneficial in many ways—to the farmers, to the shippers, to the recipients, and in assisting in the problem of balance of payments. Also, of course, if it were not for these foreign sales, this country would be faced with tremendous agricultural surpluses, and the solution to this, if there is one, certainly would involve monumental costs.

The foreign markets to which we ship our farm products have been painstakingly developed over the years. Quite naturally, they are to a large degree dependent not only upon the competitive price we establish, but upon the reliability of the delivery of the amounts that have been agreed upon by contract prior to the crop year.

Because of dock strikes, the international credibility of American contracts for agricultural commodities is jeopardized. We can no longer be sure of being able to effect delivery under the terms of the contracts. To our customers the dates and rates of delivery are of crucial importance. Therefore they are turning to other sources—other nations—for these farm products or equivalent alternative products.

Exports of Mississippi farm products in the last fiscal year were about $222 million. For a State with the population of mine, this is a tremendous amount of money. It means that, of the citizens of my State, a very high percentage are directly involved, and all are indirectly involved. The crops grown on 1 acre of each 4 in Mississippi are exported. The storage, handling, and shipping facilities are all sized to the crop cycle and the rate at which the tonnages are shipped abroad. If the shipping stops, the system clogs, crops rot, bankruptcy threatens growers and handlers, people are out of work, and there is hardship in the countryside.

During the Atlantic and gulf coast strike of last fall—from October 1 to November 27—Mississippi farmers shared heavily in agriculture's losses. During the October–November period in 1971, the east and gulf ports exported $400 million in agricultural products compared with $917 million in the same period of 1970. If that strike is resumed, it will halt farm exports amounting to $18 million a day for as long as the strike continues. These losses would be on top of those already being experienced on the west coast where a resumption of the strike has closed the ports to almost $6 million worth of farm products a day.

The gulf coast ports are, of course, of the greatest importance to Mississippi. Comparing October 1971, when the strike was on, with the same month the year before, soybean exports dropped from $95 to $16 million, and corn exports dropped from $67 to $9 million. Our Mississippi growers were trucking soybeans to New Orleans, when that port became open temporarily for 18 days, at great expense. When the gulf coast ports finally were opened by the Taft-Hartley injunctions of late November, about 50 million bushels of soybeans and corn were backed up, in barges and on rail sidings, in the Mississippi River Valley.

The Taft-Hartley injunctions for the east and gulf coast ports expire the middle of this month. Right now, American farmers are making their commitments and borrowing the money that will produce their crops this year—the same crops that must be shipped from those ports at harvesttime.

Mr. President, the American farmers are not a party to the labor disputes that close the docks. But they can be bankrupted by the disputes. A man who puts all his resources and energies for a year in producing a crop—a crop which is a part of a national asset—is entitled to market it. He needs protection from the quarrels among strangers at distant ports that destroy his livelihood. I strongly urge that he be given that protection.

Mr. President, I am also deeply concerned about the potential effect on our military preparedness posture. I fully recognize that some time ago there was voluntary union agreement that military cargo would be loading in spite of the strike against commercial cargo. And I further recognize that military cargo has been loaded, although certain delays and difficulties have been involved.

Nevertheless, there are several circumstances which pose a possible threat to our level of military preparedness for this country. First of all, even with military cargo being loaded there is roughly a 20-day delay involved in the loading process as compared to the situation before the strike. This results from the fact that previously military cargo could be combined with commercial cargo on a particular ship. Now, however, when the ship is loaded only with military cargo, the ship must go to several ports to obtain a full load, resulting in delay in departure overseas. Moreover, there are some extra costs involved in this process.

Another damaging aspect is the fact that a number of ships loaded with commercial cargo have been immobilized for an extended period of time. If the country were to be confronted with an emergency there would obviously be a delay in making these ships available in their present state.

Lastly, Mr. President, this strike if extended could have a damaging effect on the overall military strength of this country. This strike has interrupted the flow of commerce to and from many nations abroad; the strike, however, has the adverse effect of weakening many vital elements of our economy. This includes agriculture together with all industrial and commercial activities which depend in whole or in part on overseas business.

This strike, which in the long haul will weaken our economy can have no result but to weaken our defense which in turn depends on a strong and vigorous economic base.

Our Nation cannot maintain a strong and effective foreign trade policy with our ports closed. We cannot maintain a strong and effective economy at home with an appreciable part of our ports closed. Lacking a plan and a determination to open and keep open our ports, we will lack the ability to maintain a live and growing economy of our own, and

this fact is being recognized by all nations, those friendly and those unfriendly.

This problem, existing now, is peculiarly a legislative problem. It is the Congress that is failing to act. Conditions being so urgent, congressional action is necessary on an emergency basis. If our committees cannot agree on a bill, I hope that a bill of some nature will be reported and its completion can be accomplished on the floor.

Mr. President, this strike should be ended for all America. In my view, a permanent legislative solution is desirable and necessary. Should this not be immediately possible, at least the west coast strike should be halted now and made subject to binding arbitration. The time for action on such legislation is now. The responsibility belongs with those of us here in Congress.

Mr. President, I hope and I believe that we will take constructive action in this field real soon.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. SPONG. Mr. President, has time under the rule of germaneness expired?

The PRESIDING OFFICER. Time under the rule has expired.

(The remarks of Mr. SPONG made at this point on the introduction of S. 3137 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

THE STUDENT EXCHANGE PROGRAM

Mr. CURTIS. Mr. President, there is a great deal of misunderstanding between peoples throughout the world. In some places the world is torn by hatred and strife. In some places we have wars going on.

One of the things that will contribute to understanding among people and thus cause friendship is the student exchange program that takes place.

It seems to me that whenever families in this country open up their homes for a period of months to a foreign student, the gain that comes from that is really of great consequence. It gives the host family a better understanding not only of that individual, but also of the country from which he comes. It gives them an insight into the problems and the type of life and the manner of living of that student.

I am sure these foreign students who come to our country are amazed at many things, but perhaps more so at two or three of the things they witness. Overall, I am sure that they leave here having established many lasting friendships with individuals and with a most friendly feeling toward the United States as a Nation.

These programs have been going on in every part of our country now for several years. I am sure that we have reason to expect that out of all of these efforts great improvement will come in establishing peace and friendship in the world.

In recent years, Nebraska has entertained 250 foreign students. It has been my privilege to meet a number of these students, to talk with them, and to visit with them as individuals, and on an occasion or two I have addressed them in groups. I have always taken advantage of the opportunity to ask them questions concerning their reaction to our country. I have yet to find a student who did not have a high regard for this country, a student who did not like the American people and who did not leave here with a better understanding of the intents and purposes of the United States and the various actions in the field of foreign affairs. I believe it is a very worthy program.

During the same period of time about 100 Nebraska students have gone abroad, and they have been received by families in foreign countries in a most gracious and generous manner. There has been a widening of horizons, adding information and knowledge as to how the people live, understanding their culture, understanding their problems, understanding the aspirations of their country. All of this has been most beneficial.

These programs are sometimes referred to as Youth for Understanding. That is what these programs are, but it is my thought that the real benefit from these exchanges has not occurred yet, because it is something that will last. In years to come these students who have taken part in these exchange programs will be influential citizens over a period of many years in the future. Some of them will become involved in politics. They will become officer workers, they will have an opportunity to participate in policymaking, and the experience they have had by reason of these exchange programs will fit them eminently for that position. It will give them an understanding of the problems that face us. This is especially true of students who come to the United States.

I am not in any sense downgrading the accomplishments of our students who go abroad but we have such a story to tell those foreign students who come to the United States, because there never has been a country like the United States. We engage in programs, we tax ourselves, we give money away, we fight wars, and we do many things for somebody else. We do them without any thought or desire of expanding our own territory. We do it without any thought of trying to get an advantage in a commerical way or otherwise. Often this has been misunderstood around the world. The question in the minds of many people is: Why does the United States follow such a generous and helpful course toward other nations? What is the payoffs? Well, there is not any payoff. Americans do these things, because they so love and cherish the freedom they enjoy that their hopes and aspirations extend to all people of the world.

So today I wish to commend all the people in our country who have contributed to these programs: Volunteers have been involved, organizations have been involved, many homes have been involved, and many individuals. This is a fine program. It contributes not only to the United States, but to the world at large. It is an instrument for promoting peace and friendship and everyone engaged in it is entitled to the thanks and commendations of all the people of America.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 959. An act to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona; and

S. 1838. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 11487) to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) to further promote equal employment opportunities for American workers.

AMENDMENT NO. 871

Mr. DOMINICK. Mr. President, on behalf of Mr. HOLLINGS and myself I send to the desk, for printing and future consideration, an amendment to S. 2515, the Equal Employment Opportunities Enforcement Act of 1971.

This amendment offers probably the best opportunity to resolve a deadlock existing since January 25 when my court enforcement amendment was first voted on. Since that time the deadlock has solidified through three reconsideration votes and two cloture votes. During this period I have exhausted all reasonable sources and suggestions in seeking a fair compromise. In the course of such a search, I have carefully considered numerous compromises informally and formally. I introduced amendment No. 856 in an effort to resolve the deadlock. Unfortunately, all efforts have gone for naught and the Nation's employees and potential employees remain largely devoid of enforceable employment rights.

This amendment contains essentially the same court enforcement procedures as my earlier amendment. I remain firm in my resolve not to desert 45 of my colleagues who faithfully supported the court enforcement procedure and not to compromise my principles concerning the superiority of court enforcement.

Despite voluminous rhetoric to the contrary, my convictions that U.S. District Court enforcement provides employees and potential employees with the fairest, most effective redress of their grievances remain unshaken.

The most rational argument against court enforcement is the potential delay

threatened by backlogged Federal courts. I acknowledge this problem and remedy it by incorporating in this amendment priority language from the same Civil Rights Act of 1964 that created the Commission. Pursuant to language contained in title I—voting rights, title II—public accommodations, and section 707—"Pattern or Practice," and included in this amendment, unfair employment practice suits will be accorded priorities in hearing and determination before Federal court judges. Upon certification that the case is of "general public interest," the case would be assigned for hearing and subsequent determination "at the earliest practicable date" before a three-judge panel with appeal to the Supreme Court. In the event the petitioner does not certify the case as being of general public interest, it would be assigned to a district court judge for an expedited hearing.

This newly incorporated language cures any alleged defects in the court enforcement procedures. The final result would be machinery in which the respondent's due process rights will be protected by an experienced, impartial judge relying on stare decisis while the alleged aggrieved is guaranteed an expedited hearing before a Federal forum which has in the past exhibited great compassion for minority rights.

The amendment contains several cosmetic differences from the original amendment as well as one substantial change which reduces the time period within which the Commission may file a civil action against the respondent from 180 to 150 days from the time the Commission first issues its informal charge.

The importance of this amendment should not be underestimated. As it represents my last best offer it signals, insofar as I am concerned, the final effort to resolve the court enforcement cease-and-desist issue while presenting a strong step toward salvaging the entire bill. Previous opponents of court enforcement would be well advised to consider the reasonableness of this amendment versus the very real prospect of no equal employment opportunity enforcement law at all—a most unfortunate and unnecessary consequence.

Consistent with my previous efforts on behalf of employment discrimination enforcement, I shall continue to keep an open mind concerning suggested compromises embodying substantial court enforcement machinery but I have exhausted my own resources, so the future of the bill now lies in the hands of the those who adamantly insist in cease-and-desist powers.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished senior Senator from Mississippi (Mr. EASTLAND), I ask unanimous consent that I may insert in the RECORD at this point a 7-day notice on four nominations.

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

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

The following nominations have been referred to and are now pending before the Committee on the Judiciary:

Wilbur H. Dillahunty, of Arkansas, to be U.S. Attorney, Eastern District of Arkansas, for the term of 4 years (reappointment).

William D. Keller, of California, to be U.S. Attorney, Central District of California, for the term of 4 years, vice Robert L. Meyer, resigned, to which position he was appointed during the last recess of the Senate.

Ermen J. Pallanck, of Connecticut, to be U.S. Marshal, District of Connecticut, for the term of 4 years, vice Gaetano A. Russo, Jr., resigned.

Harold Hill Titus, Jr., of Washington, D.C., to be U.S. Attorney for the District of Columbia for the term of 4 years, vice Thomas A. Flannery, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, February 14, 1972, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished junior Senator from Washington (Mr. JACKSON), I ask unanimous consent to insert in the RECORD an announcement of open hearings by the Subcommittee on Parks and Recreation.

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

STATEMENT OF SENATOR JACKSON

Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10:00 AM each day in room 3110, on the following bills:

FEBRUARY 15 (TUESDAY)

S. 3129, Longfellow Historic Site, Cambridge, Mass.; and

S. 1426, Van Buren-Lindenwald Historic Site of Kinderhook, N.Y.

FEBRUARY 17 (THURSDAY)

S. 2725, Wolf Trap Farm Park, Virginia;

S. 1291, Piscataway National Park, Maryland; and

S. 1552, Cowpens National Battlefield, South Carolina.

HEARING TECHNOLOGIES FOR ENVIRONMENTALLY ACCEPTABLE GENERATION OF ELECTRICITY FROM COAL

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished junior Senator from Washington (Mr. JACKSON), I ask unanimous consent to have printed in the RECORD a statement by Mr. JACKSON in connection with a hearing concerning coal gasification.

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

HEARING ON NEW TECHNOLOGIES FOR ENVIRONMENTALLY ACCEPTABLE GENERATION OF ELECTRICITY FROM COAL

Mr. JACKSON. Mr. President, the environmentally acceptable generation of electricity is a requirement of the future. For several years the Environmental Protection Agency has pursued as an air pollution control strategy the development and demonstration of new technologies for the generation of electricity which rely on coal gasification. An approach offering particular potential is an advanced or combined power cycle which integrates into one system the technology for on-site synthesis of gas from coal, a gas turbine and a steam turbine. Concurrently the Department of the Interior has been pursuing a program which has emphasized technologies for the synthesis of pipeline quality gas from coal. This effort also has promise for on-site gasification.

On February 8th the Committee on Interior and Insular Affairs will hold a hearing on Federal programs for the development and demonstration of advanced or combined power cycles employing coal gasification for the environmentally acceptable generation of electricity. The hearing will be convened at 9:30 a.m., in room 4200 of the New Senate Office Building, pursuant to the National Fuels and Energy Policy Study authorized by Senate Resolution 45. Witnesses will include:

Honorable Marlow W. Cook, U.S. Senator from Kentucky.

Honorable Albert Gore, former U.S. Senator from Tennessee.

Dr. Richard E. Balzhiser, Assistant Director, Office of Science and Technology.

Honorable Hollis M. Dole, Assistant Secretary—Mineral Resources, Department of the Interior.

Dr. Stanley Greenfield, Assistant Administrator for Research and Monitoring, Environmental Protection Agency.

James R. Garvey, President, Bituminous Coal Research, Inc.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I assume it will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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 TRANSACTION OF ROUTINE BUSINESS AND LAYING OF UNFINISHED BUSINESS BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements limited therein to 3 minutes.

At the conclusion of morning business, the Chair will lay before the Senate the unfinished business, the pending question being on amendment No. 813 by the distinguished Senator from North Carolina (Mr. ERVIN), on which there is no time agreement.

Rollcall votes could occur during the day.

ADJOURNMENT UNTIL 10 A.M.

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 o'clock tomorrow morning.

The motion was agreed to; and (at 2:34 p.m.) the Senate adjourned until tomorrow, Tuesday, February 8, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 7, 1972:

DEPARTMENT OF LABOR

Michael H. Moskow, of New Jersey, to be an Assistant Secretary of Labor, vice Arthur Fletcher, resigned.

DEPARTMENT OF STATE

William A. Stoltzfus, Jr., of New Jersey, a Foreign Service Officer of class 2, now Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait, to the State of Bahrain, and to the State of Qatar, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman and to the United Arab Emirates.

U.S. COAST GUARD

The following named graduates of the Coast Guard Academy to be permanent commissioned officers in the Coast Guard in the grade of ensign:

Bienveni D. Abiles	Arthur E. Crostick
James M. Alderson	John M. Crye
Scott L. Anderson	Michael P. Decesare
William R. Armstrong	Melvin H. Demmitt
Merritt H. Aurich	Tim B. Doherty
Henry F. Baley	Peter T. Dolan
William H. Bannister	Robert F. Duncan
Paul L. Barger	Galen W. Dunton
Hampton E. Beasley	Anthony J. Dupree
Dennis G. Beck	Dennis M. Egan
Danny D. Benefield	Martin C. Eger
Philip T. Bird	David L. Engan
Joseph E. Blanchard	Charle A. Farnsworth
Harold E. Blaney	William H. Fels
Steven C. Borloz	Richard W. Fish
Samuel R. Brooks	John P. Foley
Clarence A. Brown	William P. Foreman
Erroll M. Brown	Kenneth A. Forsythe
Lawrence G. Brudnicki	Harry W. Forster
Richard T. Buckingam	Gary L. Frago
	Clay A. Fust
	Larry R. Gansz
Rex A. Buddenberg	Michael B. Garwood
Christopher G. Burns	John J. Giglio
Arthur R. Butler	Fredric R. Gill
John G. Calhoun	Dennis J. Gillespie
Stephen R. Campbell	Thomas H. Gilmour
William F. Carson	Glenn A. Gipson
Willard M. Collins	Ronald C. Gonski
James M. Cooper	James W. Gormanson
Craig P. Coy	Hugh T. Grant
Gary B. Coye	John M. Gray
Joel D. Gunderson	Jimmy Ng
Laird H. Hall	Bradley J. Niesen
Robert B. Hallock	Mark D. Noll
Gordon N. Hanson	James W. Norton
Dean L. Harder	Christopher C. Oberst
Michael D. Hathaway	Wayne H. Ogle
Timothy C. Healey	Dennis E. Oldacres
Gary M. Heil	John J. O'Neill
Norman B. Henslee	Stephen R. Osmer
Jeffrey A. Hibbitts	Thomas C. Paar
Jeffrey A. Hill	Edward E. Page
Paul J. Howard	Edward J. Peak
Robert D. Innes	Steven D. Poole
Frederick L. Johnson	Patrick J. Popieski
Walter G. Johnson	Michael W. Ragsdale
Joseph H. Jones	James H. Richardson
Winston S. Jones	Norman D. Robb
Francis J. Kishman	John A. Rodgers
Charles F. Klingler	David A. Rogers
Richard A. Knee	James L. Rohn
Raymond K. Kostuk	Edwin E. Rollison
Bruce W. Greger	Dennis D. Rome
Joseph M. Kyle	Francis J. Sambor
Gregory D. Lapp	Dennis A. Sande
John W. Larned	Danny J. Sanromani
Gordon J. Lawrence	Kevin J. Scheid
Craig A. Leisy	Richard J. Sellers
Fred F. Litchliter	Penn F. Shade
Thomas J. Love	John R. Shannonhouse
John C. Malmrose	John C. Shaw
Loren M. Marovelli	Steve S. Sheek
John A. Martin	Marlin L. Shelton
Michael M. Matune	Michael D. Shidle
Charles F. McCarthy	Carl R. Smith
James F. McCarthy	Kirk A. Smith
Bruce C. McCurdy	Phillip C. Smith
Brian L. McDonald	Steven B. Spencer
James F. McEntire	Patrick M. Stillman
Richard R. Mead	Joseph A. Stimatz
Thomas C. Meisenzahl	Benjamin J. Stoppe
Bruce E. Melnick	John T. Sugimoto
John S. Merrill	Alan D. Summy
James W. Meyer	Gary L. Swan
Thomas J. Meyers	John K. Synovec
Carlos M. Morales	Jan E. Terveen
James H. B. Morton	Edmond P. Thompson
Robert G. Mueller	Robert B. Thornton
John J. Murray	Narrie A. Travis
James R. Natwick	William B. Turek
Douglas S. Neeb	
Terry W. Newell	

The following named Reserve officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant:

Ronald E. Meeker	Eugene N. Tulich
Francis W. Miller	

U.S. MARINE CORPS

The following named officer of the Marine Corps Reserve for temporary appointment to the grade of major general:

Richard Mulberry, Jr.

The following named officers of the Marine Corps Reserve for temporary appointment to the grade of brigadier general:

Robert E. Friederich
Paul E. Godfrey

IN THE NAVY

The following named Regular officers of the United States Navy for temporary promotion to the grade of commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Anderson, Seth E., Jr.	Case, Roger S.
Applegate, William R.	Chambers, John T.
Asher, William M.	Clark, Thomas L.
Bedell, Paul F.	Connally, Thad F.
Benninger, Charles J.	Corley, Thomas E.
Bercier, Charles H., Jr.	Coyle, Radcliffe J.
Berg, Howard S.	Crafts, Bryan C.
Bethel, James W.	Crawford, Alvin H.
Bormanis, Peteris	Deely, William J.
Boyle, Robert S.	Dodge, Herbert S.
Bullock, Ronald E.	Drake, Anthony M.
Busby, Dennis R.	Dupuy, Theodore E.
Campbell, Walker H.	Eder, Kenneth W.
Case, Robert G.	Ehrlich, Frank E.
	Fargason, Crayton A.
	Fletcher, John R.
	Gallup, Donald G.
Gay, Robert M.	Nevel, William G.
*Georges, Leon P.	Otto, Ralph N.
Gill, William L.	Permowicz, Stanley E.
Greenberg, Earl B.	*Peters, Norman E.
Guzik, "T" James	Pratt, Russell W.
Hagen, Donald F.	Ratner, Irving P.
Haugland, David O.	Raymond, Lawrence W.
Hunsicker, Lawrence G.	*Romeo, Sam J. W.
Igleciafernandez, Raymond	Rundle, "T" "J"
Jennings, Rufus B.	Sass, Donald J.
Johnson, Francis C.	Saunders, Marvous
*Johnsonbaugh, Roger E.	Skoglund, Rayburn R.
Kaiser, Dale C.	Smith, Robert L.
Kirchner, Peter T.	Smith, Robert W.
Larese, Ricci J.	Speck, Arthur L.
Lestage, Daniel B.	Stover, James F.
Maas, Charles F.	Taylor, Britton E.
Marlowe, Frank I.	Thompson, Bruce A.
McCurley, William S.	Vieweg, Walter V. R.
Mock, Charles R.	West, Harold D., Jr.
Murdoch, Malcolm M.	Westervelt, Harold A.
Murphy, Michael O.	Winker, Joel E.
Nail, Richard L.	Wood, Ernest M., Jr.
	Zimmerman, Jack E.

SUPPLY CORPS

Allen, Raymond B.	Lingenbrink, Robert A.
Basley, Raymond C.	*Liter, Theodore G.
Basse, Warner P.	*Lovelace, Donald A.
Bell, Ronald M.	Lyman, Lawrence G.
Blazina, Joseph B.	Masters, Edward R.
Bonbright, John M., Jr.	McCarthy, Donald L.
*Booth, Stanley L.	McCauley, Joseph M.
Brown, James W.	McGee, William A.
Buell, Robert M.	McNary, William F.
Cobb, James L.	*Mehrens, Arthur J., Jr.
Cone, Paul J.	Miller, Winston B.
*Daughtridge, Gerald R.	Montgomery, Samuel S.
Davis, John R.	Nagele, Eugene E.
Demayo, Peter	Olson, Engwall A., III
Eckelberger, James E.	Owens, James C.
Gilvary, Daniel J.	*Pacofsky, Bartholomew
Charette, Paul E.	Patterson, Jerry G.
Cole, Brady M.	*Peck, Joe D.
Connolly, Robert I.	*Pliska, Robert F.
Cooper, Jackie R.	Randall, Harold N., Jr.
Coon, Paul D.	Rogers, William J., Jr.
*Costa, Richard D.	Stutts, Jack H.
Cunningham, Philip T.	Sveen, Gerald E.
Davis, Arthur R.	Tatten, Richard J.
Dellis, Donald O.	*Tilley, Philip L.
Driggers, Richard A.	Tyree, David M., Jr.
Flanagan, Patrick P.	Upton, Thomas H., Jr.
Gray, Lloyd S.	*Vann, Louis E.
Greenhalgh, John E.	Wardrup, Leo C., Jr.
Gregory, Kenneth R.	Wareham, Harry B.
Grogan, Arthur R.	Weaver, Johnnie R.
Hardy, Allen	Weissinger, Thomas R.
Harnad, Paul K.	Wheeler, Hugh H.
Hazlett, Harry L.	Willingham, David G.
Hinds, Douglas J.	Wood, Allen
Hoopes, Ronald G.	Zanetti, Allen G.
*Jensen, Nels P.	
Jubinski, Stephen	
Klein, Carl C.	
Konopik, Joseph F., Jr.	

CHAPLAIN CORPS

Ahern, Bernard J.	Hunsicker, David S.
Ahrnsbrak, Leonard L.	Johnson, Edward D.
Ammons, James E., Jr.	McDonnell, Francis W.
Beach, Stanley J.	Moran, Eddy B.
Black, Gerald W.	Murray, Frederick J.
Brennan, Joseph F.	Olson, William G.
Donan, William E., Jr.	*Ricard, Normand A.
Donoher, Thomas J.	Rice, Ben A.
Ecker, Robert J.	Rushing, Leslie W.
Gallagher, Edward L., Jr.	Schade, Sigmond C.
Garver, Frank E.	Scheer, Rodney R.
Gordon, Robert E.	Seibert, John F., II
Graham, Jack D.	Smith, William A.
Healer, Carl T.	Stewart, Wayne A.
	Winslow, William J., Jr.
	Witt, George R.

CIVIL ENGINEER CORPS

Alexander, Robert E.
Allgaier, Donald D.
Bednar, George J.
Bodamer, James E.
Boennighausen, Thomas L.
Caughman, James B., Jr.
Cervenka, Norman L.
Christenson, Carl E.
Christiansen, Von O.
Cook, Jan W.
Dallam, Michael M.
Dettbarn, John L.
Devicq, David C.
Donovan, Lawrence K.
Gibowicz, Charles J., Jr.
Harned, David W.
Harrell, Haywood H.
Hartman, Paul K.
Holmes, Henry A.
Kau, Julian M. F.
Kirkley, Owen M.
*Kirkwood, Kenneth K.
Krauter, George E.
Leonard, Daniel B., Jr.
Lyons, James R.
Marshall, Jimmie G.
McLaughlin, Edwin W.
Miller, Robert K.
Montoya, Benjamin F.
Peltier, Eugene J., Jr.
Ruscyk, Joseph A.
Seeber, Earl R., Jr.
*Sowle, Martin L., Jr.
Thoureen, Thomas H.
Walter, John A.

JUDGE ADVOCATE GENERAL'S CORPS

Buhler, Conrad A.
Campbell, Hugh D.
Clark, Bruce A.
Gass, James D.
Hilligan, Thomas J.
Medlin, William R.
*Wilkins, Richard L.

DENTAL CORPS

Groff, Gordon B.
Hurst, Thomas L.
Martin, Lloyd R.
Matson, John E.
Oatis, George W., Jr.
Russell, Harold L.
Skyberg, Russell L.
Smith, Carl J.
Stefl, Charles T.
Zotter, Frank E.

MEDICAL SERVICE CORPS

Dewitt, James E.
Godfrey, Walter A., Jr.
Kovarik, Clifford V.
Lanier, Bobby M.
Woodard, Charles J.

NURSE CORPS

Allen, Janet N.
*Birkhimer, Marion L.
Brouillette, Marine J. E.
Calloway, Emily F.
Edwards, Karen E. C.
Frazier, Frances M.
*Harris, Vera
*Hettinger, Jeanette M.
Hosford, Barbara C.
Jennett, Jo A.
Kelly, Joann P.
*Lane, Grace A.
Lynch, Marie A.
Lyons, Barbara A.
*MacClelland, Doris C.
*Martin, Zuleime L.
Nelson, Marijean V.
O'Neill, Elizabeth
Orofino, Gloria A.
*Orr, Wanda S.
*Pickering, Julia E.
*Roberts, Catherine V.
Rollins, Jean C.
Shaffer, Bernardine L.
*Staab, Patricia L.
Sullivan, Elinor M.
*Sullivan, Nancy E.
*Surman, Mary S.
Walsh, Eileen C.
Watson, Beverly A.
Weidt, Bew P., II

The following named Reserve officers of the United States Navy for temporary promotion to the grade of commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Baker, Richard C.
*Blanding, James D.
Blount, Edgar R., Jr.
Bucayu, Nemesio B.
*Cacdac, Manuel A.
Caress, Donald L.
Cary, Robert F.
Coran, Arnold G.
Delatorre, Juan F.
Fontanelli, Enio
Hutchison, David E.
Johnson, Willard C.
Jones, Ronald F.
*Jothi, Rishyur K.
Kiepfer, Richard F.
Lavenuta, Ferdinand
Lowrie, Edmund G., Jr.
*Mahaffey, William B.
McCormick, Timothy M.
Murray, Gordon F.
Nicodemus, Honorato F.
Pauly, Robert P.
Perry, Herbert S.
*Rigor, Benjamin M.
*Shetty, Kadanale R. Tejano, Felipe M.
Villanueva, Jose E.
Woodrow, Steven I.

CHAPLAIN CORPS

Kukler, Richard
Sullivan, Alan P.

NURSE CORPS

*Pearce, Doris
*Rashley, Mable E.
Sparks, Beverly J.
*VanCleave, Patricia J.

The following named officers of the United States Navy for temporary promotion to the grade of lieutenant commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Abbott, Richard L.
*Adams, James W.
*Adams, Raymond A.
Adams, Robert F.
Adkerson, Roy G.
Aeschleman, Vance E., Jr.
*Albaugh, Cleve W.
Albers, Steven C.
*Albert, William A.
Alexander, Marion R., Jr.
Allen, Harry B.
*Allwine, Robert A.
Amos, Robert E.
Anastasi, George M.
*Andersen, Oliver L.
Andersen, Robert V.
Anderson, Cecil C.
Anderson, Daniel S.
*Anderson, Gordon W.
Anderson, Harold M.
Anderson, John L.
Anderson, Russell F.
Anderson, Thomas P.
*Anglin, Hubert L.
Apple, Lester A.
*Arbogast, James B.
Argubright, Stephen F., Jr.
Armstrong, William L.
Arny, Louis W., III
Arrison, James M., III
Ashburn, Erich H.
Asher, Philip G., Jr.
Athanson, John W.
Atwell, Felton G.
Axtman, Darold S.
Bailey, Howard L.
Bailey, Jerry R.
Baker, Ronnie B.
Baker, William H.
Ballard, Michael H.
Ballback, Leonard J., Jr.
Bancroft, Ronald M.
Bankson, Rodney A.
Barber, Stanley D.
Barker, Kenneth D.
*Barnes, Harlan L.
Barnes, Thomas R.
Barnett, Thomas J.
*Baron, Michael
*Barrett, Hoyt S.
Barry, Robert F.
Barsosky, John J.
Barstad, David D.
*Bashaw, Lloyd W.
Bates, Arthur H.
*Batti, Donald E.
Bauman, James R.
Baumstark, James S.
Baxter, Peter C.
*Bazzel, Roderic C.
Beall, James M., Jr.
Beam, David M.
Beam, Sherrill W.
Beard, Garnet, C., Jr.
Beard, Tommy H.
Beardsley, John W.
Beaver, Jerald C.
Beckett, Robert S.
Belanger, Ronald F.
Bell, Duncan W. J., Jr.
Bell, John M.
Bell, Robert A.
Bell, Robert S.
Bell, Russell A.
Belser, Richard B., III
Belyan, Michael P.
*Benites, Robert D.
Benner, Francis J.
Bennet, David H., Jr.
Bennett, Bobby E.
Bennett, David C.
*Bennett, Hugh M.
Berkebile, Donald F.
Berry, William L.
Bienlien, Daniel E.
Bingham, Glenn S.
Bingham, John E.
Blackmon, Larry W.
Blakely, Frederick M. Jr.
Bledsoe, John F.
Bliss, Larry D.
Bloomer, John G.
Blount, Thomas E., Jr.
Bobo, Wilton C., Jr.
*Bohn, Charles J., Jr.
Bolger, Robert K.
Bollow, George E.
*Bond, Lawson G.
Bond, Rogers A.
Bondi, Robert C.
Bonewitz, Richard F.
Bookhultz, John W.
Borchers, Carl B.
Borchers, Doyle J., III
Borcik, Paul R.
Bosworth, Robin
Bowman, Gene M.
Boyer, Bruce A.
Boyle, Robert S.
Bozzelli, Philip A.
Bracht, Steven E.
Brackx, Omer M.
Bradbury, Donald T.
*Bradford, Alfred E.
Bradley, William H.
Brady, Charles R.
Brady, Timothy S.
Bragunier, William E.
Brannon, Michael L.
Brauer, Gordon R.
*Brayton, Gerald R.
Bretz, Benjamin C.
Brittain, Albert R., Jr.
Brooks, Leon P., Jr.
*Brooks, Robert H.
Brouwer, Frederick P., II
Brown, Charles J., III
Brown, David M.
*Brown, Donald H.
Brown, Hal G.
Brown, Jeffrey L.
Browne, Herbert A., Jr.
Browne, Peter A.
*Browning, Robert E.
Brugh, Lon E.
Bryan, George W.
Bryan, Herbert F.
Bryant, Leon C.
Buckley, Russell H., Jr.
Buckley, William C.
Budnick, Allen J.
Bunker, Mark A.
Bunker, Michael G.
Bunting, Daniel C.
Burger, James L.
Burgess, Clifford T., Jr.
*Burgett, Bernard E.
Burman, George A.
Burns, James L.
Burns, John C.
Burns, Richard J.
Burton, Hurshel B., Jr.
Burtram, Roderick
Busch, John R.
Bush, Gary A.
Butler, Richard M.
Buttram, Robert H.
Byerly, Kellie S.
Caler, John E.
Callahan, Gary W.
Calloway, Charles L.
Cameron, John R.
*Cameron, Thomas A.
Cameron, "V" King
*Camp, William P.
Campbell, David R.
Campbell, James J.
Canon, Olin C., Jr.
*Canup, Theodore, Jr.
Carder, William H.
Carey, David J.
Carey, James R.
Carlin, Daniel S.
Carlson, James L.
Carolan, James C.
Carroll, David L.
Carson, Joe W.
Carson, William H., II
Carter, James M.
Carter, Lynn D.
Carter, Ronnie G.
Carty, John R.
Caseman, Jerry B.
Cate, Eugene N., Jr.
Cavaluchi, Robert A.
Cebrowski, Arthur K.
Ceckuth, Richard E.
Cepek, Robert J.
Chalkley, Henry G.
Chandler, James F.
Chaney, William H.
Charette, Alfred A., Jr.
Charles, James R., Jr.
Chasey, August A.
Chenault, David W., II
Chotvacs, Charles J.
Christensen, Charles L.
Christensen, Ernest E.
Christian, George F.
Christian, Michael D.
Christie, Warren B., Jr.
Churchwell, Ralph N., III
*Cima, Frank J.
Cinco, Raymond, Jr.
Claassen, Steven H.
Clark, Jackie L.
Clark, James W.
Clark, Robert H., Jr.
Clark, William H.
*Clark, William T.
Clarke, Frederic T., Jr.
Clayton, William B., III
Clemins, Archie R.
*Clemmer, Everett D.
Clime, Robert H.
Clough, Geoffrey A.
Cloward, Richard S.
Clyma, Dale C.
Clyncke, Donald R.
Coady, Philip J., Jr.
*Coates, Thomas A.
Coburn, Clarence D., Jr.
*Coffey, John A.
Cole, Robert S.
Collier, Arthur H.
Collins, James A.
Collins, Marshall B.
Collins, Walter S.
*Colonna, Michael A.
Colvin, Clarence E.
Combe, Andrew J.
Conant, Edward H.
Connell, Daniel E.
Conner, Bryan T.
Conrad, Harry S.
Cook, James R.
Coonan, John J., Jr.
Cooper, Samuel A., Jr.
Cope, Alfred L., Jr.
Corgnati, Leino B., Jr.
Cornia, Howard
*Cornwell, Alton E.
Corsette, Richard B.
Costello, Terrence W.
Couch, Dale M.
Counts, Jimmie A.
Covitz, Andrew J.
Coyle, Michael T.
Craft, James H.
Craig, Norman L.
Cramer, Charles R.
Crane, Stephen H.
Crawford, Frederick R
Crawford, Gerald R.
Crisafulli, Miguel J.
Cronin, Robert R.
Cross, Robert C., Jr.
*Cross, Stanley O.
*Crow, Robert L.
*Crowe, Lucious B.
*Cullipher, John O.
Curley, Richard C.
Curtis, Edward R.
Dahlvig, Alan L.
Daisley, Richard A.
Dalager, Neil R.
Daly, Edward L.
Dangel, John H.
Daniels, John H.
Dantone, Joseph J., Jr
Darsey, Edgar B.
Dasinger, William E.
Davidson, Wayne F.
Davies, William E., Jr.
Davis, Alden C.
Davis, Aubrey, Jr.
Davis, Dean D.
Davis, George H., Jr.
Davis, George M.
Davis, James W., Jr.
Davis, Ralph R.
Davis, Theron L.
Davis, Walter B.
Davis, William E.
Day, Charles J.
Day, James R., Jr.
Deberry, John M.
Deboer, James K.
Decker, Russell H., Jr.
Decrona, Donald A.
Dietrick, Jack L.
Dell, Julius B., Jr.
Demarra, Gilbert J.
Demchik, Robert P.
Denbow, Kenneth D.
Denham, Denny J.
Denlea, Edward P.
*Denson, James K.
Denton, William H.
Deroco, Alan P.
Derousie, William L.
Dersham, Dayton L.
Desrochers, Joseph O.
Dettman, Bruce M.
Devine, Thomas A.
Dewitt, Ward A.
Diaz, Donald G.
Dick, Albert G.
Dickson, James W.
Dickson, Ray R.
Dietzler, Andrew J.
Difransico, Thomas W.
Dillon, Leo G.
Dirkx, Peter C.
Dirren, Frank M., Jr.
Diselrod, John E.
Disney, Charles
Ditmore, Kenneth J.
Dix, Paul G.
Dixon, Thomas E.
Dobbins, William P., Jr.
Donahue, John C., III
Donnelly, John T., Jr.
Donnelly, Michael P.
Dopson, Michael I.
Douglass, Thomas N.

Dow, Paul R.
Dowd, James L.
Doyle, Dennis M.
Doyle, Michael W.
Draper, Robert A.
Drennan, Arthur P.
Driscoll, Thomas J.
Dryden, William T.
Duffy, James M.
Duhamel, Philip D.
Dunagan, Jerry M.
Dunbar, Perry J.
Duncan, Glenn L.
Dunlap, David B.
Dunn, Anthony T.
Dunn, Michael E.
Dur, Philip A.
Durden, John D.
Durham, Andrew C.
Durkee, Albert W.
Dyches, Fred D.
Dyer, Donald A.
Dykeman, Paul R.
Earnest, Richard L.
Earnhardt, John B.
Eddy, Rodman M.
*Edgar, Peter D.
Edmiston, James B.
*Edwards, Harry M.
Edwards, Harry S., Jr.
Ehlers, Theodore J.
Eidenshink, Gerald M.
Elder, Philip R.
Elkins, Rodger N.
Ellis, William C., Jr.
Elsasser, Thomas C.
Emerson, David C.
Ericson, Walter A.
Erskine, Donald A.
Escobar, Frank A., Jr.
Evanguelidi, Cyril G.
Evans, Gerard R.
*Evans, Jimmie W.
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Evans, John M.
*Everson, Richard W.
Faddis, Walter H.
Fagaley, Donald C.
Fant, Glenn E., Jr.
*Farley, Robert T.
Farris, Robert O., Jr.
Fast, Alger G.
*Fay, Vincent P.
Feeser, Henry R.
Fegan, Robert J., Jr.
*Felps, Lowell D.
Fenton, Paul H.
Ferguson, James B., III
*Ferguson, Norman C.
Ferguson, Robert L.
Ferguson, Robert D.
Feuerbacher, Dennis G.
Fickenscher, Edward R., III
*Fiedeldey, Joseph, W. Jr.
*Field, John B.
Fike, Burtis P.
Filippi, Richard A.
Finne, Peter C.
Finney, James H.
*Finucan, Thomas E.
Fitts, Joel R.
*Fitzgerald, John A.
Fladd, Wirt R.
Flanagan, William J., Jr.
*Fleitz, William V., Jr.
Flentie, David L.
Fletcher, Paul R.
Flynn, John P.
Fogerson, Arron S.
Fones, James M., Jr.
Formo, David J.
Forsberg, Gary L.
*Fortney, Doyle W.
Foster, John B., III
Fox, Arthur D.
*Foy, Basil W., Jr.
France, Frederick M.
French, Charles E.
French, Gary L.
Frenzel, Joseph W., Jr.
Frenzinger, Thomas W., II
Fricke, Harold J., Jr.
Fry, John L.
Fryer, James N.
Fuetsch, Carl T.
Fuge, Douglas P.
Fujimoto, Toshio
*Fulbright, Terrell W., Jr.
Fulkerson, Grant D.
Fulton, Rodney G.
*Furr, Jack C.
Gaal, Robert L.
Gail, Carl F., Jr.
Gamrath, James C.
Garber, John W., Jr.
Gardner, Richard W., Jr.
Garrett, Garland W.
Garrett, Philip T.
Gawne, John C.
Gay, John P.
Geddie, John M., Jr.
Gee, John C.
Gehman, Harold W., Jr.
Gemmill, John W.
George, Paul J.
Georgenson, Ronald G.
Gerard, Walter J.
Gibson, Richard A.
Gibson, Thomas L.
Gifford, Corydon R.
Gilmartin, John T.
Gist, David M.
Given, Robert O.
Gladin, Bennie R.
Glaeser, Frederick J.
Gleason, Thomas F.
Glennon, Robert C.
Glevy, Daniel F.
Gnilka, Charles W.
Godbehere, Richard G.
Goldt, Thomas G.
Goodlett, Wallace D.
Goodwin, Michael R.
Goolsby, Richard E.
Gottlieb, William A.
Graef, Peter J.
Granai, Gary C.
Grant, Richard F.
Grant, Stephen I.
*Granuzzo, Andrews A.
Grasser, Philip F.
Green, William G.
Greenan, Edward J.
Greene, Friedel C.
Greeson, Bernard D.
Griesser, Robert H.
*Griffin, Clyde W.
Griffin, Paul A.
Griffith, David H.
Griggs, Carlton A.
Grosser, Harold J., Jr.
Grostick, John L.
Guest, Robert E.
*Haan, Dale E.
Habermeyer, Howard Jr.
Hack, David F.
*Hadley, Richard J.
Haff, Edwin W., Jr.
Haines, William R.
Halenza, Hal R.
Hall, James O.
Hall, John P., Jr.
Hall, Leon E.
Hallahan, Edward T.,
Hamilton, Gerald K.
Hamma, John F.
Hammond, Thomas J.
*Hampson, Harry W.
Hanke, Robert R.
Hannam, Donald C.
Hannum, Edmund P., Jr.
*Hansen, Roy E.
Hanson, Dale E.
Hanson, Robert T., Jr
Harder, Ronald E.
Hardtarfer, Alan E.
Hardy, Richard W.
*Hargrove, James C.
*Harker, Donald A.
Harlan, Richard L.
Harris, Arthur C., III
Harris, Floyd S.
Harris, Michael J.
Harris, William R.
Harrison, Gilbert A.
Harrison, Russell W.,
Hart, Bruce H.
Hartkopf, Kenneth W.
Hartinger, Ronnie J.
Hartman, William R.
Hassett, Daniel F.
Hassler, Bobby V.
Hastings, Steven C.
Hawver, Jack H., Jr.
Heath, Charles M., Jr.
Heffernan, Richard F.
Heinecke, Walter R.
Helt, James F.
Helyer, Gordon D.
Henderson, Harry G.
Hendricks, Roy L.
Hennessey, Raymond
Hershey, David G.
Hess, Gerald R.
Hewitt, George M.
Heyer, Robert W.
Hickey, Robert P., Jr.
Hicks, Norman K.
Hiestand, Frank H.
Higgins, Edward P.
Hildebrandt, John L. III
*Hill, Andrew J.
Hilton, Jay I.
Himbarger, Robert L.
Hinds, James J.
Hiss, Roger A.
*Hite, Thomas H.
Hockman, Robert E.
Hodgdon, Walter G.
Hoepfner, Karl T.
Hoferkamp, Richard A., Sr.
Hofstetter, Lawrence L.
Hogan, Jerry F.
Holbert, William H.
Holliday, Harley J.
Hollinger, Merlin B.
Holmes, Thomas E.
Hood, John T.
Hood, William T. T., Jr.
Hoover, Charles B., Jr
Hoover, Joseph G.
Hopkins, Ralph W., Jr.
Horst, Rudolph A.
Horton, Douglas J.
Horton, Forrest A.
Howe, Michael E.
Howell, Melvin C.
Howell, Stephen H.
Hubbard, George D., Jr.
Huber, Donald H.
Huchko, William A.
*Hucks, Jerry P.
Hudnor, Francis L. III
Hudson, Lyndon R.
Huffman, Kenneth A.
Hughes, Gary M.
Hulick, Timothy P.
Hulsey, Virgil G.
Humphreys, Wayne I.
Hunt, Clark H.
Hunter, Robert S.
Hutmaker, Matthew A., Jr.
Hutt, Gordon W.
Hutton, Kenneth L.
Hyland, William W., Jr.
Hynes, Robert F.
Ilao, Peter A.
*Ireland, Delbert H.
Isaacs, Phillip W.
Jacobi, Leslie M.
Jacobs, Brent W.
*Jacobs, Lawrence R.
*Jacobson, Gerald
Jardine, David A.
Jarecki, Stephen A.
Jenkins, James A.
Jennings, Benjamin F.
*Jennings, Lawrence F.
Jensen, Michael G.
*Jeske, Donald C.
Jessup, Frederick D.
Joa, William R.
Johns, Constantine A.
Johnson, Claire R.
Johnson, Elton W.
Johnson, Kenneth H.
Johnson, Paul K.
Johnson, Perry E. J.
*Johnson, William L., Jr.
Johnston, Thomas M.
Jolley, Ronald S.
Jones, Dennis A.
Jones, James V.
*Jones, John R.
Jones, Robert D.
Jones, Stephen H.
*Josefosky, Kenneth M.
Judd, Raymond J.
Kaeser, Karl H.
Kafka, William J.
Kalal, Lindsey E.
Kalyn, Richard A.
Kamrath, Robert A.
Kanning, David W.
Karl, George J., III
Kastel, Bruce A.
Katz, Richard G.
Kearns, Walter E.
Keating, Michael L.
Keenan, Richard C., Jr.
*Keenum, Guy
Keith, Roy E.
Keithly, Roger M., Jr.
Kelley, William P.
Kellner, Gary E.
Kelsey, John P.
Kemp, William R.
Kemple, Morris M., Jr.
Kenneally, Thomas D.
Kennedy, James J.
Kenslow, Michael J.
Kent, Bennie R.
Kenton, Bruce H.
Kerley, Thomas O.
Killam, Kent H.
*Kimball, Darrell H.
Kimberling, Walter F.
King, Edward F.
King, John D.
King, John E., III
King, Preston B., Jr.
King, Robert N.
Kipp, John L.
Kirby, John R.
Kirk, Kerry E.
Kirkland, Richard G.
Kirkwood, William W.
*Kisieleski, Kenneth R.
Klein, John F.
Klein, Karl M., Jr.
Klemm, Richard E.
*Klimaszewski, Marcel P.
Koepke, William R.
Kolata, John D.
Kolipano, Dante A.
Konetzni, Albert H., Jr.
*Konewko, Everett L.
Kraft, James C.
Kraft, James N.
Krieger, Dennis H.
Kristensen, Edward K.
Krueger, Roger W.
Kuehn, Ronald E.
Kuepker, Donald L.
Kupfer, John B.
Lachance, Ralph R.
Lacher, Richard G.
*Lachnicht, John F.
Laib, Ronald J.
Laible, Norman W.
*Lain, Calvin E.
Lamb, James B., Jr.
Lambert, John F.
Landon, John L.
Lantz, Stephen P.
Larguier, Isidore, Jr.
*Larsen, Donald M.
Larsen, Kenneth J.
*Larsen, Richard M.
*Larson, Richard H.
*Lasch, Charles A.
Laskey, Charles E.
Lassen, Clyde E.
Lautrup, Robert W.
Lavarre, Claude A., Jr.
Laverty, William K.
*Lebrecht, Clifford W.
Lee, John D.
Lee, Kenneth A.
Lefavour, David A.
Lefevers, Jerry D.
Lemke, Anthony M.
Leon, Kenneth F.
Lessard, Norman R.
Letter, Thomas M.
Levien, Henry A.
Levin, Kenneth
Lewis, Leland G.
Lherault, David J.
Liechty, Kenneth R.
Liedel, George A.
Liemandt, Michael J.
Lilly, David E.
*Limongelli, Joseph L.
Lindt, Jimmie L.
Linz, Edwin R.
Lipscomb, David, II
Lischke, Erwin J., Jr.
Litrenta, Peter L.
Litvin, Frederick D.
Lloyd, Albert E., Jr.
Lockard, John A.
Lockhart, Albert L.
Long, Edward C., III
Long, John A.
Longeway, Kenneth L., Jr.
Loring, William J.
Losure, Edward R., Jr.
Loucks, Steven J.
Louk, John D.
Louy, Michael S.
Loveland, Richard S.
Lowas, Emil P.
Lowell, Bobbie R.
Lubking, John F., Jr.
Luck, David L.
Ludena, Roy
Ludlow, Ronald G.
Luksich, John W.
Lulchuk, Daniel
Lundstrom, Robert A.
Lyford, George, Jr.
Lyman, Melville H., III
*Lynch, Charles W.
*Lynch, James B., Jr.
Lynge, Oscar E., Jr.
Lyons, Arvid F.
MacDonald, Hugh H., II
MacFadyen, Bruce A.
Madden, Lynn M.
Maddox, Richard W.
Madigan, Paul J.
Maher, Thomas M., Jr.
Maixner, Harold V., Jr.
Malo, John A.
*Mamer, Edwin J.
Manke, Joseph W.
Manley, Jerry B.
Mann, Alcide S., Jr.
Mann, Charles E.
*Marano, Augustine C.
Marcely, James A.
Marciniak, Walter, Jr.
Marcinko, Richard
*Marinelli, Leonard F.
Markowicz, John C.
Marlowe, Gilbert M.
Marsden, Richard A.
*Mashall, James
Marshall, John S.
*Martel, Norman L.
*Martin, Frank
Martin, Jarome L.
Martin, Ronald E.
Martin, Virgil, Jr.
Mauney, Louie A.
*Mauro, Peter J.
*May, Cyril V., Jr.
May, Douglas E.
Mayfield, George A.
Mazach, John J.
Mazzi, Arnold O.
*McCall, James R.
McCarthy, James T.
McCord, Dennis M.
McCoy, Charles K.
McCusker, Arthur E.
McCutchen, Frank K., Jr.
McDanel, Brinley K.
McDaniel, Howard R.
McDaniel, Ronald A.
McDaniel, Ted O.
McDaniels, Joseph E.
McDermiad, Steven W.
McDevitt, James J., Jr.
McDonnell, Thomas E.
McFeely, Thomas E.
McGaraghan, Michael J.
McGarity, William D., Jr.
McGhee, Barry L.
McGivaren, John M., Jr.
McGonagle, Leo E.
McGuire, Jeremiah J.
McHenry, Wendell C., Jr.
McIntyre, James E.
*McKenney, George G., Jr.
McKillip, Donald S.
*McKimens, Paul K.
McKinley, David H.
*McKinley, Robert N.
McMillian, Robert H.
McMunn, David J., Jr.
McNease, Sollie, Jr.
*McQuaig, Clarence M.
McRae, Charles R.
Mecleary, Read B.
Meek, William A. J.

Melanson, Alfred J., Jr.
Melecosky, Timothy S.
Meneeley, William T.
Merchant, Michael G.
Merritts, Michael H.
Meserve, John S., II
Messman, Harold E.
Meyer, Donald R.
Meyer, Herman J.
Meyer, John F.
Michaels, Gregory A.
Michele, Dennis, A.
Michelini, Raymond T.
Midgard, John D.
Miles, Kenneth K.
Miles, Larry E.
Milhiser, Robert J.
Milioti, Louis D., Jr.
Millard, August V., Jr.
Miller, Calvin G.
Miller, Harry J., Jr.
Miller, John R.
Miller, Luke H., Jr.
Millis, Archibald E., Jr.
Mills, Michael J.
Milner, Scott F.
Mimms, James L.
Miner, John O., Jr.
Minnich, Richard W., Jr.
Mitchell, Charles S., IV
Mitchell, George F.
Mitchell, John T., Jr.
*Mitchell, Paul J.
Mitchell, William H., Jr.
Moffat, John W.
Mohns, Karl F.
*Moller, Arthur E., Jr.
Moloney, Robert W., Jr.
Mondul, Steven M.
Monell, Gilbert F., Jr.
Monish, Aubrey R.
Moore, Charles L., III
Moore, Durward E., Jr.
*Moore, James E.
Moore, John C.
Moore, Randall M.
Moore, Robert B., II
Moored, Allen W.
Mordhorst, Rwason B.
Morford, James R., III
Morgan, Jerry R.
Morgan, John H., II
*Morgan, Ottis N.
Morgan, Richard K.
Morgan, Thomas E.
*Morris, Clarence A., Jr.
Morris, James E.
Morris, James H.
Morris, Ricky K.
*Morris, Robert C.
Morrissey, Thomas K.
Morrow, Emil D.
*Morrow, Gary K.
Moseley, Thomas J., Jr.
Moyer, Clyde T., III
Mueller, James W.
Muller, George J.
Mulligan, William J., Jr.
Mundhenke, David J.
*Murdock, Charles D.
Murphy, Andrew J.
Murphy, Charles R., Jr.
Murphy, Francis J., Jr.
Murphy, Richard L.
Murphy, Thomas E.
Murray, Alan A.
*Murray, Richard S.
Murray, Robert L.
Murray, William M.
Murtha, William P.
Myers, Richard T.
Myron, Terry J.
Najarian, Moses T.
Naquin, John C.
Nash, Arthur R.
Navone, Peter F.
Neal, Jerome B.
*Neapolitan, Richard C.
Neely, Eugene G., III
Negin, Jerrold J.
*Neiman, Howard A.
Nelsen, Lynn H.
Nelson, Arthur W., III
Nelson, Leonard M.
Nelson, Thomas S.
Newby, Lewis R.
Newell, Robert B., Jr.
Newlon, Arthur W., Jr.
Newman, Martin H.
Nichols, Aubrey A.
Nicholson, Edwin P.
Nickelsburg, Michael
*Noland, Paul F.
Norris, Richard D.
Norton, James L.
Novak, Stuart M.
Novitzki, James E.
Nuernberger, John A.
Nute, Charles C.
Nutwell, Robert M.
Oatway, William H., III
O'Brien, John G.
O'Brien, Robert J.
O'Connor, James G., Jr.
O'Connor, Paul P.
O'Connor, Peter E.
O'Connor, Thomas R.
*Odell, Ralph V.
O'Gara, Edward F., III
*O'Hara, Robert E.
Ohler, Herman
Oien, Harley M.
Oliver, Daniel T.
Oliver, Michael F.
Oliver, Richard J.
Olsen, Dieter H.
Olson, Harold M., Jr.
*Olson, Leray
Olson, Waldemar M.
Olwin, James L.
Onorato, James R.
Orlosky, Robert A.
Orr, William S., Jr.
Osier, Charles J.
Oxboel, Eric H.
Page, Bruce D.
Pannunzio, Thomas W.
Parish, Charles C.
Parish, Roger D.
Parker, Brance J.
Parkinson, Robert
Parnell, Allan D.
Paron, John R.
Parry, David J.
Parry, Thomas L., Jr.
Parten, Gary L.
Pate, James W., Jr.
Patton, Kuemen B.
*Paul, Martin A.
Pauls, Francis E.
Payne, Charles S.
Peake, William W. F.
Pearson, Nils A. S.
Peck, Bert L.
Pemberton, Leander M.
Penn, Elmer E.
*Perez, Joseph S.
Perine, Philip C.
Perkins, Henry G., Jr.
Perkins, James B., III
Perini, James K.
*Perron, Joseph H.
Perron, Robert A.
Perry, Harold E.
Perry, Rightly R.
Pessoney, John T.
Peterson, Eric L.
*Peterson, Richard N.
Peterson, Richard S.
*Petrovic, William K.
Pettigrew, Kenneth W.
Pewett, Robert H.
Phelan, Richard H.
*Pickett, Larry J.
Picotte, Leonard F.
Pierce, David I.
Pierce, Peter W.
Pierson, Bruce K.
Pignotti, Dennis A.
*Pilcher, Charles R.
*Pippen, Merrill D.
Pirnie, Morgan S.
Pittenger, James A.
Platt, David V.
Plis, Kenneth J.
Plott, Barry M.
Plumb, Joseph C., Jr.
Plunkett, Garry R.
Poole, James L.
Porterfield, James H., Jr.
Poulin, Norman R.
Powell, Robert R.
Powers, Danny J.
Powers, Robert L.
*Pratt, George W.
*Presley, Thomas M.
Preston, William J.
Price, Joseph M.
Priest, Edgar D., Jr.
Probst, Lawrence E.
Provine, John A.
Prueher, Joseph W.
Pullen, James R.
Purdy, Randolph S.
Purdy, Robert F., Jr.
*Quade, Edward L.
Quanbeck, Brian R.
Quinn, Jeffrey
*Quinn, Joseph S.
Rabine, Virgil E.
Radigan, Matthew J.
Rainey, Hugh T.
*Rains, Donald R.
Ramsey, William J.
Ramskill, Clayton R.
*Ratcliff, John W.
Ratzlaff, Richard R.
Ray, Dennis E.
*Rea, John P.
Redd, John S.
Reddoch, Russell
Reed, John J.
Rejda, Dennis P.
*Remakis, John, Jr.
Reser, Gerald H., Jr.
*Reynolds, Dexter H., Jr.
Rhode, John R.
Rhodes, Gerry B.
*Ribolla, Romolo T.
Ricci, Enrico A.
*Richards, Frank M.
Richards, Jack B.
Riffle, Nathan L.
Rinehart, Virgil W., Jr.
Rinker, Robert E.
Riordan, Francis P.
Riordan, Robert F.
Risseeuw, Hugh J.
Ritchey, Glenn W., Jr
Robbins, Richard J.
Robbins, William A.
Roberts, William R., Jr.
Robinson, Arnold
Robinson, Louis N.
Robinson, William B., Jr.
Rock, Peter F.
Rodrick, Peter T.
*Rodriguez, Antonio B.
Rogers, Clyde W.
Rogers, Howard W.
Rogers, Will C., III
Ronsaville, William S.
Rosenthal, Joseph E.
Rosselle, William T.
Roy, James C.
Rozelle, Edward C.
Rubeck, James T.
Russell, David L.
Russell, Jay B.
Rypka, Allan E.
Sadamoto, Theodore K.
Saenz, Roland A.
Salonen, John O.
Samek, Dan W., III
*Sanderlin, Francis R.
*Sandstrom, John F., Jr.
Sapp, Charles N., Jr.
Sargent, William P.
Sartoris, Joel R.
Satrapa, Joseph F.
Saul, Joe M.
Saulnier, Steven C.
Sawatzky, Jerry D.
Scarlett, Bernard
Scearce, George E.
*Schaller, Martin N.
Schlichter, Ralph
Schmauss, Henry W., Jr.
Schmidt, Clifford B.
Schmidt, Kenneth A.
Schmidt, Richard H.
Schmidt, William C.
Schmitt, Stuart O.
*Schoonover, Ray R.
Schram, Richard W.
Schultz, David H.
Schultz, Henry F.
*Schultz, Willard E.
Schuyler, Philip
Schwing, Emil M.
Scott, Barry R.
Scott, Norman S.
Scully, Michael C.
*Seekell, Warren W.
Segen, John P.
*Seiden, Paul E.
Seligson, Harold E.
Shackelford, Boytle V
Shanahan, James F.
Shannon, John R., Jr.
Shapley, Frederick E.
*Shattuck, Oliver P.
Shepard, Michael J.
Shepherd, Patrick M.
Shields, Charles D., Jr.
Shields, Robert J.
Shiffer, William T., Jr
Shiller, Alfred T.
Shipway, John F.
*Shirk, Robert L., Jr.
Shoemaker, Charles L.
Shumway, Geoffrey R.
Shurts, Richard L.
Siddens, William M.
Sidney, Richard W.
Siebe, Alan E.
Siebert, Herro H.
Sifren, Gerald J.
Silver, Lawrence M.
Simeone, Joseph F.
*Simonelli, Norman W.
Singler, James C.
Singstock, David J.
Sisson, Harold D., Jr.
Sjuggerud, David M.
*Sleeper, Joseph R.
*Slick, Charles O.
Smalling, John A.
Smallwood, Frederick K.
Smith, Charles H.
Smith, David M.
Smith, Ernest M.
Smith, Esmond D., Jr.
*Smith, Frank R.
Smith, Gerald J.
Smith, Gordon L.
Smith, Herbert C. L.
Smith, Jessie M.
Smith, John W.
Smith, Philip A.
Smith, Ralph F.
Smith, Robert L.
Smith, Thomas N.
*Smith, Vernon G.
Smith, Wayne R.
Smith, William S., Jr.
Smittle, John H.
Snell, Alfred W.
Snyder, Keith R.
Snyder, Ronald D.
*Sordelet, James R.
Sowa, Walter, Jr.
*Spang, Norman W.
Spangenberg, Frank A., III
Spencer, James L., III
Spencer, Robert C.
Spigai, Joseph J.
*Spinelli, Domenick A., Jr.
*Spinks, Alfred H.
Spradlin, Dennis R.
Sprinkle, James C.
Sprowls, George F.
Spruitenburg, Fredrik H. M.
Stair, Sammy D.
*Stakel, Robert W.
Staley, Joseph J., Jr.
Staley, Richard J.
Stalter, James E.
Stamps, David W.
Stankowski, Robert J., Jr.
*Stanley, Joe M., Jr.
*Staples, Henry E., Jr.
Staplin, Ralph A.
Stark, James R.
*Stark, William C.
Starkey, Russell B., Jr.
*Starling, Frank E.
Starnes, Phillip V.
Starritt, Douglas R.
Stauffer, Barry C.
*Stauffer, Donald W.
Steele, Jon A.
Steiner, Morris W.
Stephan, Charles R.
*Stephens, Darrel L.
Stephenson, Max O.
Sterner, David L.
St. Martin, Ronald C.
Stock, George H.
Storms, Kenneth R.
Stranick, Francis J.
Streit, Raymond S., Jr.
Strickland, Henry W.
Strong, Barton D.
Struck, Allan P.
Stull, David A.
Suarez, Ralph
Sullivan, David C.
*Sullivan, Francis E.
*Surber, John S., Jr.
Sussilleaux, John F.
Sutton, Larry P.
Sutton, Robert
Swan, James N.
Swinger, Alan W.
Tackney, Michael O.
Taday, Alexander A.
Talbot, John H., Jr.
Tasler, Robert E.
Taylor, Donald O.
Taylor, John M., IV
Teague, Reginald B.
Tenanty, Joseph R., Jr.
*Terry, Donald L.
Thomas, Evan F., Jr.
Thompson, Bryce A.
*Thompson, Clifford J.
Thompson, Eugene C.
Thompson, Joseph C.
Thompson, Melvin E., Jr.
Thuente, John F.
Timm, Richard D.
Tinston, William J., Jr.
Tipper, Ronald C.
Tisaranni, James
Tobias, Walter A., II
Todd, John H.
Tolbert, James K.
*Tolbert, William H.
Tolley, Richard L.
Tracy, Robert N., Jr.
Trahan, Edwin C.
Trapnell, Robert G.
Trease, Charles J., Jr.
Treiber, Gale E.
Trembley, "J" Forrest G.
Triebel, Theodore W.
Tryon, Robert G.
Tsukalas, Denis N.
Tucker, Ronald D.
Tudor, Richard A.
Tufts, Herbert W., III
Tuma, David F.
*Turbeville, Fred M., Jr.
Turner, Harris W.
Turner, Laurence H., Jr.
Tuttle, Arthur J.
Tyree, Edward C. G., Jr.
Tyrrel, Norman L.
Ulrich, William S.
Umstead, Marvin F., Jr.
Ungerman, Michael K.
Unrau, Jerry L.
Urbanek, Keith A.
Vacin, Edward M.
Vajda, Thomas C.
Valenta, Norman G.
Vallance, Winfred D.
Vambell, James P.
Vanderschroeff, Coenraad
Vanduzer, Roger E.
Vanheertum, Bruce
Vanlue, Kenton W.
VanWinkle, Pieter K.
*Varley, Edwin R., Jr.
*Vaupel, David K.
Veeck, Charles R., Jr.
Vercessi, George P.
Viafore, Kenneth M.
Victor, Edward G.
*Vivian, Jack A.
Vogt, Frederick H.
Vollmer, Ernest P.
Vosilus, Robert B.
*Wagner, Fred D.
Walberg, Peter E.
Walchli, John C.
Walden, Kenneth A.
Walkenford, John H., III
Walker, Robert O.
Wall, James H.
*Wall, James M.
Ward, Allan, Jr.
Ward, Donald E.
Ward, Robert F.

Watkins, Edison L., II
Watkins, John R.
*Watt, Robert H.
Weal, Keith I.
Weber, Gerald W.
Weed, Wilson G.
Weir, Russell A.
Weisbrod, David S.
Weiss, John N.
Welborn, Paul B., Jr.
*Welenc, Joseph
Weller, Edward E.
Wellmann, Donald A.
Wells, Bruce
Wells, William E.
Welsh, Richard G. T.
Welty, Charles S., Jr.
Wenger, Charles A.
Weniger, Marvin J.
Werner, Keith M.
Werner, Michael C.
Wertzberger, Charles R.
West, William A.
*Wheeler, William W., Jr.
Whitaker, Ronold G.
Whitcomb, Winfield J.
*White, Arthur E.
White, Raymond M.
White, Walter E.
Whitehead, Albert E.
Whiteman, Herman L., Jr.
Whitten, Audrey B., Jr.
Wicker, Charles L.
*Wilcox, Mack R.
Wildman, Robert A.
Wilkins, Joe L.
Willever, Kent A.
Williams, Donald E.
Williams, Ivan W.
Williams, Walter D., III
Williams, Walter D., Jr.
*Williamson, James V. Jr.
Williamson, Robert V
Wilson, Charles E.
Wilson, Jack W.
*Wilson, Robert A.
Wilson, Thomas B.
Winslow, Donald E.
Wise, Aubrey L.
Wisenburg, Mark R.
Withey, Thomas A.
Witter, Ray C.
Witzenburg, Gary M.
Wojtkowski, William S., Jr.
Wolter, Richard C.
Womble, George C., Jr.
Woodford, Duval S.
*Woodruff, Harold H.
Woolett, Jerry F.
Workman, James F., II
*Worth, Charles W.
Wright, Daniel A.
Wright, Eugene
Wright, John R.
Wright, Robert E.
Wright, Webster M., Jr.
*Wright, Will R.
Wright, William H., IV
*Wright, William E.
Wyatt, Thomas W.
*Yeager, Dale A.
Yost, James A.
Young, David G.
Young, Harry M.
Young, Kenneth E.
Yule, Robert B.
*Zari, Albert B.
Zech, Gary G.
Zint, Harold O., Jr.
Zohlen, John T.
Zuberbuhler, William J.
Zwirschitz, Gary W.

MEDICAL CORPS

Anderson, Robert L.
Andrake, William
Blades, Frederick C.
Boardman, Sheffield, Jr.
Bobert, Duwayne H.
Boice, John A., II
Boldon, Douglas P.
Bowers, Larry H.
Boyle, Stephen
Bridenstine, James B
Broadrick, Gary L.
Brochard, Victor A.
Broomall, Robert H.
Brownell, Douglas A.
Chambers, John W.
Chandler, James L.
Cibula, Lawrence M.
Colosi, Nicholas J.
Combs, William A.
Conforti, Victor A.
Cortes, Edgar L.
Crenshaw, Roger T.
Crenshaw, Theresa L.
Cronin, Robert P.
Crucitt, Michael A.
Dascher, Phillip M.
Dean, Max A.
Dibona, Douglas D.
Drobocky, Igor Z.
Dyer, Norris L., Jr.
Elo, Tom
English, Joseph M.
Fisk, Henry J., Jr.
Fraioli, Richard L.
Frogge, Jimmy D.
Fuselier, Francis W.
Gastwright, John A.
Gaudet, Paul T.
Gellman, Arnold E.
Giasi, Robert M.
Glassgow, Richard D.
Graham, Robert G.
Gustavus, John L.
Hageman, Dean D.
Hahn, Delbert H. H.
Harms, Jon W.
Harrison, Carrington, II
Hash, Cecil J., Jr.
Hazen, Steven J.
Hennessy, Joseph P.
*Herschler, Jonathan
Hogan, James M.
Hogan, Michael J.
Hollis, Joseph B.
Horowitz, Irvin R.
Johnson, Thomas A.
Jones, Garry L.
Jordan, James P., Jr.
Kadyk, Jan M.
Kamm, Patrick W.
Kaufman, Joseph A.
Kean, Dennis W.
Kendrick, William R.
Knavel, James L.
Knepper, John G.
Knuff, Thomas E.
Kohl, Frank S.
Kollen, Robert S.
Lesesne, Edward H.
Lombardi, Dennis L.
Mahalak, Lawrence W.
Marshall, Larry J.
Masys, John H.
Maxwell, Daniel D.
McDaniel, Robert C.
Melton, Lee J., III
Mickal, Donald E. S.
Miller, James D.
Morris, Lawrence R.
Motes, James M., Jr.
Nagy, Robert E.
Nemeth, Clifford J.
Newton, Neil A.
Nichols, Trent W.
Ogle, Samuel G.
Opatry, David J.
Peterson, Neil T., Jr.
Pollard, John C.
Reinert, Carol G.
Rensink, Michael J.
Rice, Charles L.
Robinson, Cyrus M.
Rodgers, Stephen J.
Rowekamp, John D.
Sebastian, James A.
Smith, David E.
Smith, William R.
Snyder, John M.
Staker, Larry V.
Suitor, Roscoe F.
Terpening, Larry R.
Thomas, Douglas F.
Thompson, John W., Jr.
Townsend, Raymond E.
Walker, Frank W.
Walsh, Thomas E., Jr
Watson, William E.
Weiler, Harold H.
Wells, Arthur F., Jr.
Wickhan, Clayton W.
Williams, Edward D.
Williams, Thomas M., III
Willmore, Luther J.
Woods, James D.
Wright, Lewis E.
Youngblood, Frederick E.

SUPPLY CORPS

Allen, Robert F.
Anderson, John F.
Auerbach, Eugene E.
Bary, David S.
Basham, Carmen L.
Bauman, Thomas W.
Bezanilla, David G.
Bice, Fred J.
Biegner, Frederick, Jr.
Bishop, Phillip E.
Blaylock, James S.
Boalick, Howard R.
Brandt, Craig M.
Brighton, Edward E., Jr.
*Bryant, Verle E.
Burgess, Edward L.
Butler, Joel L.
Campbell, Richard P., Jr.
Canale, Vincent T.
Caudle, Allen D., Jr.
Christopher, Donald D.
*Cornelison, Charles H.
Cribbin, Thomas M.
Danforth, Lawrence L.
Dejanovich, James P.
Deloach, Stephen J.
Donato, Robert C.
Doran, William E.
Downer, Glenn I.
Draper, John V.
Drucis, Timothy J.
Dunkle, Charles T.
Dunkle, James A.
Ebbesen, Preven E.
Field, Leroy F., Jr.
Figueroa, Ernest L.
Flint, Ralph Q.
Fonda, George A.
Foster, Donald G.
Free, Willard D.
Freiberg, Leonard S., Jr.
Fronczkowski, Ralph E.
Gabor, John B., Jr.
Gayton, Lewie E.
Gibbins, Donald B.
Giffin, Donald H.
Gilliland, Paul E.
Gorham, Robert L.
Griffin, Leonard C., Jr.
Gross, Royce A.
Hamilton, Howard H.
Hamilton, James B.
Harper, Albert E.
Harris, Christopher B.,
Hartwell, William R.
Hatcher, Robert C.
Haynes, William M., Jr.
Heeb, Benny J.
*Heider, James M., Jr.
Hephner, Patrick J.
Hobbs, Wilbur N.
Hoffler, Robert E.
*Holmes, Clifford J.
Holtz, Richard E., Jr.
Hopkins, Bruce A.
Hoyt, Michael C.
Hunter, Don L.
Hurlbutt, James W.
*Hutto, John A.
Jaffin, Frederick T., Jr.
Jaquith, Linford J.
Jensen, Albert L.
Johnson, Jesse B.
Jones, Allan H.
Kelly, Timothy M.
Kieckhefer, Edward H
*Koselka, James A.
Kosmark, Alfred C.
Kowalski, Karl A., Jr.
*Landon, Stewart N.
*Lanza, Vincent
Larson, Richard D.
Leon, Albert
Lessa, Joseph G., Jr.
Lines, Donald P.
Long, Douglas A.
Lutz, Alan L.
Magrogan, William F., Jr.
Malloy, Joseph M.
Mantonya, Robert R.
Marino, Stanley, Jr.
Martin, Patrick E.
Mayer, Carl M.
McCook, Kevin W.
McCowan, William B., Jr.
McGavran, Samuel B.
*Merritt, Frank W., Jr.
*Meys, Charles P.
Minnis, Mel W.
Mizer, Robert J.
Monteith, Gary H.
Moore, Stephen D.
*Mortensen, John J.
Mortrud, David L.
Murray, Thomas O., Jr.
Nemmers, Robert S.
Nichael, Robert H.
*Oberle, Michael J.
O'Connor, John, Jr.
*Parish, Anthony E.
Patterson, Kenneth L.
*Paulson, Alvin L.
Peck, Ronald K.
Privateer, Charles R.
Rapp, Carl A.
Rebarick, William P.
Riedel, William M.
*Roland, Billy J.
Rutherford, David O.
Sadler, David H.
Santucci, David M.
Sardella, Leo J.
Schaefer, John F.
Schewe, Norman L.
Schreiber, Dennis L.
Scott, William C.
Scroggs, Clifton R., Jr.
Shandy, Jerome C.
Shapack, Richard A.
*Simeon, Harlan L.
Simpson, Steven E.
Spiller, James T.
*Sprague, James A.
Spyrison, Joseph A.
Stangl, Larry F.
Sussman, Richard M.
*Swan, Aubrey E.
*Tarr, Nicholas W.
Tuggle, Richard C.
Tyson, George J., Jr.
VanDeveer, Charles E.
VanTassel, Russel D.
*Vieweg, Herbert H.
Vigrass, David H.
*Wachutka, James R.
Walker, Charles K.
Walker, Frances D., III
Weekes, James E.
Wilde, Charles L.
Wilkinson, Ronald C.
Williams, Jilson L.
*Zirnhelt, Alfred C.

CHAPLAIN CORPS

Bergsma, Herbert L.
Cook, Elmer D.
Ethridge, William M.
Hannigan, Richard F.
Holderby, Anderson B., Jr.
Hummer, George B.
Lyons, Richard M.
Macho, George S.
Mitchell, Zeak C., Jr.
Reese, Donald B.
Slattery, Maurice C.
Winterfeld, Eugene P.
Wright, John M.

CIVIL ENGINEER CORPS

Ahl, John S.
Aksionczyk, Leon
Baratta, Mario A.
Barron, Richard M.
Bates, Ronald G.
Bersani, Robert R.
Bohning, Lee R.
Bonderman, Warner E.
Bookhardt, Edward L., Jr.
Clarke, Wilmot F.
Clay, Joseph V. F., III
Clayton, James B.
Delmanzo, Donald D., Jr.
Donnelly, William P.
Drouin, Leon E., Jr.
Estes, George B.
Fowler, Richard S.
Frankum, Stephen D.
Fusch, Kenneth E.
Gagen, Robert E.
Gallen, Robert M.
Green, Joseph B., Jr.
Gregg, Ronald I.
Hadbavny, Ronald S.
Hall, Fredrick S., Jr.
Harada, Theodore I.
Hatter, William H., Sr.
Herrell, Orval G.
Hopper, Mark A.
*Hubel, Edward H.
Jacobs, Paul F.
Jokela, Carl R.
Jones, Lloyd S.
Kelley, Kenneth C.
Kelley, Timothy C.
Koepp, Gary E.
Laurance, Richard B.
Long, Thomas A., Jr.
Mitchum, William R., III
Nakahara, Jitsuo
Norvell, James D.
Olsen, Ole L.
O'Neill, Charles P., Jr.
Perry, John E., Jr.
Rein, David A.
Roberts, Ray D.
Runberg, Bruce L.
Schlesinger, Francis D.
Smith, Ray A.
Stamm, John A.
Stark, James R.
Swyers, Harry M.
Wadsworth, Robert W.
Zane, Sheldon S. H.

JUDGE ADVOCATE GENERAL'S CORPS

Coyle, Robert E.
Edington, Donald E.
Ford, William J., Jr.
Garrett, Henry L., III
Gordon, John E.
Granahan, Thomas E.
Oglesby, Douglas A.
Rogers, James N.
Schachte, William L., Jr.
*Sinor, Morris L.

DENTAL CORPS

Abrahamian, Richard B.
Anderson, William H., III
Ball, Melvin E.
Bate, William S.
Blank, Lawrence W.
Bruns, David J.
Cannon, Richard L.
Carson, Robert E.
Curreri, Robert C.
Dunny, James
Edwards, Douglas A.
Fisher, Earl F.
Fox, Bruce R.
Hammer, Dennis D.
Haney, Patrick J.
Heilman, Mark E. J., IV
Hellman, Larry F.
Hesby, Donald A.
Hix, James O., III
Jucovics, Robert L.
*Kimbrough, Kenneth J.
Kronzer, Richard L.
Kuntz, Darmon D.
Laquire, Anton K.
Maddox, James A.
McIntire, William O.
Nettelhorst, Ralph E.
Olson, Robert J.
Paulus, Helen M.
Poirrier, Maxime J. P.
Rippert, Eric T.
Robertello, Francis J.
Romero, Felix
Santucci, Eugene T.
Schamu, Carl W.
Siudara, Peter W.
Snell, Byron E., Jr.
Stratton, Russell J.
Theroux, William T., Jr.
Tidwell, Eddy
Tooker, Darrell T.
Troutman, Gary W.
VanBelois, Harvard J., Jr.
Wiley, Wayne M., Jr.
Yukna, Raymond A.

MEDICAL SERVICE CORPS

Bain, Donald K.
Barr, Kenneth B.
Bazzell, Samuel C.
Beuchler, Lamarr G.
Bienkowski, Faustyn J.
Biersner, Robert J.
Briand, Frederick F.
Burke, Daniel B.
Cash, Harold D.
Clarke, Norman B.
Cook, Elvis D., Jr.
Delisle, Gary R.
Devault, Richard L.
Duley, John W., Jr.
Eckmyre, Austin A., Jr.
Gaines, Richard N.
Gibson, Richard S.
Hill, James C.
Hutchins, Charles W., Jr.
Johnson, Larry W.
Karch, Larry L.
Lane, Norman E.
McCroddan, Donald M.
McIntosh, Wilton W.
Ozment, Bob L.
Peck, Robert
Pitts, Lucius L. II
Postel, Kenneth L.
Schweitzer, James D.
Scott, Kelvin P. G.
Smith, James D.
Snittjer, William J.
Sonntag, Robert R., Jr.
Stant, George M., Jr.
Thomas, Thomas E.
Veckarelli, Donald T.
Webb, Edgar P.
Wilson, Jason A.
Wood, Duell E.
Woods, Allen O.

NURSE CORPS

Armstrong, Kathryn A.
Beyerle, Doris C.
Boyle, Mary M.
Bronokoskie, Ann M.
Cascadden, Mary L.
Coltharp, Dove A.
Darcy, Darlene E.
Darrah, Elna R.
DeMartini, Dolores A.
Ferrell, Kirby A.
Flurry, Beverly J.
George, Kay A.
Grigg, Peggy J.
Hill, Shirley A.
Ibach, Maryanne T.
Langley, Ann
Linehan, Patricia A.
Lucius, Nina J.
McClelland, Jerry W.
Smith, Ruth H.
Tate, Catharine
White, Patricia M.
Zuber, Frances E.

Roy L. Huddleston for temporary promotion to the grade of commander pursuant to title 10, United States Code, section 5787, subject to qualification therefor as provided by law.

Herbert E. Stangl for temporary promotion to the grade of commander in the Civil Engineer Corps, U.S. Navy, pursuant to title 10, United States Code, section 5787, subject to qualification therefor as provided by law.

Nellie K. Maugans for permanent promotion to the grade of commander in the Supply Corps, U.S. Navy, subject to qualification therefor as provided by law.

The following named officers of the Reserve of the U.S. Navy for temporary promotion to the grade of commander in the Medical Corps, subject to qualification therefor as provided by law:

Gonzalez-Liboy, Gonzalo V.
LeTourneau, David J.

Dale W. Lynch for temporary promotion to the grade of commander in the line, subject to qualification therefor as provided by law.

The following named lieutenant commanders of the line and staff corps of the Navy for temporary promotion to the grade of commander pursuant to title 10, United States Code, Section 5787, while serving in, or ordered to, billets for which the grade of commander is authorized and for unrestricted appointment to the grade of commander when eligible pursuant to law and regulation subject to qualification therefor as provided by law:

LINE

Ackart, Leon E.
Alexander, Edward E., Jr.
Allman, John I., III
Baldwin, Edwin M.
Bell, Joe L.
Calkins, Delos S., Jr.
Chadick, Wayne L.
Christian, Richard A.
Comer, Robert F.
Cox, David R.
Cullen, Charles W.
Disney, Donald G.
Doe, Ralph F.
Felderman, John L.
Flynn, Gerrish C.
Freakes, William
Gustafson, Kenneth R.
Harbrecht, Raymond J.
Harris, Richard A.
Haynes, Jerry R.
Heck, Alger R.
Heckathorn, Clair E.
Hohmann, William D.
Holt, William C.
Kihune, Robert K. U.
Lamoureux, Robert J.
Lewis, Marwood D.
Major, James A.
Mott, George E., III
O'Neill, Cornelius T.
Owens, Ramon R.
Pizinger, Donald D.
Pidgeon, Robert H.
Rauch, Leo A.
Reimann, Robert T.
Richardson, Daniel C.
Royse, Perry R., Jr.
Salmon, Walter W.
Smith, Charles J.
Smith, Nepier V.
Susag, Gary R.
Tilger, Billy R.
Watson, Ian M.
White, Ervin E.
Withsosky, James H.
Wuorenmaa, John P.

SUPPLY CORPS

Bell, Ronald M.
Cone, Jaul J.
Maginnis, Christopher M., Jr.

CIVIL ENGINEER CORPS

Martin, Roger G.
Rinnert, Henry J.
Sayner, William V., Jr.
Smart, Robert D.

Lt. Comdr. John P. Milat, U.S. Naval Reserve for temporary promotion to the grade of commander in the line pursuant to title 10, United States Code, section 5787, while serving in or ordered to billets for which the grade of commander is authorized and for unrestricted appointment to the grade of commander when eligible pursuant to law and regulation subject to qualification therefor as provided by law.

The following named women officers of the U.S. Navy for permanent promotion to the grade of lieutenant commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

*Balink, Linda J.
*Beckley, Mary A.
*Cooperman, Mary S.
*Curry, Viola D.
Cusson, Susan F.
*Dombrowski, Katherine M.
*Francis, Sandra L.
*Graichen, Dimity L.
Hampson, Nancy E.
*Harman, Elizabeth L.
Haupt, Katharine L.
*Honeycutt, Betty S.
Lins, Dorothy K.
*Mathis, Marlene S.
Russell, Mary E.
Safford, Sylvania A.
*Smalley, Phillis E.
Summers, Lynda L. P.
Thomas, Daneen J.
*Tiller, Trudith D.
*Tyler, Paula J.
Walton, Margurite A.
*Watson, Kathryn A.

The following named officers of the U.S. Navy for transfer to and appointment in the Civil Engineer Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Frey, Michael L.
Hamilton, Charles D.
Harrison, Lloyd, Jr.

The following named officers of the U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of ensign:

Bond, Lewis F., III
Clark, David W.
Longevin, Richard R.
Morgan, Michael D.

The following named officers of the U.S. Navy for transfer to and appointment in the Civil Engineer Corps in the permanent grade of ensign:

Dempsey, Richard M.
Puncke, Frederick D., Jr.

Frederick S. Walter for transfer to and appointment in the Supply Corps in the grade of ensign, for temporary service as a limited duty officer.

Jo Ann Thiele for permanent promotion to the grade of lieutenant commander in the Supply Corps, subject to qualification therefor as provided by law.

Commander Richard A. McGonigal, Chaplain Corps, U.S. Navy for transfer to and appointment in the line, not restricted in the performance of duty, in the permanent grade of lieutenant commander and the temporary grade of commander.

(Asterisk (*) denotes ad interim appointment.)

IN THE MARINE CORPS

The following named officers of the Marine Corps for permanent appointment to the grade of first lieutenant:

Jesse W. Addison
Russell A. Andres, Jr.
John G. Baker III
Deryll B. Banning
Harry K. Barnes
Jane A. Batson
Albert E. Bauman III
Thomas C. Baumgaertl
Russell F. Beagent, Jr.
Jennings B. Beavers II
Michael R. Beggs
Charles R. Bell, Jr.
Martin R. Bender
Robert G. Bender, Jr.
David F. Bice
Wayman R. Bishop II
Joseph G. Blake
Richard K. Bloedau, Jr.
Alan R. Bonham
Charles J. Boyle
James W. Brady
James M. Bridges
Gary L. Bruno
William D. Bushnell
Marcus J. Bumm, Jr.
Francis J. Busam
William A. Carter
Garry R. Carver
Thomas E. Chandler, Jr.
Orville G. Chase
Ralph J. Chipman
Joseph F. Ciampa
William B. Clark
Leonard J. Comaratta
William C. Conrad
Michael L. Cook
Larry A. Craig
Wallace R. Creel, Jr.
Daniel D. Critchfield
Wayne T. Crowder
Ronald K. Culp
William H. Darrow
Michael A. Decker
David C. Duberstein
Richard H. Duff, Jr.
Keith M. Duhe
Gordon L. Duke
Theodore J. Dunn
George E. Dyer
Douglas C. Earle
Mary F. Edmonds
Harvey W. Emery
Terry W. Emmons
Jean V. Fitzsimmons
Walter G. Ford
James R. Forney
Rodney L. Fox
Kenneth D. Frantz
Kenneth R. Frederickson
Thomas N. Fremin
Kenneth R. Fugate
Milton J. Ganier
Cheryl A. Garbett
Aldon M. Garrett
Lyle D. Gearhart
Lonney D. Getlin
Joseph H. Girdwood
Glen D. Graves
John F. Grossweiler
John W. Ground IV
James M. Guerin
David R. Guernsey
Richard A. Hagerman
William M. Handel
Jerry G. Hanks
James E. Hatch
Thomas W. Hayes
Bruce E. Heath
Richard A. Hedin
Daniel S. Hemphill
Patrick H. Hill III
Michael D. Hoke
Assen A. Horster
Charles W. Hughes
Daniel L. Hughes
Marvin E. Hughes
Harry C. Hunt, Jr.
Stephen F. Hurst
David H. Jacobs
Dennis J. Jenkins
Harry Jensen, Jr.
Richard N. Jeppesen
Anthony L. Jucenas
Michael A. Kah
George C. Kahlandt
John W. Kartunen
Kevin P. Kelley
Bruce B. Knutson, Jr.
Bernard F. Kolb
Bazil Kostin
James A. Kuch
Ralph V. Lanning
Bernard F. Luby
William J. Lucas
David A. Lutz
Richard G. Mace
Thomas W. Mackie
Roger D. Marlow
John D. Martin, Jr.
John P. Martin
Gordon A. Matthew
Willard J. McAtee
John J. McCarthy
Terry J. McCormack
Craig S. McNey
Kenneth E. McNutt
Jerry W. McWhorter
John R. Michaud
Donald F. Miller
Hubert Minx, Jr.
Thomas J. Molon
Daniel J. Moseler
Charles D. Mowrer
Lorin L. Mrachek
Wallace L. Mueller
James M. Murray, Jr.
Stefan Mytczynsky
Deane A. Nelson
Leonard L. Nicholson
Robert L. O'Donnell
Richard J. Olsen
Roy A. Overbeck
Larry F. Parsons
George N. Perrault
Philip J. Persiani
Steven G. Pfeif
Gordon W. Phelps
James G. Plantz
Sherman A. Poling
Karl J. Porisch
Arnold L. Punaro
Theodore L. Quinter
Burton C. Quist
Charles E. Ramsey
Bruce J. Reed
Charles G. Reed
John H. Rickert
George R. Sickley
Charles L. Riley
Susan L. Roley
David R. Ross
Lester D. Roth, Jr.
Daniel M. Rowland
Charles B. Rupp
Charles A. Sakowicz
Martin E. Schechter
John W. Schmidt
John R. Scott

John T. Seabrook
William R. Seagraves
James P. Sheehy
Darrel W. Sheets
Charles F. Shepard
Kenneth P. Shrum
Joseph A. Silvoso
Crawford W. Smith
Carlton C. Steubing
Garth K. Sturdevan
Ronald L. Taylor
Sears R. Taylor II
Barry A. Teller
William G. Thomas
David F. Tomsky
Joseph R. Tosi, Jr.
Donigan D. Towers
David M. Tripp
Henry J. Vonkelsch III
Raymond L. Walters, Jr.
Edward F. Wells
Joseph W. Wilimek
Charles S. Williams, Jr.
Frederick C. Williams
Richard L. Wilroy
James W. Wilson
Marvin L. Wilson, Jr.
Mary G. Wilson
Willie T. Worrell
John D. Wright
Frank A. Yahner III
Robert A. Yaskovic

CONFIRMATIONS

Executive nominations confirmed by the Senate February 7, 1972:

FEDERAL RESERVE SYSTEM

John Eugene Sheehan, of Kentucky, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1968.

PAY BOARD

George H. Boldt, of Washington, to be Chairman of the Pay Board.

PRICE COMMISSION

C. Jackson Grayson, Jr., of Texas, to be Chairman of the Price Commission.

HOUSE OF REPRESENTATIVES—*Monday, February 7, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The fear of the Lord is the beginning of wisdom.—Proverbs 9: 10.

Almighty God, in whose fear is the beginning of wisdom and from whose favor proceed all good desires, all wise counsels, all just works, we turn to Thee for refuge and strength and peace.

May we never be disloyal to the royal within ourselves, never betray those who love us, never disappoint Thy purposes for our lives and the life of our Nation. In this day when people would walk along separate ways and down different roads grant that we may be builders of bridges over which men and nations can travel to a new unity with liberty and justice for all.

Help us to use our privileges gratefully, to meet our difficulties courageously, to do our duties faithfully, and to come to the end of the day unashamed and unafraid with Thy peace in our hearts.

In the spirit of Him who is the Lord of life we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

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

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 11487. An act to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.; and H.R. 12067. An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 748) entitled "An act to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Funds for Special Operations of the Inter-American Development Bank," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. AIKEN, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 749) entitled "An act to authorize United States contributions to the Special Funds of the Asian Development Bank," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. AIKEN, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2010) entitled "An act to provide for increased participation by the United States in the International Development Association," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. AIKEN, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12067) entitled "An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PROXMIRE, Mr. MCGEE, Mr. ELLENDER, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. FONG, Mr. BROOKE, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

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

S.J. Res. 196. Joint resolution extending the date for transmission to the Congress of the report of the Joint Economic Committee.

The message also announced that the Vice President, pursuant to Public Law 86–42, appointed Mr. CHURCH, Mr. BURDICK, Mr. HOLLINGS, Mr. SPONG, Mr. AIKEN, Mr. COOPER, Mr. STEVENS, and Mr. STAFFORD as members, on the part of the Senate, of the U.S. group of the Canada-United States Interparliamentary Conference to be held in Ottawa, Canada, February 17 to 20, 1972.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

RELATING TO THE TRANSPORTATION OF MAIL BY THE U.S. POSTAL SERVICE

The Clerk called the bill (S. 996) relating to the transportation of mail by the U.S. Postal Service.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I have an amendment which I wish to offer to the bill at the proper time. I therefore withdraw my reservation.

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

There being no objection, the Clerk read the bill as follows:

S. 996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Postal Service (hereinafter referred to as the Postal Service), is authorized and directed to pay, out of the Postal Service Fund to each individual eligible for reimbursement under section 2 of this Act the amount of money to which each such individual is entitled under section 3 of this Act. Any payment made to any individual pursuant to this Act shall be in full settlement of all claims by such individual against the United States arising out of—

(1) the expenses which resulted from the application by the Postal Service and the Federal Aviation Agency of certain requirements, and

(2) certain other expenses incurred (described in section 3 of this Act) with respect to such individual's transportation of mail by air at any time during the period commencing July 1, 1967, and ending December 31, 1968 (hereafter referred to in this Act as the "reimbursement period").

SEC. 2. Any individual who transported mail as a noncertificated air common carrier at any time during the reimbursement