H.R. 13419. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. HALPERN (for himself, Mr. COTTER, and Mr. GRAY):

H.R. 13420. A bill to promote the peacefull resolution of international conflict, and for other purposes; to the Committee on Government Operations.

By Mr. MATSUNAGA:

H.R. 13421. A bill to provide for the payment of losses incurred by domestic growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such susbtances had been prepared or packed or packaging, labeling, and other materials had been prepared in good-faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on the Judiciary.

By Mr. PRICE of Illinois:

H.R. 13422. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. PRYOR of Arkansas:

H.R. 13423. A bill to provide that certain expenses incurred in the construction of the U.S. Highway 65 Expressway through Pine Bluff, Ark., shall be eligible as local grants-in-aid for purpose of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. RONCALIO:

H.R. 13424. A bill to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13425. A bill to amend the Land and Water Conservation Fund Act of 1965 to allow for the recreation planning, acquisition, or development for indoor facilities; to the Committee on Interior and Insular Affairs.

By Mr. ROSTENKOWSKI (for himself, Mr. ANNUNZIO, Mr. COLLINS of Illinois, Mr. KLUCZYNSKI, and Mr. PUCINSKI):

H.R. 13426. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H. Res. 849. Resolution authorizing the expenditure of certain funds for the expenses of the Committee on Internal Security; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

317. By the SPEAKER: Memorial of the House of Representatives of the State of Washington, relative to amending the Soil Conservation and Domestic Allotment Act, as amended, to include a Columbia-Snake-Palouse conservation program; to the Committee on Agriculture.

318. Also, memorial of the Legislature of the State of Oklahoma, relative to exempting businesses which furnish ambulance services from the Federal wage and hour law provisions requiring the payment of overtime; to the Committee on Education and Labor.

319. Also, memorial of the Legislature of the State of Colorado, relative to maintaining the free market price system and quota import system on red meat products; to the Committee on Ways and Means.

320. Also, memorial of the Senate of the Commonwealth of Puerto Rico, relative to the offset procedure provided for in section 224 of the Social Security Act; to the Committee on Ways and Means.

SENATE—*Monday, February 28, 1972*

The Senate met at 10 a.m. and was called to order by Hon. LAWTON CHILES, a Senator from the State of Florida.

PRAYER

Dr. Frederick M. Lange, president, Dallas Community Chest Trust Fund, Dallas, Tex., offered the following prayer:

Almighty God, eternal in the heavens, who holds in Your hands the destiny of nations and of men, we thank You for the privilege and power of prayer by which we may ascend as on wings to the very steps of Your throne and receive Your blessings.

Accept our humble thanks for the free world in which we live. Make us truly appreciative of the heritage of our fathers, the open Bible, our free institutions, our civil and religious liberties.

Counsel those in authority. Make them worthy of this great trust. May they, as true statesmen, have the wisdom to discern what is right and the courage to defend it. Help us so to believe and live that we may pass on the torch of liberty and light, as contained in Your Holy Word, to succeeding generations.

In the name of Christ, our Saviour. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 28, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. LAWTON CHILES, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, February 25, 1972, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

DISPOSITION OF JUDGMENT FUNDS FOR CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 609, H.R. 6291.

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

The bill (H.R. 6291) to provide for the disposition of funds arising from judgments in Indian Claims Commission dockets numbered 178 and 179, in favor of the Confederated Tribes of the Colville Reservation, and for other purposes, 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. 92-642), explaining the purposes of the measure.

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

PURPOSE

The purpose of H.R. 6291 is to authorize the disposition of judgment funds awarded in favor of the Confederated Tribes of the Colville Reservation in dockets 178 and 179 of the Indian Claims Commission. The gross amount available is approximately $5,540,-598.00. The money has been appropriated, but it may not be used until authorizing legislation has been enacted.

The bill provides for a per capita distribution of the entire sum. There are about 5,309 tribal members, about half of whom live away from the reservation.

The Committee on Interior and Insular Affairs held open hearings on October 7, 1971, on S. 1104, the Senate companion measure which was sponsored by Senator Jackson.

In addition to some technical amendments, the House of Representatives amended H.R. 6291 to permit a $950 per capita payment to be made immediately to each enrolled member, without waiting for the completion of the roll and the resolution of contested applications. This will leave about $100,000 to take care of enrollment appeals and additions to the roll, and if the entire amount is not needed for that purpose, the

remainder will be distributed with future per capital payments. The Senate Interior and Insular Affairs Committee concurs in this action.

COST

The enactment of the bill, H.R. 6291, will require no further Federal appropriation.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs unanimously recommends that H.R. 6291 be enacted.

EXECUTIVE SESSION

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

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

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

U.S. AIR FORCE

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

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

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

U.S. ARMY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

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

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

U.S. NAVY

The second assistant legislative clerk read the nominations of Vice Adm. Benedict J. Semmes, Jr., U.S. Navy, to be a vice admiral.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. MARINE CORPS

The second assistant legislative clerk read the nominations of Gen. Raymond G. Davis, U.S. Marine Corps, when retired, to be placed on the retired list in the grade indicated, and Lt. Gen. Earl E. Anderson, U.S. Marine Corps, for appointment to the grade indicated while serving as Assistant Commandant of the Marine Corps, in accordance with the provisions of title 10, United States Code, section 5202, to be generals.

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

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE AIR FORCE AND IN THE MARINE CORPS

The second assistant legislative clerk proceeded to read sundry nominations in the Air Force and in the Marine Corps, which had been placed on the Secretary's desk.

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

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

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

LEGISLATIVE SESSION

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

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

PRESIDENT NIXON'S TRIP TO CHINA

Mr. SCOTT. Mr. President, in 1967, if any one of us had been asked to say which was the more likely to occur, the landing of a man on the moon or our President visiting China, I think most people would have said that we would eventually get a man on the moon and no one would have predicted that we would have had a President in China in so short a time.

In fact, until recently, I had been of the mind that we might not open up relations with China for decades.

Now it has happened.

The frank, earnest, and joint exchanges of views contained in the communique represent, I think, reasons for some uplift of hope. Of course, some caution, also. But surely the President's decision to indicate our intention ultimately to withdraw our forces from Asian soil is entirely consistent with the Nixon doctrine enunciated at Guam.

It was there said that we renounce any territorial aspirations and we have never had any—and that it is our intention not to engage in wars on Asian land. Therefore, this comes as a consistent statement. It does not indicate that this will happen precipitately, but that it will happen is a normal consequence of the Nixon doctrine.

I believe that there will be as many minds as there are men—as the Latin phrase has it, "Quot Homines, Tot Sententiae" with regard to the meaning of the communique. Some will downgrade it. Some will tend to be too euphoric. The important thing is that they met. Here the median is the message. Beyond meeting, there were agreements. Those agreements included the formalization of exchanges, the encouragement by the two governments for the opening of trade, the establishment of diplomatic mechanisms for continued contact, the joint statement of some general principles in international relations and the joint statement of some basic approaches to the views of the world with respect to the section which includes reference to Jammu and Kashmir—all matters that would have been considered unthinkable at the time of the invitation to the ping-pong team.

Thus, we have moved forward.

How much more advisable it would have been if, 30 years ago, at the end of World War II, the United States and Russia, the emerging super powers of the world, had come to a similar frank understanding not only of the differences which divide their systems but also of their similarities.

So I am glad that they have met and I do congratulate the President on this epoch-making journey.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished minority leader in making some comments today relative to the presidential visit to the People's Republic of China.

Mr. President, I have had the opportunity to read the text of the United States-Chinese communique and I wish to make a few comments thereon.

I believe that out of this visit by the President has emerged the possibility of a better relationship between China and the United States and also the beginnings of a peaceful era in that part of the world. There is reference to the situation concerning Taiwan and a statement to the effect that the United States plans to withdraw its forces and military installations as tensions in the area lessen. Both Peking and Washington now see China as one entity and it is interesting to note that this has long been the view not only of Mao Tse-tung but also of Chiang Kai-shek.

It has been indicated that we will reduce our presence on Taiwan, a process which, incidentally, began sometime before the President's visit so that, as I recollect, the number of military personnel has already been cut from 10,000 to 8,000. Furthermore, for several years now the Taiwan Strait has been patrolled by only one destroyer and possibly two on occasion, and at times no U.S. naval craft at all. The United States-Formosa Treaty runs indefinitely, subject to termination on 1 year's notice, and, as indicated, it will be honored. In return, the Peking Government has recognized the de facto situation "as is" which may suggest that it has the patience which will permit time to cope with the final settlement of the one China question.

Important possibilities were raised for increased trade and exchanges of the citizens of both countries and by the agreement to allow a senior U.S. representative to visit Peking from time to time to discuss matters of substance. The communique also emphasized there were differences which, if not solved, were at least faced up to frankly. The gate has been opened and the process of bridge building has begun. The Presidential visit was, in my opinion, very much worthwhile. While some may have expected additional results to have emerged in the way of substance, it is my feeling that

more came out of the meetings than many of us had anticipated beforehand.

The factor of equality and mutuality was emphasized in the visit, and the readiness on the part of each country to recognize the other's interest in the Asian-Pacific region was apparent. I believe the President achieved much in the way of understanding. He has opened the way to bring about in time—and the sooner the better—an era of peace and stability throughout East Asia.

I commend him for undertaking the long journey which was both arduous and demanding, and I also commend Mrs. Nixon for the outstanding and gracious part she played in representing our country along with her husband, the President of the United States. The Senate joins in welcoming the return of the President and Mrs. Nixon and we look forward to the possibility of his addressing the Nation at an early date with his personal comments on the visit to China.

Mr. SCOTT. Mr. President, if the distinguished majority leader would yield, I ask unanimous consent for the unusual privilege of having us jointly request that the communication be printed in the RECORD.

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

TEXT OF UNITED STATES-CHINESE COMMUNIQUE

SHANGHAI, February 27.—Following is the text of the communique issued today at the conclusion of the meetings between President Nixon and Premier Chou En-lai:

President Richard Nixon of the United States of America visited the People's Republic of China at the invitation of Premier Chou En-lai of the People's Republic of China from Feb. 21 to Feb. 28, 1972. Accompanying the President were Mrs. Nixon, U.S. Secretary of State William Rogers, Assistant to the President Dr. Henry Kissinger, and other American officials.

President Nixon met with Chairman Mao Tse-tung of the Communist party of China on Feb. 21. The two leaders had a serious and frank exchange of views on Sino-U.S. relations and world affairs.

During the visit, extensive, earnest and frank discussions were held between President Nixon and Premier Chou En-lai on the normalization of relations between the United States of America and the People's Republic of China, as well as on other matters of interest to both sides. In addition, Secretary of State William Rogers and Foreign Minister Chi Peng-fei held talks on the same spirit.

President Nixon and his party visited Peking and viewed cultural, industrial and agricultural sites, and they also toured Hangchow and Shanghai where, continuing discussions with Chinese leaders, they viewed similar places of interest.

The leaders of the People's Republic of China and the United States of America found it beneficial to have this opportunity, after so many years without contact, to present candidly to one another their views on a variety of issue. They reviewed the international situation in which important changes and great upheavals are taking place and expounded their respective positions and attitudes.

The U.S. side stated:

Peace in Asia and peace in the world requires effort both to reduce immediate tensions and to eliminate the basic causes of conflict. The United States will work for a just and secure peace; just, because it fulfills the aspirations of peoples and nations for freedom and progress; secure, because it removes the danger of foreign aggression. The United States supports individual freedom and social progress for all the peoples of the world, free of outside pressure or intervention.

The United States believes that the effort to reduce tensions is served by improving communications between countries that have different ideologies so as to lessen the risks of confrontation through accident, miscalculation or misunderstanding. Countries should treat each other with mutual respect and be willing to compete peacefully, letting performance be the ultimate judge. No country should claim infallibility and each country should be prepared to reexamine its own attitudes for the common good.

The United States stressed that the peoples of Indochina should be allowed to determine their destiny without outside intervention; its constant primary objective has been a negotiated solution; the eight-point proposal put forward by the Republic of Vietnam and the United States on Jan. 27, 1972, represents the basis for the attainment of that objective; in the absence of a negotiated settlement the United States envisages the ultimate withdrawal of all U.S. forces from the region consistent with the aim of self-determination for each country of Indochina.

The United States will maintain its close ties with and support for the Republic of Korea. The United States will support efforts of the Republic of Korea to seek a relaxation of tension and increase communications in the Korean peninsula. The United States places the highest value on its friendly relations with Japan; it will continue to develop the existing close bonds. Consistent with the United Nations Security Council Resolution of Dec. 21, 1971, the United States favors the continuation of the cease-fire between India and Pakistan and the withdrawal of all military forces to within their own territories and to their own sides of the cease-fire line in Jammu and Kashmir; the United States supports the right of the peoples of South Asia to shape their own future in peace, free of military threat, and without having the area become the subject of big-power rivalry.

The Chinese side stated:

Wherever there is oppression, there is resistance. Countries want independence, nations want liberation and the people want revolution—this has become the irresistible trend of history. All nations, big or small, should be equal; big nations should not bully the small and strong nations should not bully the weak. China will never be a superpower and it opposes hegemony, and power politics of any kind.

The Chinese side stated that it firmly supports the struggles of all oppressed people and nations for freedom and liberation and that the people of all countries have the right to choose their social systems according to their own wishes and the right to safeguard the independence, sovereignty and territorial integrity of their own countries and oppose foreign aggression, interference, control and subversion. All foreign troops should be withdrawn to their own countries.

The Chinese side expressed its firm support to the peoples of Vietnam, Laos and Cambodia in their efforts for the attainment of their goals and its firm support to the seven-point proposal of the Provisional Revolutionary Government of the Republic of South Vietnam and the elaboration of February this year on the two key problems in the proposal, and to the Joint Declaration of the Summit Conference of the Indochinese Peoples.

It firmly supports the eight-point program for the peaceful unification of Korea put forward by the Government of the Democratic People's Republic of Korea on April 12, 1971, and the stand for the abolition of the "U.N. Commission for the Unification and Rehabilitation of Korea." It firmly opposes the revival and outward expansion of Japanese militarism and firmly supports the Japanese people's desire to build an independent, democratic, peaceful and neutral Japan. It firmly maintains that India and Pakistan should, in accordance with the United Nations resolutions on the India-Pakistan question, immediately withdraw all their forces to their respective territories and to their own sides of the cease-fire line in Jammu and Kashmir and firmly supports the Pakistan Government and people in their struggle to preserve their independence and sovereignty and the people of Jammu and Kashmir in their struggle for the right of self-determination.

There are essential differences between China and the United States in their social systems and foreign policies. However, the two sides agreed that countries, regardless of their social systems, should conduct their relations on the principles of respect for the sovereignty and territorial integrity of all states, nonaggression against other states, noninterference in the internal affairs of other states, equality and mutual benefit, and peaceful coexistence. International disputes should be settled on this basis, without resorting to the use or threat of force. The United States and the People's Republic of China are prepared to apply these principles to their mutual relations.

With these principles of international relations in mind the two sides stated that:

Progress toward the normalization of relations between China and the United States is in the interests of all countries.

Both wish to reduce the danger of international military conflict.

Neither should seek hegemony in the Asia-Pacific region and each is opposed to the efforts by any other country or group of countries to establish such hegemony; and

Neither is prepared to negotiate on behalf of any third party or to enter into agreements or understandings with the other directed at other states.

Both sides are of the view that it would be against the interests of the peoples of the world for any major country to collude with another against other countries, or for major countries to divide up the world into spheres of interest.

The sides reviewed the long-standing serious disputes between China and the United States.

The Chinese side reaffirmed its position: The Taiwan question is the crucial question obstructing the normalization of relations between China and the United States; the Government of the People's Republic of China is the sole legal government of China; Taiwan is a province of China which has long been returned to the motherland; the liberation of Taiwan is China's internal affair in which no other country has the right to interfere; and all U.S. forces and military installations must be withdrawn from Taiwan. The Chinese government firmly opposes any activities which aim at the creation of "one China, one Taiwan," "one-China, two governments," "two Chinas" and "Independent Taiwan" or advocate that "the status of Taiwan remains to be determined."

The U.S. side declared: The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China. The United States Government does not challenge that position. It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves. With this prospect in mind, it affirms the ultimate objective of the withdrawal of all U.S. forces and military installations from Taiwan. In the meantime, it will progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes.

The two sides agreed that it is desirable to broaden the understanding between the two peoples. To this end, they discussed specific areas in such fields as science, technology, culture, sports and journalism, in which people-to-people contacts and exchanges would be mutually beneficial. Each side undertakes to facilitate the further development of such contacts and exchanges.

Both sides view bilateral trade as another area from which mutual benefits can be derived, and agree that economic relations based on equality and mutual benefit are in the interest of the peoples of the two countries. They agree to facilitate the progressive development of trade between their two countries.

The two sides agree that they will stay in contact through various channels, including the sending of a senior U.S. representative to Peking from time to time for concrete consultations to further the normalization of relations between the two countries and continue to exchange views on issues of common interest.

The two sides expressed the hope that the gains achieved during this visit would open up new prospects for the relations between the two countries. They believe that the normalization of relations between the two countries is not only in the interest of the Chinese and American peoples but also contributes to the relaxation of tension in Asia and the world.

President Nixon, Mrs. Nixon and the American party express their appreciation for the gracious hospitality shown them by the government and people of the People's Republic of China.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, with a limitation of 3 minutes on each Senator being recognized.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

THE GRIFFIN ANTIBUSING AMENDMENT

Mr. ALLEN. Mr. President, on tomorrow the Senate will decide whether it will agree to the Griffin antibusing amendment—an amendment which will withdraw jurisdiction from the courts over the entering of forced busing decrees for the purpose of creating a racial balance—or it will approve the Scott-Mansfield amendment which, in the judgment of the junior Senator from Alabama, is nothing more nor less than a probusing amendment. It is a cruel hypocrisy and a cynical smokescreen that restates rulings of the Supreme Court permitting busing, and it does nothing to prevent busing which the people of this country are demanding.

Mr. President, the fact that the Scott-Mansfield amendment is a probusing amendment is indicated by an interview which the distinguished Senator from Pennsylvania (Mr. SCOTT) had with reporters from the U.S. News & World Report, excerpts of which were published in the Birmingham News issue of February 21, 1972, headlined "Senator SCOTT Says Congress To Avoid Busing Showdown."

Mr. President, if we adopt the Scott-Mansfield approach, we will definitely have avoided a busing showdown and, if nothing else, the distinguished Senator from Pennsylvania will have been proved to be a prophet, with or without honor, in his own home State. The junior Senator from Alabama does not profess to know which, but the Senator would be correct if the Scott-Mansfield amendment is adopted.

Mr. President, I read from the interview of the distinguished Senator from Pennsylvania:

But to put it bluntly, Congress is going to avoid final clarification of this controversy in 1972 simply because this is an election year.

Mr. President, I agree with the distinguished Senator from Pennsylvania. If we adopt the Scott-Mansfield approach, we will have avoided a final clarification of this issue. However, if, on the other hand, we adopt the Griffin amendment, we will have clarified the issue, and we will have deprived the courts of jurisdiction to order mass, forced busing of school students in order to create a racial balance.

Mr. President, the President of the United States before going to China indicated that he was going to recommend measures that would put an end to busing for the purpose of creating a racial balance.

Mr. President, we have not heard from the President. He is coming back to Washington tonight, and it is to be hoped that by tomorrow sometime he will have clarified his position on this matter. He has often said that he is against forced busing for the purpose of creating a racial balance. Now is the time for him to translate his words into action, and come out in favor of the Griffin amendment and repudiate this vicious Scott-Mansfield amendment that does nothing to solve this great issue.

Mr. President, this morning I sent a telegram to the President of the United States, urging him to endorse the Griffin amendment and stating:

In view of your oft-repeated opposition to busing to create a racial balance, I respectfully submit that your support of the Griffin amendment will translate words into actions.

I also stated in the telegram:

I am sure that you share my feelings that education of children, not transportation of children, should be our paramount concern.

Mr. President, I ask unanimous consent to have printed in the RECORD the telegram I sent to the President of the United States today; two editorials which were printed in the Nashville Banner on February 25, 1972, and February 26, 1972; and a newspaper article entitled "Senator Scott Says Congress To Avoid Busing Showdown," published in the Birmingham News on February 21, 1972.

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

FEBRUARY 28, 1972.

The PRESIDENT,
The White House,
Washington, D.C.:

Respectfully urge you to endorse Griffin amendment to higher education bill now pending in the Senate. This amendment withdraws from the courts jurisdiction to order busing for creating racial balance in our schools. Of all pending amendments this amendment seems most likely to be effective in putting an end to mass forced busing of school children. I am sure that you share my feelings that education of children, not transportation of children, should be our paramount concern. With your help the amendment will probably pass in the Senate. In view of your oft repeated opposition to busing to create a racial balance, I respectfully submit that your support of the Griffin amendment will translate words into actions.

Respectfully submitted,

JAMES B. ALLEN,
U.S. Senator.

[From the Nashville Banner, Feb. 25, 1972]

BUSING COMPROMISE NO HELP AT ALL

The compromise anti-busing amendment adopted by the U.S. Senate Thursday is unacceptable. It provides absolutely no relief for educational systems—Metro Nashville schools included—brought to their knees by massive court-ordered cross-town busing of school children.

If this is the Senate leadership's idea of a "compromise," they have badly underestimated the extent of the busing problem, have failed to comprehend the urgent need of Congress to resolve this educational crisis, and totally ignored the demand of an outraged public to terminate this high-handed ukase of social folly.

The compromise amendment is a cold, mindless response to a problem that cries out for a solution, which more realistic amendments—already introduced—would afford.

A man dying of thirst in a desert encountered a person who could help him. He begged for water but was given instead a stale loaf of bread. The Senate has handed the people a stale loaf of bread, good for nothing.

Opponents of the compromise version, including Tennessee Sens. Howard Baker and Bill Brock, recognize the amendment for the hoax that it is.

"They just collected a bunch of stuff to create the illusion of attempting to stop busing," Baker said.

The amendment "would not stop the abuse of children that is going on today . . . it would almost freeze it in law," Brock stated

"Let's not fool ourselves," declared Sen. John Stennis, D-Miss., "it doesn't clear up anything."

Sen. Hugh Scott, Republican leader of the Senate, and Sen. Mike Mansfield, Democratic leader, co-sponsors of the amendment, said the measure is a "compromise" because it does not satisfy the "extremes" in the busing controversy.

That is where Senate leaders show how little they know of the practical effects of busing. Senators and individuals who would seek to prohibit busing in Nashville, say, are considered "extreme" by Scott's interpretation.

Scott and others suffer from thinking on this matter a decade or more behind times. They would picture busing opponents as individuals standing in the school house door to prevent desegregation.

In the South, the question of desegregation has been affirmatively resolved. Forced busing far exceeds desegregation; it transcends racial considerations, for white and black parents alike deplore this massive bus-

ing that takes their children past their own area schools into remote and strange neighborhoods, often to inferior schools.

Senate leaders need not delude themselves into thinking they have given opponents anything Shakespeare, writing in Macbeth, could have been in the Senate gallery Thursday watching this compromise debacle: "Full of sound and fury, signifying nothing."

[From the Nashville Banner, Feb. 26, 1972]

SENATE RESPONDS TO PUBLIC OUTRAGE

The United States Senate showed Friday it has an ear to the ground.

Responding to an outraged constituency that stretches from Boston to Nashville to San Francisco, the Senate voted Friday to strip federal courts of their authority to order racially-based school busing.

With the landmark 43–40 vote, the Senate spoke for the vast majority of Americans, serving notice that the days of massive, disruptive court-ordered busing are nearing an end. The public has stomached this social folly as long as it intends to and so has Congress, if Friday's vote is any indication.

The fight, of course, is not over. Senate liberals, jolted by the action, are regrouping to try to overturn the amendment next week. If it emerges then, it faces House action.

Regardless of the outcome of those verdicts, the Senate vote Friday demonstrates the depth of concern in Congress over the busing issue, far greater than ivory tower liberal members ever thought.

The amendment sponsored by Sen. Robert Griffin, R-Mich., and backed to the hilt by Tennessee Sens. Howard Baker and Bill Brock, sets forth the most iron-clad busing ban ever adopted by either the House or the Senate. It says:

"No court of the United States shall have jurisdiction to make any decision, enter any judgment or issue any order the effect of which would be to require that pupils be transported to or from school on the basis of their race, color, religion or national origin."

The Constitution clearly gives Congress the authority to limit the authority of federal judges.

Framers of the Constitution established the judiciary and its powers in Article Three. They included this limitation: "The Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make."

The Senate has voted to make an exception.

Limiting the jurisdiction of federal courts is the quickest and most direct way to rid the public of the busing menace.

This concept took root in Tennessee last year when the disastrous effects of busing became apparent here. State officials, both Democrats and Republicans, lined up behind the proposal.

Mayor Beverly Briley recommended this route last summer as an orderly, yet prompt method of halting the court-ordered busing. Rep. Richard Fulton of Nashville, keenly aware of the problems associated with a busing plan that has torn his district's educational programs asunder, introduced legislation in the House to bring this about.

The language adopted by the Senate Friday may be the only way Congress will ever be able to give Nashville and the rest of the nation any relief from the oppressive obsession of federal courts with racial ratios.

Nashville parents rejoice in the Senate verdict. They can testify vividly of the personal hardships imposed, of the educational hazards erected and of the fruitbasket turnover life style thrust upon them and their children from dawn to dusk by an arbitrary court order.

The vigorous efforts put forth by Sens. Baker and Brock deserve special commendation. No two senators have represented their state any better on this issue.

Both Baker and Brock worked tirelessly behind the scenes to influence undecided Senators. "Howard Baker deserves more credit than any other person," Brock said after the vote Friday. "He made the difference because he persuaded a number of Senators to change their votes."

On the Senate floor a short time before the landmark vote, Baker cited "intolerable" conditions in Nashville as ample evidence of the need to halt the runaway busing orders. His vivid account brought a concession from one of the Senate's most outspoken liberals, Walter Mondale of Minnesota, that Nashville school children face "intolerable" circumstances.

Senate liberals will fight next week to overturn Friday's decision. The five Democratic senators running for president who did not vote Friday will probably determine the outcome, one way or the other.

Three of the senators, Ed Muskie of Maine, George McGovern of South Dakota and Vance Hartke of Indiana, have endorsed busing time and again. But Sens. Henry Jackson of Washington and Hubert Humphrey of Minnesota lately have said they oppose busing. The way they vote next week will show the public with unusual clarity how the candidates stand.

The expected vote next week is free of vagueness. The question before the Senate is clear-cut: Who is for busing and who is not?

A solution to the tragedy of court-ordered busing is within grasp. The Senate should pave the way for final enactment by reaffirming next week its landmark vote of Friday.

[From the Birmingham News, Feb. 21, 1972]

SENATOR SCOTT SAYS CONGRESS TO AVOID BUSING SHOWDOWN

WASHINGTON.—Congress will pass some type of school busing legislation this year, but will avoid a showdown on the issue because it is an election year, says Senate Republican Leader Hugh Scott.

Scott also predicts Congress will not approve a constitutional amendment to ban busing as a means of bringing about racial balance in schools.

The Pennsylvania senator's comments appear in copyrighted interview in the current issue of U.S. News & World Report magazine.

"There will be a fight over the use of federal funds for busing ordered by the courts," Scott said. "In the end, I think money for court-ordered busing will be approved.

"But to put it bluntly, Congress is going to avoid final clarification of this controversy in 1972, simply because this is an election year."

Asked if he was saying Congress would "waffle" on the busing issue, Scott said:

"Yes, sir, I'm saying just that. It is partly because congressmen are uncertain what the will of the people is. Another reason is that they see forces in Congress in the process of realignment."

"In the end," Scott said, "I expect that the courts will solve the problem—not Congress.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

IS THE GRIFFIN AMENDMENT CONSTITUTIONAL?

Mr. GRIFFIN. Mr. President, a question has been raised, in and out of the press, about the constitutionality of the amendment which I proposed and which was adopted by the Senate last Friday. I wish to take a few minutes this morning to speak to that question.

Mr. President, of course, those who favor forced busing of schoolchildren on the basis of race will be against the Griffin amendment regardless of the answer.

But those who believe forced busing is wrong will want to support the Griffin amendment as the one way—short of a constitutional amendment—for the Congress this year to deal effectively with an abuse that has aroused the determined opposition of a vast majority of the American people, black and white.

In this session the Senate is almost evenly divided on passage of a statutory amendment. Obviously, the necessary two-thirds vote will not be available—at least until next year—for adoption of a constitutional amendment. Furthermore, most people prefer to curb this abuse by statute, if it is possible to do so.

There is ample precedent for the statutory approach embodied in the Griffin amendment. If enacted into law, the challenge of its constitutionality could, and should, be put before the Supreme Court very quickly—this year.

The Griffin amendment provides that—

No court . . . shall have jurisdiction . . . to issue any order . . . to require that pupils be transported to or from school on the basis of their race, color, religion or national origin

Article III of the Constitution declares that—

The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish.

The power of Congress to establish or to abolish lower Federal courts clearly includes the power to prescribe or limit their jurisdiction.

Article III also provides that the Supreme Court shall have original jurisdiction in cases affecting Ambassadors and in which a State is a party. But in all other cases—

. . . the Supreme Court shall have appellate jurisdiction . . . with such exceptions, and under such regulations as the Congress shall make.

In 1932 when Congress concluded that Federal courts were abusing their power to issue antiunion injunctions in labor disputes, the Norris-LaGuardia Act was passed. It provides that—

No court . . . shall have jurisdiction to issue any . . . injunction in a case involving or growing out of a labor dispute . . .

Of course, the Norris-LaGuardia Act does not deprive Federal courts of all jurisdiction to deal with labor cases. It merely withdraws or limits court jurisdiction to employ one particular remedy which, in the opinion of Congress, was being abused. All other remedies continue to be available to the courts.

In 1868 Congress even went so far as to withdraw jurisdiction from the Supreme Court to review writs of habeas corpus. In Ex Parte McCardle this far-

reaching exercise by Congress of its Constitutional power to restrict jurisdiction was upheld by the Supreme Court in an opinion, which said in part:

We are not at liberty to inquire into the motives of the Legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this Court is given by express words. (6 Wall. 318)

What could the courts still do in school segregation cases if the Griffin amendment were enacted?

Looking at the Pasadena, Calif., case, as an example, the Court found there that—

First. School officials has intentionally gerrymandered attendance zones so as to concentrate blacks in some schools and whites in others. The Court could order attendance zones to be redrawn.

Second. School officials had provided for busing of white children beyond their neighborhoods to avoid integrated neighborhood schools. The Court could order that busing on the basis of race be stopped.

Third. School officials contributed to racial consciousness by assigning black teachers to only black schools. The Court could order that teachers be hired and assigned on a color-blind basis.

Fourth. School officials denied advancement to administrative positions on a racial discriminatory basis. The Court could order that promotions be based on merit, without discrimination on the basis of race.

Fifth. School officials permitted transfers out of neighborhood schools when the purpose was obviously to foster segregation. The Court could order a stop to such practices.

It should be obvious that after enactment of the Griffin amendment Federal courts would still be left with an abundance of reasonable tools and remedies to deal with situations of racial discrimination.

Only one remedy—busing—would not be available, the Congress having determined that it is unduly burdensome and unreasonable as a matter of public policy.

In final analysis, the Griffin amendment is not only constitutional, but it would provide the Supreme Court with a convenient, face-saving way out of a horrible mess it has created. By merely adhering to established precedents, the Court could get off the busing hook and find its way back to the solid, sensible ground staked out in Brown against Board of Education: That Government at all levels should be colorblind.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON FINAL SETTLEMENT OF CERTAIN INDIAN CLAIMS

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on the final settlement in Docket Nos. 27–A and 241, The Delaware Tribe of Indians and the Absentee Delaware Tribe of Oklahoma, Plaintiffs, v. The United States of America, Defendant (with accompanying papers); to the Committee on Appropriations.

REPORT ON CERTAIN FACILITIES PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE AIR NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on certain facilities projects proposed to be undertaken for the Air National Guard (with an accompanying report); to the Committee on Armed Services.

REPORT ON DEPARTMENT OF THE ARMY AVIATION PERSONNEL

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on Department of the Army Aviation Personnel, for the six-month period ended December 31, 1971 (with an accompanying report); to the Committee on Armed Services.

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a report on Department of Defense Procurement from Small and Other Business Firms, for July–November, 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improvements Needed in Financial Activity of the Federal Hydroelectric System in the Missouri River Basin", Department of the Interior, Department of the Army, dated February 28, 1972 (With an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL (for Mr. CANNON), from the Committee on Rules and Administration, without amendment:

S. Res. 244. A resolution authorizing additional expenditures by the Committee on Banking, Housing, and Urban Affairs for inquiries and investigations (Rept. No. 92–650);

S. Res. 253. A resolution authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations (Rept. No. 92–649);

S. Res. 227. A resolution authorizing additional expenditures by the Committee on Agriculture and Forestry for inquiries and investigations (Rept. No. 92–648);

S. Res. 231. A resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations (Rept. No. 92–655);

S. Res. 250. A resolution authorizing additional expenditures by the Select Committee on Small Business (Rept. No. 92–660);

S. Res. 241. A resolution continuing, and authorizing additional expenditures by, the Select Committee on Nutrition and Human Needs (Rept. No. 92–662);

S. Res. 247. A resolution authorizing expenditures by the Select Committee on Equal Educational Opportunity (Rept. No. 92–661);

S. Res. 251. A resolution continuing and authorizing additional expenditures by the Special Committee on Aging (Rept. No. 92–663);

S. Con. Res. 62. A concurrent resolution authorizing the printing of additional copies of Senate Document Numbered 56, entitled "State Utility Commissions—Summary and Tabulation of Information submitted by the Commissions." (Rept. No. 92–672);

S. Res. 243. A resolution authorizing the printing of the report entitled "Report to the President and Congress on Noise" as a Senate document (Rept. No. 92–669);

S. Res. 254. A resolution authorizing the printing of additional copies of the committee print entitled "International Negotiation—the Impact of the Changing Power Balance" (Rept. No. 92–670);

S. Res. 255. A resolution to provide additional funds for the Committee on the Judiciary for routine committee expenditures (Rept. No. 92–667);

S. Res. 257. A resolution authorizing additional expenditures by the Committee on Government Operations for routine purposes (Rept. No. 92–668); and

S. Res. 229. A resolution to provide additional funds for the Committee on Appropriations (Rept. No. 92–665).

By Mr. PELL (for Mr. CANNON), from the Committee on Rules and Administration, without additional amendment:

S. Res. 236. A resolution authorizing the Committee on Veterans' Affairs to employ additional clerical assistants (Rept. No. 92–664).

By Mr. PELL (for Mr. CANNON), from the Committee on Rules and Administration, with an amendment:

S. Res. 245. A resolution authorizing additional expenditures by the Committee on Commerce for inquiries and investigations (Rept. No. 92–651);

S. Res. 228. A resolution authorizing additional expenditures by the Committee on the District of Columbia for inquiries and investigations (Rept. No. 92–652);

S. Res. 249. A resolution authorizing additional expenditures by the Committee on Public Works for inquiries and investigations (Rept. No. 92–659);

S. Res. 248. A resolution authorizing expenditures by the Committee on Post Office and Civil Service (Rept. No. 92–658);

S. Con. Res. 60. A concurrent resolution to print additional copies of hearings on "Environmental Protection Act of 1971" (Rept. No. 92–671); and

S. Res. 252. A resolution authorizing additional expenditures by the Committee on Armed Services for routine purposes (Rept. No. 92–666).

By Mr. PELL (for Mr. CANNON), from the Committee on Rules and Administration, with amendments:

S. Res. 235. A resolution to provide additional funds for the Committee on Labor and Public Welfare (Rept. No. 92–657);

S. Res. 256. A resolution authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations (Rept. No. 92–656);

S. Res. 258. A resolution authorizing additional expenditures by the Committee on Government Operations for inquiries and investigations (Rept. No. 92–654); and

S. Res. 237. A resolution authorizing additional expenditures by the Committee on Foreign Relations for a study of matters pertaining to the foreign policy of the United States (Rept. No. 92–653).

Mr. SPARKMAN. Mr. President, from the Committee on Banking, Housing and Urban Affairs, I report favorably a committee bill (S. 3248) to consolidate, simplify, and improve laws relative to housing and housing assistance, to provide Federal assistance to local governments in support of community development activities, and for other purposes, and I submit a report (No. 92–647) thereon.

I ask unanimous consent that the report be printed, together with individual views, and that the committee have until midnight to deliver the copy for printing purposes.

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

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. CANNON, from the Committee on Commerce:

Whitney Gillilland, of Iowa, to be a member of the Civil Aeronautics Board.

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. MANSFIELD:

S. 3245. A bill for the relief of Loretto B. Fitzgerald. Referred to the Committee on the Judiciary; and

S. 3246. A bill to amend title 38, United States Code, to authorize payment of dependency and indemnity compensation to survivors of veterans who were in receipt of compensation for service-connected disability at the time of death. Referred to the Committee on Veterans' Affairs.

By Mr. BELLMON (for himself and Mr. HARRIS):

S. 3247. A bill to declare the certain land of the United States is held by the United States in trust for the Cheyenne-Arapaho Tribes of Oklahoma. Referred to the Committee on Interior and Insular Affairs.

By Mr. SPARKMAN:

S. 3248. An original bill to consolidate, simplify, and improve the laws relative to housing and housing assistance, to provide Federal assistance to local governments in support of community development activities, and for other purposes. Placed on the calendar.

By Mr. SCHWEIKER:

S. 3249. A bill to provide that the Secretary of Transportation and the Interstate Commerce Commission require common carriers under their jurisdiction to require that smoking aboard aircraft, railroad cars, buses, and vessels carrying passengers, shall be limited to and permitted only in areas that shall be designated for that purpose. Referred to the Committee on Commerce.

By Mr. EAGLETON:

S. 3250. A bill for the relief of Victoria Vergel. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 3251. A bill to designate Veterans Day, the fourth Monday in October, as the day for Federal elections. Referred to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BELLMON (for himself and Mr. HARRIS):

S. 3247. A bill to declare that certain land of the United States is held by the United States in trust for the Cheyenne-Arapahoe Tribes of Oklahoma. Referred to the Committee on Interior and Insular Affairs.

Mr. BELLMON. Mr. President, I introduce today, for myself and the senior Senator from Oklahoma (Mr. HARRIS), a bill to declare that certain land of the United States be held in trust for the Cheyenne-Arapahoe Tribes of Oklahoma.

For the past 3 years the Cheyenne-Arapahoe Tribes have been involved in a project to construct tribal community buildings in each of 10 tribal districts. In one district the land selected for the site of the community building is presently held by the Indian tribes under a lease agreement with the United States. This lease is for a relatively short period of time and is subject to termination upon 30 days' notice. It has been determined that this property is surplus to the needs of the United States. The legislation would allow the transfer of this land to the tribes under trust status.

I ask unanimous consent that a copy of a resolution from the Cheyenne-Arapahoe Tribes concerning the need for this legislation be printed in the RECORD at this point.

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

COUNCIL RESOLUTION No. 281–R17

Whereas, the Cheyenne-Arapaho Tribes of Oklahoma are desirous of constructing and maintaining a Tribal Community Building and recreation grounds for members of the Tribes in the vicinity of Fonda, Oklahoma, and

Whereas, there is certain Government Reserve Land in said vicinity located in Dewey County, Oklahoma, and described as follows:

Beginning at the Southwest corner of Lot 2 in the NW/4 of Section 7, Township 19 North, Range 14 West of the Indian Meridian in Oklahoma, thence East 20 rods, thence North 40 rods, thence West 20 rods to the West line of said Lot 2, thence South 40 rods to the place of beginning, containing 5 acres more or less,

Whereas, the Tribes have been advised that said land is surplus to the needs of the Bureau of Indian Affairs and other governmental agencies, and

Whereas, the Tribes have entered into a Revocable Permit with the Government covering said land and are in the process of making final arrangements for the construction of the Tribal Community Building thereon, and

Whereas, said Revocable Permit by its terms does not extend beyond five years from its date of approval and the Tribes wish to obtain permanent rights in and to said land because of the improvements to be made thereon at Tribal expense,

Now, therefore, be it resolved, that request is hereby made that the Bureau of Indian Affairs and other appropriate governmental agencies take such steps as may be necessary in coordinating and cooperating with the Oklahoma Congressional Delegation and other members of the Congress in the introduction and enactment into law of appropriate legislation declaring that all of the right, title and interest of the United States in and to the above described land shall be held by the United States in trust for the Cheyenne-Arapaho Tribes of Oklahoma, and

Be it further resolved, that request is hereby made that the members of the Oklahoma Congressional Delegation introduce and work for the enactment into law of legislation accomplishing that foregoing, and

Be it further resolved, that although the Tribes do hereby express their preference that the above described land be declared to be held by the United States in trust for the Tribes, the Tribes are agreeable to taking title to said land in fee simple status if such a requirement or determination is made by the Congress, and

Be it further resolved, that copies of this resolution be promptly forwarded to appropriate members of the Oklahoma Congressional Delegation and through appropriate channels of the Bureau of Indian Affairs and the Department of the Interior, and

Be it further resolved, that the Chairman and such other officers or delegations of the Business Committee as may be designated by the Chairman be, and they hereby are, authorized to take such actions as may be necessary or appropriate in seeking the introduction and enactment into law of the legislation sought by this resolution.

CERTIFICATE OF SECRETARY

I, the undersigned, as secretary of the Business Committee of the Cheyenne-Arapaho Tribes of Oklahoma, hereby certify that the Business Committee is composed of 14 members of whom 8 constituting a quorum were present at the meeting duly and regularly called, noticed and convened and held on the 4th day of December, 1971, and that the foregoing resolution was adopted at said meeting by the affirmative vote of 10 for, 0 against, 0 not voting, and that said resolution has not been amended nor rescinded in any way.

ALVIN R. HART,
Secretary.

By Mr. SCHWEIKER:

S. 3249. A bill to provide that the Secretary of Transportation and the Interstate Commerce Commission require common carriers under their jurisdiction to require that smoking aboard aircraft, railroad cars, buses, and vessels carrying passengers, shall be limited to and permitted only in areas that shall be designated for that purpose. Referred to the Committee on Commerce.

PUBLIC TRANSPORTATION SMOKING SECTION ACT

Mr. SCHWEIKER. Mr. President, I introduce a bill to provide that the Secretary of Transportation and the Interstate Commerce Commission require common carriers under their jurisdiction to require that smoking aboard aircraft, railroad cars, buses, and vessels carrying passengers shall be limited to and permitted only in areas that shall be designated for that purpose.

The purpose of this legislation is to require that all mass transit facilities which carry passengers provide a designated area for the seating of passengers who wish to smoke. This bill would require that special smoking areas be set aside. The Department of Transportation and the Interstate Commerce Commission would be responsible for setting regulations under this legislation.

Several common carriers have already taken steps in this direction. For example, four airlines—United, American, Pan American, and Trans World—voluntarily set up smoking and nonsmoking sections. The Interstate Commerce Commission is now considering requiring that bus operators provide a separate smoking section in the rear of buses. I believe this should be required in all mass transportation facilities.

Interestingly, an unpublished Government study done by the Federal Aviation Administration and the National Institute for Occupational Health and Safety, indicated that 43 percent of all airline passengers think smokers should be separated from nonsmokers. It should be noted that, while tests have found that the amount of carbon monoxide, hydrocarbons, and particles were found to be far less than in the average urban environment, airplane passengers still were annoyed by tobacco smoke in airplane cabins.

Furthermore, the latest report on smoking and health by the U.S. Surgeon General, Dr. Jesse L. Steinfeld, found

that tobacco fumes may be dangerous to nonsmokers who inhale them. The Surgeon General's report indicated that nonsmokers in enclosed areas absorb a significant amount of the components of cigarette smoke. The report also indicated that exposure to cigarette smoke can result in the impairment of time-interval discrimination, visual discrimination, and certain physiological stresses on persons with heart disease. As most nonsmokers know, and the report points out, smoking often causes nasal irritation to nonsmokers. In fact, the report indicated that nonsmokers experience more nasal irritation than ocular or visual irritation as compared with smokers exposed to similar amounts of smoke in the atmosphere.

A report published in 1970 by the Inter-Society Commission for Heart Disease Resources recommended a prohibition against smoking in large meetings and mass transit facilities.

Another aspect of this problem beyond the relationship of smoking and health which ought to be considered is the problem of fire prevention. This is particularly important in an airplane, where the passengers have nowhere to go in case of fire. Confining cigarette smoking to a particular section of the cabin can help to localize the area in which a fire could potentially occur.

Mr. President, I believe there is substantial evidence of both the medical desirability and the desire of passengers in mass transportation facilities to separate smokers from nonsmokers. The Surgeon General's recent report has added a new dimension to this problem by pointing out the significant impact tobacco fumes can have on nonsmokers. Thus, the problem goes beyond the personal desires of smokers, and it is time for us to act to protect the rights of those who do not to breathe clean air.

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

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

S. 3249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Public Transportation Smoking Section Act".

SEC. 2. The Secretary of Transportation shall prescribe such reasonable rules and regulations as may be necessary to require that each air carrier under the jurisdiction of the Civil Aeronautics Board shall require that smoking aboard every aircraft operated by it in the carriage of passengers in interstate, overseas or foreign air transportation, shall be limited to and permitted only in areas that shall be designated for that purpose.

SEC. 3. The Interstate Commerce Commission shall prescribe such reasonable rules and regulations as may be necessary to require each common carrier by railroad, each common carrier by motor vehicle, and each common carrier by water under the jurisdiction of the Commission to require that smoking aboard every railroad car, motor vehicle, or vessel, as the case may be, operated by any such common carrier in the carriage of passengers in interstate commerce, shall be limited to and permitted only in areas that shall be designated for that purpose.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

Mr. BEALL. Mr. President, on January 27, 1971, I introduced S. 325, which would establish a survivor annuity program for widows of military personnel.

Thirty-four Members of the Senate are cosponsors of this measure and I am pleased that Senator BELLMON and JACKSON have joined in cosponsorship. I ask unanimous consent that at the next printing of the bill their names be added.

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

S. 1566

At the request of Mr. CRANSTON, the Senator from Utah (Mr. Moss) and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 1566, a bill to amend the Federal Aviation Act of 1958 in order to provide for more effective control of aircraft noise.

S. 2052

At the request of Mr. THURMOND, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2052, a bill to amend title 38, United States Code, in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes.

S. 2813

At the request of Mr. TOWER, the Senator from Iowa (Mr. MILLER) was added as a cosponsor of S. 2813, a bill to provide improved vocational rehabilitation services to individuals.

S. 2825

At the request of Mr. PEARSON, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 2825, establishing a government administered life insurance policy for all Vietnam era veterans.

S. 2923

At the request of Mr. Moss, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 2923, a bill to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes.

S. 3181

At the request of Mr. CHURCH, the Senator from Maine (Mr. MUSKIE), the Senator from Illinois (Mr. STEVENSON), the Senator from Nevada (Mr. BIBLE), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as a cosponsors of S. 3181, a bill to provide for the establishment of an Office for the Aging in the Executive Office of the President, for the fulfillment of the purposes of the Older Americans Act, for enlarging the scope of that act, and for other purposes.

S. 3195

At the request of Mr. MONDALE, the Senator from Wisconsin (Mr. NELSON) and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 3195, a bill to provide price support for milk at not less than 90 percent of the parity price.

SENATE JOINT RESOLUTION 135

At the request of Mr. TOWER, the Senator from Iowa (Mr. MILLER) was added as a cosponsor of Senate Joint Resolution 135, designating "National Law Officers Appreciation Day."

SENATE JOINT RESOLUTION 170

At the request of Mr. BAYH, the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 170, a proposed amendment to the Constitution lowering the age requirements for membership in the Houses of Congress.

SENATE JOINT RESOLUTION 181

Mr. BEALL. Mr. President, on December 6, 1971, I introduced Senate Joint Resolution 181, to establish a Joint House-Senate 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 names of Senator MILLER and Senator MATHIAS to those who have agreed to cosponsor this measure and I ask unanimous consent that at the next printing of the bill their names be added.

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

SENATE JOINT RESOLUTION 200

At the request of Mrs. SMITH, the Senator from Nebraska (Mr. CURTIS) was added as a cosponsor of Senate Joint Resolution 200, proposing and amendment to the Constitution of the United States with respect to the attendance of Senators and Members of the House of Representatives to the sessions of Congress.

SENATE RESOLUTION 267—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE SECRETARY OF THE SENATE (S. REPT. NO. 92-673)

(Placed on the calendar.)

Mr. PELL (for Mr. CANNON), from the Committee on Rules and Administration, reported the following original resolution, and submitted a report thereon:

S. RES. 267

Resolved, That in carrying out the duties imposed by the Federal Election Campaign Act of 1971 (Public Law 92-225, approved February 7, 1972), the Secretary of the Senate is authorized until June 30, 1972, or until the date on which the Legislative Branch Appropriations Act, 1973, becomes law (whichever date is later), in his discretion (1) to make expenditures from the contingent fund of the Senate, (2) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of such department or agency, (3) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions to the extent applicable as a standing committee of the Senate may procure such services under section 202(1) of the Legislative Reorganization Act of 1946, and (4) to incur official travel expenses.

SEC. 2. The expenses of the Secretary of the Senate under this resolution, which shall not exceed $38,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the Secretary of the Senate.

SENATE RESOLUTION 268—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO WILLIAM NEWTON PEMBERTON

(Placed on the calendar.)

Mr. PELL (for Mr. CANNON), from the Committee on Rules and Administration, reported the following original resolution:

S. RES. 268

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to William Newton Pemberton, widower of Lena Pemberton, an employee of the Senate at the time of her death, a sum equal to eight and one-half months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 269—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO JENNETTE V. BANNER

(Placed on the calendar.)

Mr. PELL (for Mr. CANNON), from the Committee on Rules and Administration, reported the following resolution:

S. RES. 269

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Jennette V. Banner, mother of Marjorie F. Banner, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 270—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO FRANCES P. LANIER

(Placed on the calendar.)

Mr. PELL (for Mr. CANNON), from the Committee on Rules and Administration, reported the following resolution:

S. RES. 270

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Frances P. Lanier, widow of William M. Lanier, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

THE EDUCATION AMENDMENTS OF 1972—AMENDMENTS

AMENDMENTS NOS. 949 THROUGH 952

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

Mr. ERVIN (for himself, Mr. ALLEN, Mr. BAKER, Mr. BENNETT, Mr. BROCK, Mr. BYRD of Virginia, Mr. EASTLAND, Mr. ELLENDER, Mr. GAMBRELL, Mr. GURNEY, Mr. HOLLINGS, Mr. JORDAN of North Carolina, Mr. LONG, Mr. MCCLELLAN, Mr. SPARKMAN, Mr. STENNIS, Mr. TALMADGE, Mr. THURMOND, and Mr. TOWER) submitted four amendments intended to be proposed by them jointly to the committee amendment offered as a substitute for the House amendment to the bill (S. 659), to amend the Higher Education Act of 1965 and related Acts, and for other purposes.

AMENDMENT NO. 953

(Ordered to be printed.)

Mr. HARRIS proposed an amendment to the committee amendment offered as a substitute for the House amendment to the bill (S. 659), supra.

AMENDMENT NO. 957

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

Mr. BAYH submitted an amendment intended to be proposed by him to the committee amendment offered as a substitute for the House amendment to the bill (S. 659), supra.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENT NO. 954

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

Mr. RIBICOFF (for himself and Mr. SCHWEIKER) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State Public Assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 955

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

MEDICARE COVERAGE FOR REHABILITATION SERVICES

Mr. STEVENSON. Mr. President, in July 1970, the President's Task Force on the Physically Handicapped issued a report recommending that "governmental programs such as medicare and medicaid should provide reimbursement to a greater extent for rehabilitation services." On behalf of myself and Senators WILLIAMS, BROOKE, CHURCH, EAGLETON, HART, HUGHES, MAGNUSON, MCGOVERN, PERCY, and STEVENS, I introduce an amendment to H.R. 1 designed to move us another step toward that goal.

The President's Task Force report estimates that there are 6 million disabled Americans aged 65 or over who need rehabilitation services but are not receiving them. Of that group, the ones who need intensive outpatient rehabilitation services the most are those being discharged from a hospital or extended care facility. Very often such persons have been cured but not rehabilitated: the fracture is on the mend, but the leg remains weak. The lag between hospital discharge and rehabilitation can be especially acute among elderly medicare beneficiaries.

The purpose of this amendment is to provide comprehensive post-hospital rehabilitation services to an estimated 100,000 medicare beneficiaries annually—and to do so as efficiently and inexpensively as possible. This is accomplished in two ways: by making rehabilitation facilities direct providers of post-hospital services, thereby streamlining existing procedures; and by explicitly recognizing that the full range of medical rehabilitation services are reimbursable under medicare. In addition to physical therapy, the amendment explicitly covers occupational therapy, speech therapy/audiology, use of prosthetic and orthotic devices, medical social services, professional nursing services, and physician services—all under part A of medicare.

Under the amendment, the patient will be reimbursed for up to 100 visits to a rehabilitation facility during the 1 year immediately following his discharge from a hospital or extended care facility. These restrictions and limitations are substantially identical to those applicable to post-hospital home health care services under existing law.

The International Association of Rehabilitation Facilities, which supports the amendment, estimates the gross annual cost at $75 million. The net cost, however, could be significantly less because persons will no longer have to prolong their hospital stays so as to have their rehabilitation services covered by medicare. There is no question that overutilization of hospitals is a major contributing factor to spiraling part A costs. This amendment addresses itself to that problem by creating a relatively inexpensive alternate to in-patient rehabilitation services.

The amendment makes sense in human terms as well as economic terms and medical terms. With the difference between full rehabilitation and a broken life estimated at $750 per patient, the choice is clear: for full rehabilitation, for the patient, and for a more equitable and comprehensive medicare system.

I ask unanimous consent that the text of the amendment, and a number of statements in support thereof be printed at this point in the RECORD.

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

AMENDMENT NO. 955

On page 281, following line 18, insert the following new section:

POST-HOSPITAL OUT-PATIENT REHABILITATION SERVICES

SEC. 275. (a) Section 1861 of the Social Security Act is amended by adding the following new subsections at the end thereof:

"(z) The term 'rehabilitation facility services' means the following items and services furnished to an out-patient of a rehabilitation facility by such rehabilitation facility—

"(1) Based upon diagnostic procedures carried out in the hospital, and utilizing such procedures to the maximum degree possible, continuing comprehensive evaluation of medical and other health related factors for the purpose of: appraising the current general health status of the individual; establishing the nature and extent of the disability; determining how and to what extent the disabling condition may be expected to be removed, corrected, or minimized by medical or medically related services; and

the nature and scope of other services needed to achieve maximum ability to function;

"(2) Physical therapy, occupational therapy, and other medically necessary therapies;

"(3) Speech pathology and audiology;

"(4) Testing, fitting or training in the use of prosthetic and orthotic devices;

"(5) Medical social services;

"(6) Nursing care provided by or under the supervision of a registered professional nurse;

"(7) Such drugs, biologicals, supplies, appliances, and equipment, furnished for use in the rehabilitation facility as are ordinarily furnished by such facility for the care and treatment of patients; and,

"(8) Such other services necessary to the health of the patients as are generally provided by rehabilitation facilities."

"(aa) The term "post-hospital rehabilitation facility services" means rehabilitation facility services furnished an individual on an out-patient basis within one year after his most recent discharge from a hospital of which he was an in-patient for not less than 3 consecutive days or (if later) within one year after his most recent discharge from an extended care facility of which he was an in-patient entitled to payment under part A for post-hospital extended care services, but only if a plan covering the rehabilitation facility services (as described in subsection (z)) is established by the rehabilitation facility within 30 days after discharge from such hospital or extended care facility."

"(bb) The term "rehabilitation facility" means a public agency or private organization or a subdivision of such an agency or organization which—

"(1) provides integrated and coordinated delivery to handicapped, disabled persons of post-hospital out-patient rehabilitation facility services defined in subsections (z) and (aa) above.

"(2) provides the professional and other personnel necessary to the integrated and coordinated delivery of post-hospital out-patient rehabilitation facility services;

"(3) has policies, established by a group of professional personnel, including one or more physicians associated with the rehabilitation facility and one or more qualified therapists, to govern the services it provides;

"(4) provides all services under a prescription from or formal supervision of a physician, or under the supervision of another qualified professional;

"(5) maintains clinical records on all patients;

"(6) in the case of an agency or organization in any State in which State or applicable local law provides for the licensing of agencies or organizations of this nature, (A) is licensed pursuant to such law, or (B) is approved, by the agency of such State or locality responsible for licensing agencies or organizations of this nature, as meeting the standards established for such licensing; and,

"(7) meets such other conditions of participation as the Secretary may find necessary in the interest of the health and safety of individuals who are furnished services by such agency or organization; except that such other requirements may not be higher than the comparable requirements prescribed for the accreditation of rehabilitation facilities by the Commission on Accreditation of Rehabilitation Facilities (subject to the second sentence of section 1863); and except that such term shall not include a private organization which is not a non-profit organization exempt from Federal income taxation under Section 501 of the Internal Revenue Code of 1954 (or a subdivision of such organization) unless it is licensed pursuant to State law and it meets such additional standards and requirements as may be prescribed in regulations."

(b) Section 1812(a) of the Social Security Act is amended by changing the period at the end of paragraph (3) to a comma and inserting the following immediately thereafter:

"(4) post-hospital rehabilitation facility services for up to 100 visits during the period described in Section 1861(z) after the beginning of one spell of illness and before the beginning of the next."

(c) Section 1812 of the Social Security Act is amended by redesignating subsections (e) and (f) thereof as subsections (f) and (g) respectively and inserting the following new subsection immediately after subsection (d):

"(e) Payment under this part may be made for post-hospital out-patient rehabilitation facility services furnished an individual only during the one-year period described in section 1861(aa) following his most recent discharge which meets the requirements of such section, and only for the first 100 visits in such period. The number of visits to be charged for purposes of the limitation in the preceding sentence, in connection with items or services described in section 1861(z), shall be determined in accordance with regulations."

(d) The first clause of the redesignated subsection (f) of Section 1861 of the Social Security Act is amended to read as follows:

"(f) For purposes of subsections (b), (c), (d), and (e),".

(e) Section 1814 (a)(2) of the Social Security Act is amended eliminating the "or" at the end of clause (D), adding an "or" at the end of subsection (E), and inserting the following new subsection immediately thereafter:

"(F) in the case of post-hospital outpatient rehabilitation facility services, such services are or were required to promote the medical rehabilitation of handicapped, disabled persons who have received, in connection with their handicap or disability, inpatient hospital services (or services which would constitute in-patient hospital services if the institution met the requirements of paragraphs (6) and (8) of section 1861 (e)) or post-hospital extended care services; a plan for furnishing such services to such individual has been established and is periodically reviewed by a physician; and such services are or were furnished while the individual was under the care of a physician."

(f) The last sentence of Section 1814(a) of the Social Security Act is amended to read as follows:

"To the extent provided by regulations, the certification and recertification requirements of paragraph (2) shall be deemed satisfied where, at a later date, a physician makes certification of the kind provided in subparagraph (A), (B), (C), (D), (E), or (F) of paragraph (2) (whichever would have applied), but only where such certification is accompanied by such medical and other evidence as may be required by such regulations."

(g) Section 1861(u) of the Social Security Act is amended by inserting "rehabilitation facility", immediately after "extended care facility".

(h) Notwithstanding any other provision of law, home health agencies may provide to a patient being served in his home any post-hospital rehabilitation services which that patient would be eligible to receive under this amendment as an out-patient at a rehabilitation facility.

(i) The amendments made by this section shall be applicable with respect to services furnished after June 30, 1972.

The Provision of Outpatient Rehabilitation Services

(Statement of the International Association of Rehabilitation Facilities)

Mr. Chairman: The International Association of Rehabilitation Facilities is the principal institutional membership organization devoted to strengthening the organization and development of rehabilitation facilities. There are more than 600 facilities and agencies, representing every state, holding membership in IARF. These facilities serve over 800,000 disabled citizens every year.

In contrast to our usual position of speaking in behalf of the member agencies and institutions, we are at this juncture speaking for those people who are presently or may in the future be clients of these facilities.

PROBLEM

Under present law, medical rehabilitation services are not specifically covered by Medicare. These services, in addition to diagnostic and other physician services, include physical therapy, occupational therapy, speech, pathology and audiology, rehabilitation nursing, and other medically necessary therapies, including training in the activities of daily living. Regulations issued by the Social Security Administration recognize such services as eligible only when provided in an acute care hospital, in an extended care facility, or by a certified home health agency. As a result, Medicare does not cover medical rehabilitation services unless the patient requires the full level of care provided by one of these types of providers.

This quirk in the law results in gross inequities. For example, Medicare will cover rehabilitation services for a stroke victim so long as he or she is a patient in an acute care hospital, an extended care facility, or under the care of a home health agency. When acute care hospitalization is no longer required but an extended care facility or home health agency is not available, Medicare will not cover the continued provision of required services by a rehabilitation facility on an outpatient basis.

The International Association of Rehabilitation Facilities supports the Stevenson Amendment to H.R. 1. We believe it will provide the Bureau of Health Insurance with a clearer legislative basis for determining eligibility and appropriate intensity of care. This amendment establishes medical rehabilitation as a categorical service and rehabilitation facilities as primary providers. It further defines those individual services which comprise medical rehabilitation and describes those facilities in which rehabilitation most often occurs. IARF is joined in this support by the National Rehabilitation Association, the American Congress of Rehabilitation Medicine, the American Academy of Physical Medicine and Rehabilitation, The National Easter Seal Society for Crippled Children and Adults, the Chicago Heart Association, the American Association of Retired Persons, the National Retired Teachers Association, United Cerebral Palsy, the American Speech and Hearing Association and the National Association of Speech and Hearing Agencies.

The International Association of Rehabilitation Facilities would like to compliment the Bureau of Health Insurance, Social Security Administration, for the diligent effort which has resulted in the draft of proposed guidelines to be used by fiscal intermediaries in determining eligibility in hospital stays for rehabilitation care. These guidelines will do much toward alleviating one situation, namely retroactive denial of reimbursement for provided services, which has been working a severe hardship on a significant portion of Medicare recipients.

Many facilities that meet the proposed definition for "rehabilitation facility" are presently providers of services under other categories. For example, many inpatient facilities are categorized as "specialty hospitals" or "extended care facilities" while a number of outpatient facilities are categorized as "home health agencies."

However, outpatient rehabilitation facilities have experienced great difficulty in providing services as certified home health agencies since their unique service-giving capacity has not been fully recognized under the provisions of Title XVIII. A significant number of rehabilitation facilities are not certi-

fied as providers under Medicare. This further contributes to the pattern of geographic scarcity of health care providers that is a major flaw in the health care delivery system. While this amendment will result in a slight broadening of services, it will provide clearer alternatives to high cost hospital care and will help to alleviate the geographic maldistribution of available services that has resulted in a lack of availability of services.

According to the National Center for Health Statistics,* in January 1970 there were 2,311 home health agencies of which 54 percent (1,334) were official state health agencies (public health nurses), 24 percent (552) were visiting nurse associations, 4 percent (102) were combined government and voluntary agencies, 9 percent (202) were hospital based, and the remainder (121) were based in rehabilitation facilities, extended care facilities, retirement villages and in other types of agencies. As these figures point out, the majority of certified home health agencies are public or private nursing agencies that are designed and have the ability to provide services within the patient's domicile. Under the present law free-standing outpatient rehabilitation facilities can only be certified providers of service as home health agencies. In order to operate in an economical and clinically efficient fashion, outpatient rehabilitation facilities must provide services within their own walls. Again, under present law only one component service of rehabilitation, physical therapy, can be provided in this manner.

Due to the different facility utilization patterns which this amendment establishes, the allowable time period for developing a plan covering rehabilitation services is extended from 14 days in the case of home health agencies to 30 days for outpatient rehabilitation services. The extra time allows for adequate evaluation and to find solutions to logistic problems that may arise such as transportation.

EFFECT OF PROPOSED AMENDMENT

The proposed amendment would modify Section 1861 of Title XVIII of the Social Security Act by adding a new subsection, Subsection Z, which would establish medical rehabilitation as a specific category of service covered by Medicare and recognize outpatient rehabilitation facilities as primary providers. The amendment delineates the types of services in addition to diagnostic and other physician services to be covered as follows:

1. Physical therapy, occupational therapy and other medically necessary therapies including activities of daily living
2. Speech pathology and audiology
3. Use of prosthetic and orthotic devices
4. Medical social services
5. Required professional nursing care
6. Required drugs, biologicals, supplies, appliances and equipment.

BENEFICIARIES

The adoption of the amendment would most benefit persons requiring medical rehabilitation but who do not require hospitalization or residence in an extended care facility or the services of a home health agency. The amendment also recognizes that in many rural areas and smaller communities these alternate levels of care do not exist and that a person covered by Medicare should not be denied essential rehabilitation services as a result. It is estimated by the International Association of Rehabilitation Facilities that initially in excess of 100,000 elderly persons would utilize rehabilitation services annually under the authority of this amendment at an estimated cost of $50,000,000.

* Health Resources Statistics, Health Manpower and Health Facilities 1970, HEW, H.S.M.H.A., National Center for Health Statistics, February 1971, U.S. Government Printing Office.

H.R. 1, as passed by the House of Representatives, broadens Medicare benefits to include disabled beneficiaries of Social Security. The Social Security Administration estimates that over one million persons will be brought under Medicare as a result of this change in the law at an overall cost of $100,000,000. While this group will be covered by the amendment, their rehabilitation service requirements will be small. This is because this group is comprised of chronically handicapped persons whose disabilities are relatively stable. The primary rehabilitation service requirements will be infrequent outpatient services. The International Association of Rehabilitation Facilities' cost estimate for outpatient rehabilitation services for this group is $25,000,000.

COST

All benefits under this amendment would be subsequent to hospitalization and would therefore be Part A benefits. It should be recognized that while the amendment expands benefits as described above, many of its provisions simply codify existing policies of the Social Security Administration under which medical rehabilitation services are provided through hospitals, extended care facilities, and home health agencies. Thus, the principal expansion of service is in the form of outpatient care—the least costly level of care. The International Association of Rehabilitation Facilities estimates that the total additional cost to the Social Security Administration will not exceed $75,000,000 per year. This estimate is probably high since under current practice some patients are retained in high cost hospital beds or extended care facilities as a means of qualifying them for medical rehabilitation services. The coverage of service on an outpatient basis by Medicare will result in somewhat lower utilization of these expensive levels of care. Further, any additional cost to the Social Security Administration will be nominal when measured against the gains in productivity and heightened independence of the people assisted by effective medical rehabilitation.

CONCLUSION

The experience of the past 30 years shows that early rehabilitation results in savings of both financial resources and human dignity. Dr. Fred Kottke, past president of the American Congress of Rehabilitation Medicine, stated the following in his editorial in the July 1971 Archives of Physical Medicine and Rehabilitation:

"Without regard to the humanitarian consideration of dependency versus function for the victim of the stroke, the public needs to understand that the accumulated data in the medical literature indicates that 50 per cent of the stroke patients who survive for one month will be alive at the end of 3 years. If they remain completely dependent, as approximately one-third of these patients do without rehabilitation, the cost of care in a nursing home is in the range of $8,000 per year, and the three-year cost is $24,000 for maintenance in a state of complete dependent helplessness, discomfort, and unhappiness. On the other hand, rehabilitation after the stage of acute hospital care requires on the average, about four weeks at a cost of approximately $75 per day. Only five per cent of stroke patients who have received rehabilitation remain completely dependent. The cost of nursing home maintenance for these rehabilitated patients varies between $3,000 and $5,500 per year. Even at the higher cost, $5,400 will be saved on each rehabilitated patient, while for those patients who achieve independence the savings will vary from $12,000 to $24,000 per patient.

To paraphrase Dr. Kottke, physical handicaps and resulting disabilities are expensive both in the loss of human potential and in dollars spent on medical care. The most effective method yet discovered for reduction of this loss is a vigorous medical rehabilitation program applied at the proper time. To delay or deny these services costs the American people much more in the end.

NATIONAL ASSOCIATION OF HEARING AND SPEECH AGENCIES,
Washington, D.C., February 18, 1971.

Hon. ADLAI E. STEVENSON III,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR STEVENSON: The National Association of Hearing and Speech Agencies is in full support of the proposed amendment to H.R. 1 which would establish medical rehabilitation including speech and hearing services as a categorical service to Medicare. We also support the provision that would establish rehabilitation facilities as primary providers to the act.

We understand this amendment is being supported by the International Association of Rehabilitation Facilities and the National Rehabilitation Association as well as other national organizations. We wish to lend our full support.

In addition, we should like to recommend that you consider utilization of the quality control offered by the standards of the Commission on Accreditation of Rehabilitation Facilities for medical rehabilitation services, including hearing and speech services, purchased after 1974 or 1975 under Medicare.

Sincerely,

TOM COLEMAN,
Executive Director.

AMERICAN ACADEMY OF PHYSICAL MEDICINE AND REHABILITATION,
Chicago, Ill., February 14, 1972.

Hon. ADLAI STEVENSON III,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR STEVENSON: This is to inform you that the American Academy of Physical Medicine and Rehabilitation is in full support of the proposed amendment to H.R. 1 sponsored by the National Rehabilitation Association and the International Association of Rehabilitation Facilities.

The Academy, whose nearly 800 members are board-certified physician specialists in physical medicine, believes most emphatically in the need for the amendment, which would establish rehabilitation medicine as a categorical service under Title 18 of the Social Security Act.

Sincerely yours,

ARTHUR S. ABRAMSON, M.D.,
President, American Academy of Physical Medicine and Rehabilitation.

CHICAGO HEART ASSOCIATION,
February 16, 1972.

Hon. ADALAI E. STEVENSON III,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.
Attention: Mr. Jeff Binder.

DEAR SENATOR STEVENSON: The Chicago Heart Association supports the amendment to H.R. 1 fostered by the National Rehabilitation Association and the International Association of Rehabilitation Facilities, which establishes rehabilitation facilities as primary services reimbursable under Medicare and Medicaid regulations.

Sincerely yours,

MARK H. LEPPER, M.D.,
President.

AMERICAN CONGRESS OF REHABILITATION MEDICINE,
Chicago, Ill., Feb. 14, 1972.

Hon. ADLAI STEVENSON III,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR STEVENSON: I am writing on behalf of the 1,700 members of the American Congress of Rehabilitation Medicine to advise you of the ACRM's enthusiastic sup-

port of the proposed amendment to HR 1 sponsored by the National Rehabilitation Association and the International Association of Rehabilitation Facilities.

The establishment of medical rehabilitative services as a categorical service under Title 18 of the Social Security Act is regarded by our members as absolutely essential if the nation's health care goals are to be realized.

Sincerely,

LEONARD D. POLICOFF, M.D.,
President, American Congress of Rehabilitation Medicine.

BETHESDA, MD.,
February 18, 1972.

Senator ADLAI E. STEVENSON,
Old Senate Office Building,
Washington, D.C.:

The American Speech and Hearing Association supports the general intent of the amendment to H.R. 1 proposed by Senator Stevenson which would designate rehabilitation facilities as primary providers of medical care and health related services under medicare title 28. Such an amendment would enhance the delivery of speech and hearing services to communicatively handicapped Americans by many of the 14,000 members of the association.

KENNETH O. JOHNSON,
Executive Secretary.

NATIONAL REHABILITATION ASSOCIATION,
Washington, D.C., February 16, 1972.

Hon. RUSSELL B. LONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LONG: We are most interested in the provisions of H.R. 1 which affect disabled people and their rehabilitation and believe that they contain many constructive approaches to the problems of the handicapped.

There are, however, three aspects on which we would like to comment. The first involves the proposed Section 2015 of the Social Security Act which would place on State vocational rehabilitation agencies the responsibility for making disability determinations. That section also provides for the Secretary of Health, Education, and Welfare to pay the State agency for the cost of providing vocational rehabilitation services to the individuals referred who are eligible under the State plan for vocational rehabilitation.

Although there are no age limitations in the Vocational Rehabilitation Act, the objective of that Act is to provide vocational rehabilitation services to fit disabled individuals for employment. Consequently, vocational rehabilitation services are not provided to young children under the State plan for vocational rehabilitation. Appropriate services may be available through other State programs.

We concur with the provisions relating to disability determinations. These are similar in concept to those of Title II of the Social Security Act which are carried out in almost all States by State vocational rehabilitation agencies and which include disability determinations for children as well as adults.

We believe, however, that further provisions may be needed to provide services to young children to prevent or minimize dependency in their adult years. I am attaching a draft which suggests an orderly way of assuring the provision of appropriate rehabilitation services to young children.

Second, we heartily endorse the provisions in H.R. 1 which extend medicare to disabled beneficiaries. We want to point out, however, that rehabilitation facilities are a major service-giving resource for treatment of the disabled and have experienced some difficulties in providing services under the Medicare program since their significance as a unique type of agency in the field of medical care is not fully reflected in Title XVIII of the Social Security Act. We feel that the problem will become more acute with the extension of Medicare to disabled beneficiaries. Consequently, we are joining the testimony of the International Association of Rehabilitation Facilities to the effect that it would be well to recognize rehabilitation facilities as a separate category under the providers of service.

Third, Section 1902 (a)(1)(A) of the Social Security Act provides for entering into cooperative arrangements with State health agencies and State vocational rehabilitation agencies looking toward maximum utilization of their services in the provision of medical assistance. We subscribe to the principle of cooperative arrangements to prevent duplication or fragmentation of services and to make maximum use of all available resources, but we believe that instead of making medicaid residual to vocational rehabilitation services in the field of medical care, vocational rehabilitation should be residual to medicaid. This is consistent with the provisions of H.R. 1 relating to medicare for disabled beneficiaries and the payment for vocational rehabilitation services under Titles XX and XXI.

Sincerely yours,

E. B. WHITTEN,
Executive Director.

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 956

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

Mr. ROTH submitted an amendment intended to be proposed by him to the bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENTS NOS. 800 AND 801

At the request of Mr. EAGLETON, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of Amendments Nos. 800 and 801, intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

AMENDMENT NO. 804

At the request of Mr. TOWER, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of amendment No. 804, intended to be proposed to the bill (H.R. 7117), to amend the Fishermen's Protective Act.

AMENDMENT NO. 953

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished Senator from Oklahoma (Mr. HARRIS), I ask unanimous consent that the name of the distinguished Senator from Indiana (Mr. HARTKE) be added as a cosponsor of amendment No. 953, by Mr. HARRIS.

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

NOTICE OF HEARINGS ON NOMINATIONS

Mr. EAGLETON. Mr. President, the Committee on the District of Columbia will hold public hearings on the nominations of Tedson J. Meyers to be a member of the District of Columbia Council and John J. Gunther and Willie L. Leftwich to be members of the board of directors of the District of Columbia Redevelopment Land Agency on March 6, 1972, at 9:30 a.m. in the committee hearing room, 6226 NSOB. Persons wishing to testify on any of these nominations should contact Robert Harris at the committee office.

NOTICE OF HEARINGS ON S. 3148—THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1972

Mr. BAYH. Mr. President, as chairman of the Subcommittee to Investigate Juvenile Delinquency, I wish to announce hearings on S. 3148, the Juvenile Justice and Delinquency Prevention Act of 1972. This bill is designed to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency.

These hearings have been scheduled for March 2 and 3, 1972, at 10 a.m. The March 2 hearing will be held in room 2228 New Senate Office Building; the March 3 hearing will be held in room 5110 New Senate Office Building.

Those who wish to file statements for inclusion in the record of the hearings should contact Mrs. Mathea Falco, staff director and chief counsel of the subcommittee at 225-2951.

ADDITIONAL STATEMENTS

A HARD LOOK AT ULMS IS NOW ASSURED

Mr. PROXMIRE. Mr. President, the Senate Armed Services Committee announced Friday that it had voted unanimously to turn down the administration's $35 million supplemental budget request for accelerated development of the Navy's ULMS submarine program.

The chairman of the committee, the distinguished Senator from Mississippi (Mr. STENNIS), stated that the extra money for fiscal 1972 would be considered in conjunction with—but not before—the $942 million in new ULMS funding requested in the fiscal 1973 Defense Department budget. This action was being taken, he explained, to avoid a premature commitment to ULMS before an in-depth study of the program has been concluded.

I commend the chairman and other members of the committee for this most welcome action. Too often in the past, pro forma approval of initially small money requests has been cited later as evidence of a congressional commitment to dubious new weapon system projects.

And as I have said before, ULMS shows many signs of being a rather dubious project. Not that a follow-on to our Polaris and Poseidon submarines will not some day be needed. But do we need one now, when our present submarines are less than a decade old, when there is no foreseeable threat to their prelaunch survivability, and when they are already programed to have enough firepower to penetrate even a heavy ABM defense?

There may be other problems, too, with the specifics of the administration's request—the cost overruns implicit in the accelerated schedule and new gold-plated design which the Navy has fastened on

in recent months; the danger that ULMS itself might be outmoded if an ASW breakthrough does occur; and the prospect that much more sensible alternative sea-based initiatives could still be undertaken at this time.

The committee's in-depth study of the program may convince it that these problems do not exist. It is still early, and I do not want to prejudge the outcome of the committee's investigation. But the committee's recent action has now provided time in which that investigation can proceed, in which the mystery still surrounding ULMS can be brushed away and all the facts laid out. Whatever the merits of the ULMS program itself, the merits of the committee's action are already clear.

I ask unanimous consent that a New York Times article on this subject be printed in the RECORD.

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

[From the New York Times, Feb. 26, 1972]

SENATE UNIT BARS SUBMARINE FUNDS

(By John W. Finney)

WASHINGTON, February 25.—The Senate Armed Services Committee rejected today the Nixon Administration's request for additional funds now to accelerate development of a new class of missile-launching submarines.

The committee also turned down a request for emergency funds to purchase four 747 jets to serve as airborne command posts and denied the Administration authority to lend seven ships to Spain for 10 years as part of disagreement on military bases.

Senator John C. Stennis, Democrat of Mississippi, the committee chairman, said in an interview that the actions reflected a critical attitude being assumed by the committee toward Pentagon requests for major new weapons.

In a recent speech questioning the need for a $6.3-billion increase in the defense budget, Senator Stennis said that the committee would give "the closest sort of scrutiny" to weapons and manpower programs and that the actions today were the first manifestations of that policy direction.

The committee was also challenging the Pentagon argument that the Soviet strategic build-up necessitated emergency action to accelerate procurement of a new fleet of missile submarines and a squadron of planes to serve as airborne command centers for the President in event of a nuclear attack.

This, in itself, represented a significant change in attitude. In the past such emergency requests, particularly dealing with planes for the President, have generally received the almost automatic approval of the committee.

MOVE TO SWAY SENATE

Earlier this year, Defense Secretary Melvin R. Laird asked Congress to appropriate $35-million immediately in supplementary or emergency funds to accelerate devlopment of the new submarine, known as ULMS.

For undersea long-range missile system.

At the time, Mr. Laird said that this "major new strategic initiative" must be undertaken to "signal to the Soviets and our allies that we have the will and our allies that we have the resources to maintain sufficient strategic forces in the face of a growing Soviet threat."

In part, as suggested by the Laird statement, the request for the supplementary funds for the submarine program was designed to influence the Soviet Union to accept a limitation on missile-launching submarines in the agreement on limitation of strategic armaments that the two sides are near to concluding.

A restriction on missile-launching submarines has proved to be one of the major points of difference in the negotiations, and one of the Administration's purpose was to serve notice on the Soviet Union that, if it would not accept limitations, the United States was prepared to go ahead with a new class of submarines capable of firing ballistic missiles at Soviet targets.

Rather than accept this argument, the Senate committee decided to consider the submarine program as part of the regular budget for the next fiscal year, starting July 1. Senator Stennis explained that the committee had decided unanimously that such a major new weapon program required "further in-depth hearings."

In addition to the supplementary funds, the Administration has requested $942- million in the regular budget for the submarine program, representing the first big installment on a weapon system that will cost billions of dollars.

The new submarine, each of which is expected to cost nearly $1-billion, is designed to replace the present Poseidon vessel. Mr. Laird has estimated that the accelerated development sought by the Administration this fiscal year would permit the first submarine to go into operation in 1978, two to three years ahead of the present schedule.

SOVIET "THREAT CITED"

The committee similarly deferred until the regular budget consideration of the Administration's request for $128.8-million in supplementary funds to start purchasing four Boeing 747 jumbo jets to replace the current fleet of Boeing 707 airborne command craft.

In requesting the emergency funds, Mr. Laird expressed concern that the present emergency command system could be paralyzed by the electro-magnet pulses given off by large nuclear explosions and said, "The growing threat from Soviet strategic forces makes early improvements to our national command and control system imperative."

Senator Stennis said the committee took the position that purchases of the planes had not been authorized by Congress and that there was no emergency dictating an immediate start on them.

FIVE-YEAR LIMIT IMPOSED

Technically, the Pentagon had not asked the Senate committee for legislative authorization for the supplementary funds. Rather, it had sought the committee's informal approval. In view of the committee's action, however, it was regarded as doubtful that the Senate Appropriations Committee, of which Senator Stennis is a senior member, would approve the requested funds.

In an attempt to impose some Congressional constraints on the Administration's ability to enter into military agreements with other nations, the Armed Services Committee also approved a bill placing a five-year limit on the loan of 10 destroyers and six submarines to Spain, Turkey, Greece, South Korea and Italy. The Administration had asked authority to lend the ships for five years, with the President having the option to extend the lease for another five years.

In legislation passed late last year, the House imposed a four-year limitation on the loan of the ships. In opposing the restriction, the Defense Department contended that it would make it difficult to carry out a 1971 agreement extending American base rights in Spain. In the executive agreement, the Administration, without informing Congress, promised to lend Spain five destroyers and two submarines for up to 10 years in return for a similar period of base rights in Spain.

Senator Stennis said the committee took the position that, if the Administration wanted to extend the ship loans beyond the five years, it should come back to Congress for Approval.

CARL HAYDEN OF ARIZONA

Mr. AIKEN. Mr. President, of all the men who have served in the U.S. Senate, none has been held in greater respect than Carl Hayden, of Arizona.

Representing his State from the time of its acceptance into the Union, Carl not only was a distinguished Representative for Arizona, but as time went on, after he came to the Senate, the entire Nation looked to him for guidance and consideration.

As chairman of the Committee on Appropriations in his later years, he carefully considered all requests for appropriations from every part of the country and, provided their requests were reasonable, was helpful to needy States and communities which otherwise might have been left out in the cold.

This is not to say that he was wasteful, because he recognized the value of a dollar full well.

In Senator Hayden's passing, not only the people of Arizona but also the people of innumerable communities and many States lost a respected and understanding friend.

The country would be better off if we had more Carl Haydens to take his place.

PATHWAY TO JOBS, NEW PROGRAM BY WBAL–TV, BALTIMORE

Mr. BEALL. Mr. President, I recently received an announcement by the Maryland State Department of Education with respect to a new series undertaken by WBAL–TV of Baltimore, Md.

This series, entitled "Pathway to Jobs," began on February 20 at 3 p.m. and will continue for a period of 12 weeks.

The television series aims to show prospective high school graduates how to secure employment and what is expected from employers of them. The series was assembled jointly by WBAL and the American School Counselors Association with the cooperation of a number of commercial and industrial employers. I salute all of those responsible for this program. It illustrates a needed and creative use of television.

INTERSTATE COMMERCE COMMISSION'S INVESTIGATION OF DAMAGE CLAIMS

Mr. MANSFIELD. Mr. President, one of the most persistent complaints I have received from my constituents in Montana is the problem of obtaining satisfactory compensation for cargo loss and damage claims. In recent years, it seems that all of the responsibility has been placed on the shipper with little liability insofar as the carriers are concerned. I believe that this is entirely the wrong approach. The carrier has a definite responsibility to the shipper, and he should be required to handle the cargo properly; if not, he must be responsible for any damage. As I have indicated on several occasions, I am quite concerned about the deterioration of shipping in this country.

The Interstate Commerce Commission, I am pleased to report, has instituted an investigation into current practices

of regulated carriers. I wish to compliment the Commission for its initiative in this area because this is the kind of thing the Commission should be doing in fulfilling its responsibility in regulating surface transportation.

Mr. President, I ask unanimous consent that the text of the letter circulated on February 24 by Chairman George M. Stafford be printed in the RECORD.

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

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., February 24, 1972.

SIRS:

This Commission is alarmed by the mounting frustration and dissatisfaction associated with cargo loss and damage claims involving carriers subject to our regulation. Indeed, during the period January 1969 through March 1970 we received 25,294 individual pleas for assistance concerning various facets of the problem. We were also deeply concerned when associations of railroads, motor carriers, and freight forwarders adopted, on their own, rules purporting to restrict their members' liability on cargo claims for concealed loss or damage.

As a direct result of these concerns, we instituted an investigation specifically designed (1) to inquire into the nature of all claims rules and practices of regulated carriers; (2) to investigate the effect of such rules and practices; (3) to determine this Commission's jurisdiction with respect thereto; (4) to consider whether we should adopt rules and regulations governing these and other matters relating to the handling and processing of loss and damage claims; and (5) to take such other and further action, including the possible recommendation of any legislation, as the facts and circumstances may justify or require.

I am pleased to enclose a copy of our completed report in Ex Parte No. 263, Rules, Regulations and Practices of Regulated Carriers with Respect to the Processing of Loss and Damage Claims, which thoroughly treats the above-mentioned considerations. Also enclosed is a copy of our news release of this date concerning the report.

Drawing on the full measure of the powers conferred upon this Commission by the Congress, we have prescribed claim-processing standards to be observed by regulated carriers. Under these standards, carriers are required to acknowledge receipt of each loss and damage claim and to complete the investigation and disposition of claims promptly. Carrier rules and practices contrary to or inconsistent with their duties as regulated carriers are found to violate the Interstate Commerce Act and are ordered discontinued. Further, carriers have been ordered to file for review by this Commission any rules and regulations they may promulgate concerning the processing of loss and damage claims and any agreements with respect to claims matters.

Perhaps the most compelling and troublesome issue presented in Ex Parte No. 263 is the injustice inherent in the inability of shippers and receivers of freight to obtain prompt and effective redress for disputed claims attributable to lost or damaged shipments. The major quarrels shippers and receivers have with the presently available judicial avenue to an impartial determination as to the merits of a disputed claim include: (1) the overall cost of litigating a claim usually exceeds the amount recovered; (2) it is frequently necessary to engage an attorney whose fee alone may well exceed the amount in controversy; (3) attorneys' fees are presently not recoverable in claims litigation; (4) since the average amount in dispute is usually less than $100, there is an open invitation to the unscrupulous to unfairly decline responsibility for damage on the theory that the claimant cannot afford to litigate the matter; (5) personnel in key production positions can seldom be spared to testify in court trials; (6) the length of time required to conclude litigated claims occasioned by heavily congested court dockets results in a significant burden; (7) courts with their jurisdictional boundaries are unable to direct a meaningful nationwide effort to improve the cargo claims situation; and (8) strict accountability for cargo claims is most difficult, if not impossible, to achieve.

After exploring the possible alternatives to the vexing problems described above, including compulsory arbitration and no-fault insurance, we concluded that disputed claims should be submitted for determination by this Commission in the first instance under a simplified procedure. Such determination would be based principally upon documentary evidence in order that the expenses, attorneys' fees, and lost production time of key personnel necessitated by presentation of evidence in court or before an arbitrator could be avoided. As a positive adjunct to this procedure, meaningful data on claims could be gathered and electronically catalogued in order to define particular problem areas. On the basis of this information particularized claim-prevention programs could be implemented on a national scale.

A specific legislative recommendation is made a part of the report (see Appendix F, Part 1) which, if enacted into law, would vest in this Commission authority to adjudicate in the first instance all unresolved cargo loss and damage claims filed against carriers subject to the Interstate Commerce Act. In the manner more fully described in the report, the prompt, impartial adjudication of cargo claims and electronically cataloguing claims data can serve a threefold purpose: It would provide an effective legal remedy to claimants where none now exists; the administration of justice would be more efficiently achieved in a factually technical area of civil litigation; and valuable data could be gathered on a national scale which may be employed to develop a national policy with respect to the prevention of cargo loss and damage claims and the consequent waste of our Nation's resources.

While this Commission is convinced of the need to adopt the proposed bill vesting claims jurisdiction in it, the task cannot, in all candor, be undertaken with our current manpower and budgetary resources. Without tools commensurate to the task, we could not be expected to achieve any worthwhile or lasting improvement in the perennial loss and damage claims problem.

In a second specific legislative recommendation, the Commission places before the Congress for its consideration, a proposal to allow this Commission to adopt regulations to require maintenance by rail and water carriers subject to the Act of adequate insurance to protect the shipping public for loss and damage claims. Pursuant to existing authority this Commission presently requires motor carriers and freight forwarders subject to parts II and IV of the Act to maintain sufficient insurance in this respect; the proposed legislation (Appendix F, part 2) would extend the power to carriers subject to parts I and III of the Act. In other portions of our report we reiterate our position on attorneys' fees legislation which already is well known to the Congress; pitfalls of creating courts of limited jurisdiction to deal with cargo claims matters are examined; we pledge to institute a rulemaking proceeding for the purpose of investigating reasonable dispatch in the transportation of perishable commodities; and the practices of carriers in inspecting commodities and packaging when they are involved in concealed loss and damage claims are analyzed.

Many of the inquiries you may have received from your constituents have been answered or commented upon in the enclosed report. To the extent, however, that the powers of this Commission do not go far enough to provide effective remedies for dealing with the discontent that prevails throughout the country in these cargo claims matters, this Commission has endeavored to meet its duty to the Congress and the public by responding to what it concludes is a public demand and need for remedial legislation in the claims area.

If you have questions not covered by this letter, I shall be happy to forward a prompt reply.

Sincerely yours,

GEORGE M. STAFFORD,
Chairman

RADIO FREE EUROPE AND RADIO LIBERTY PROMOTE DETENTE

Mr. PEARSON. Mr. President, I observe that time is running out for the two "Radios" which constitute the best link available between the West and the peoples of Eastern Europe and the Soviet Union.

The operation of Radio Free Europe and Radio Liberty are an essential ingredient to meaningful detente in Eastern Europe. These radios reach out to the peoples of the put down nations of the East. They give them information about developments which are likely to affect their lives. All too often these peoples are denied such news by the censorship of their totalitarian Communist governments.

It is conceded that these radios are not cherished by the states of Eastern Europe or the Soviet Union. However, the fact that these governments do object to the broadcasts, and that the broadcasts have a regular audience of 30 million in Eastern Europe alone, suggests the extent of their appeal.

The Eastern European nations have resorted to expensive measures to stop the broadcasts of the radios. They have jammed them at huge cost and have even attempted retribution. With the West German Government's recent initiatives or "Ostpolitik" there arose a chorus of Eastern European governmental demands for the demise of Radio Free Europe. But the Germans have held firm. They recognize that these radios are not at all injurious to detente but, in fact, serve to promote it.

The opponents of RFE and RL have questioned their effectiveness by suggesting that they cannot get support for their operations from NATO power governments. Let me point out that these governments have their own radios which are intended to serve their national interests quite specifically. The peoples of Eastern Europe know this. The character of Radio Free Europe and Radio Liberty would be quite changed and its credibility to the Eastern Europeans diminished if its funding were to fall to governments whose historic relations with the East may be less than fondly remembered. The nonofficial funding from the United States, plus the Radios' several decades of objective reporting, have resulted in their remarkably great credi-

bility and widespread use among the peoples of Eastern Europe and Russia.

Several Senators have raised objections to the fact that the Radios have received funding through the Central Intelligence Agency. I do not believe that such funding has forever tainted these Radios. Strong evidence would suggest that the audiences in Eastern Europe and the Soviet Union continue to evaluate the broadcasts they receive on the basis of content alone. They have continued to listen to the Radios and have—in a number of cases—sent messages of distress at the prospect of their termination.

I believe that it would be a squalid breach of faith for the Congress of the United States to deny millions of Eastern European and Russian listeners their sole source of uncensored information about the world they live in. This blow, in my opinion, would adversely affect the diplomatic moves now being undertaken by our President with regard to the Soviet Union.

Detente, if it comes, will be the widening of the West's contacts with the East. Surely, it does not imply that we must aid the totalitarian governments of the Communist nations in their intent to keep their peoples sealed off from the West. Detente must lead to the exchange of words and ideas, and of goods and peoples. And this I submit is the essential business of Radio Free Europe and Radio Liberty.

The atmosphere between East and West today does not require us to demonstrate our willingness to talk. We are ready. The Russians are ready. Discussions at the highest level are scheduled for mid-May in Moscow. Any idea that we should allow Radio Free Europe or Radio Liberty to cease broadcasting now is gratuitous. It would be without reward for improved East-West relations.

I urge the Senate to call for an end to the deadlock of the conference committee and pass a bill which will fund these excellent Radios for the duration of this fiscal year and for a second fiscal year as well. I applaud the fact that we have terminated their funding from CIA, but I cannot approve their demise. It would be my hope, Mr. President, that the Senate will exhibit the leadership appropriate to save these Radios from an untimely death by neglect.

ABUSE OF ELECTION CAMPAIGN FUNDS

Mr. FANNIN. Mr. President, the Federal Election Campaign Act of 1971 is one of the most dismal pieces of legislation enacted by Congress. It was supposed to provide campaign reform. Instead, it will encourage the continuation of the greatest campaign abuse in our Nation.

Labor unions will continue to exact funds from their members, and these funds will be allocated by the union leaders to the candidates of their choice. We have not taken a step forward in reforming our campaign system; we have slipped backward.

Mr. President, this fact was brought sharply into focus in a column by Victor Riesel. I ask unanimous consent that Mr. Riesel's column, published in the Arizona Republic February 18, 1972, be printed in the RECORD.

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

UNION DUES FOR POLITICAL ACTION

WASHINGTON.—It's a happy band of political warriors who are gathered in the snug Bal Harbour Fla. midwinter war council headquarters these days. They are labor's most influential chiefs.

For the first time in generations they can legally plan to raise and spend as much as $100 million in a presidential year to defeat those they consider their enemies (Richard Nixon) and to reward their friends (most of Congress).

For the first time there appears little doubt they can use their central union treasury dues money for direct action in federal elections.

And they can use these dues dollars to set up separate political organizations, nonpartisan leagues—with such acronyms as COPE units, SPAD outlets, DRIVE committees. And labor leaders can spend time directing these units while being paid by their unions.

It will all be very legal to use union dues for such political action beginning 60 days after Feb. 7, going into effect then will be the Federal Election Campaign Act of 1971. It's all there in the small print.

What it says in effect is that members' dues can be used for direct political communication with members and their families to fund the creation of separate committees dates in the primaries as well as regular elections. And the dues money can be used to fund the creation of separate committees —which was illegal under the 1947 corrupt practices section of the Taft Hartley Act.

There are some meaningless conditions. The new law says no union officers can threaten a member with violence or hit him or threaten to have him fired or discharged if the member doesn't contribute voluntarily.

The funds of the committees such as COPE, the AFL–CIO's Committee on Political Education—headed by George Meany himself—must be segregated, not commingled with regular union funds.

But the union officials can commingle. Such a powerful labor chief as the Seafarers' Paul Hall, who also heads the 8-million-member AFL–CIO Maritime Trades Department, can as the Seafarers' president and as an AFL–CIO vice president also head SPAD—Seafarers Political Activity Donation Committee.

There will be some contraversy over reports that the labor movement—and this means the independents: the Teamsters, the Auto workers and the Miners, et al.—will spend scores of millions of dollars this year on municipal, state, and federal elections.

Notice a Jan. 24 letter dispatched by the militant Al Shanker, president of United Federation of Teachers (NFT) Local 2 of Dave Selden's American Federation of Teachers (AFL–CIO).

The communication reports that the union's "Delegate Assembly of the UFT overwhelmingly voted to endorse the collection of $10 from each UFT member for COPE . . . I urge you to give $10 to COPE."

There are 75,000 members of Local 2. They therefore are being asked to raise $750,000. Even if the drive falls short, they will still raise half a million. And this is only one local, albeit the nation's largest.

* * *

And there are some 50,000 to 60,000 local unions in the U.S. Certainly not all of these will collect $10 from each member (of whom there are some 20 million). But the money will roll in.

In the 1968 presidential campaign, Meany's COPE and local unions distributed 115 million pamphlets and leaflets attacking George Wallace and Richard Nixon and praising the erstwhile vice president.

And on election day COPE had 94,457 men and women running car pools, acting as baby-sitters, doorbell-ringers, and literature distributors. And there were special units in 31 large concentrated black communities.

FEDERAL DEFICITS: WHO'S RESPONSIBLE?

Mr. MOSS. Mr. President, much has been said in the press recently about the Democratic Party's financial problems, especially its difficulty in raising funds for this year's presidential campaign. All too little attention, I believe, has been focused on the Republican debt of the last 3 years.

I am not talking about their party treasury. Everyone knows that Republicans can draw on the biggest fat cats in the country to support their ticket. What I am talking about are the taxpayers' debts, something with which we all have to contend. According to the President's most recent budget message, joblessness, alone, will have added an astounding $84.6 billion to the national debt by the end of the next fiscal year.

This kind of figure must have a devastating impact on citizens who have had to scrimp and save during this country's recent hard times. It is not enough, however, to express concern. We have got to get to the root causes of these massive deficits.

To begin with, I do not think the present administration can pass the buck any longer on the country's economic and fiscal condition. To continue to blame previous administrations for the big Federal deficits is an insult to the intelligence of the American public.

The overriding cause of the deficits is massive unemployment. The President's own budget message makes that point all too clear. If the administration's economic policies had done what the President predicted, if joblessness had been kept to the 4-percent level—instead of being allowed to rise and hover at the 6 percent level for all these long months—the deficits would not have arisen. Full employment revenues would have wiped out the red ink. During fiscal 1971 and 1972, and as projected for 1973, $84.6 billion of the expected $87.3 billion deficit has been caused by high unemployment.

Nor can the administration blame the Democrats for the other half of the Government's fiscal picture: spending. Since the Republicans took office in 1969, the Democratic-controlled Congress has consistently appropriated less, not more, than President Nixon has requested. In fiscal 1970, Congress cut the President's budget proposals by $8.27 billion. The following year it cut them by $3.5 billion. In the current fiscal year, Congress is expected to cut Mr. Nixon's spending proposals by $2.8 billion.

But the real villain in the last 3 years has been joblessness. Unemployment and lagging production have so cut the Nation's tax base that a balanced budget is almost out of the question. With un-

employment at its highest level in a decade, with more than 5 million men not working, with only 72.3 percent of our factory capacity being utilized, it is not hard to figure out what is happening to Federal revenues. There is simply not enough income to tax.

When it comes to joblessness, the record also shows clearly where the responsibility lies. When President Nixon took office in January of 1969 the economy enjoyed essentially full employment. Twenty-eight months later, poor executive management has brought the Nation to the highest unemployment rate since the Eisenhower recession of 1960.

In the face of this sharp rise in joblessness, the administration adamantly refused to act. Following his now discredited game plan the President vetoed the accelerated public works, a bill which would have given work to over 200,000 American workers in cleaning up the environment and constructing needed public facilities. In December of 1970, the President vetoed another bill which would have produced an equal number of public service jobs. Even as late as July 1971, the President threatened to veto the Emergency Employment Act of 1971, a modified version of an earlier manpower bill. By that time, however, the economy had gotten to a real emergency situation. The administration had no choice but to abandon its resistance to direct Federal action on the employment problem.

Unemployment is certainly not the only crippling economic blow the economy has suffered since this administration took office. In the short space of 3 years, we will see the greatest peacetime Federal deficit in history, the greatest international payments deficits in history, and the first time since 1893 that the United States imported more than it exported. All of this comes in addition to the highest unemployment in 10 years and the worst price inflation in 20. If that is fiscal responsibility, spare us from the irresponsible.

NOMINATION OF RICHARD KLEINDIENST TO BE ATTORNEY GENERAL

Mr. DOMINICK. Mr. President, I am pleased to support President Nixon's nomination of Richard Kleindienst to the office of Attorney General. His record, both in private life and since he has been in Washington, demonstrates that he will be an excellent Attorney General, as was John Mitchell. His academic record is distinguished; his reputation as a practicing lawyer is excellent; and his performance as Deputy Attorney General has been superb.

I am aware that some of the media—particularly the Washington Post—may not share my view that he has been an excellent Deputy Attorney General and that he will be an excellent Attorney General. I would be nervous if they did. I would suggest, however, that anyone who has not made up his mind in this regard, and is interested in doing so objectively, should look at Mr. Kleindienst's record rather than at the editorial page of the Post.

Mr. Kleindienst's record at the Justice Department speaks for itself. Under the Attorney General's and his own leadership, the Department made unprecedented progress in a number of important areas. A large portion of the Department's increased budget—$437.5 million in 1968 to $1.5 billion in 1972—has been used to finance improvements in police agencies, courts, and correctional systems at the State and local level through the Law Enforcement Assistance Administration. The new strike force concept, in conjunction with the Organized Crime Control Act of 1970, has had a substantial impact on organized crime. Nearly 5,000 defendants in Federal organized crime cases have been indicted over the past 3 years. About 600 indictments were returned against more than 2,000 defendants in 1971. This compares with 296 indictments against 800 defendants in 1968.

Significant progress has been made against drugs through implementation of the Comprehensive Drug Abuse, Prevention, and Control Act of 1970, and through agreements with France, Turkey, Mexico, and Canada to cooperate in slowing down illegal international drug traffic.

The Department has continued to move forward in the area of civil rights. In 1969, 186 suits were filed dealing with housing, public accommodations, criminal interference, and school desegregation. The comparable figure in 1968 was 131. The antitrust laws were likewise aggressively enforced.

The Washington Post's editorial coverage of Deputy Attorney General Kleindienst does have some amusement value, though. It is no secret that the editors did not look with favor on his appointment. They took every opportunity to foster, if not create, the "Mr. Tough" myth about him. It is interesting to note that those who know something about him say that while he is indeed outspoken and forceful, he has a good sense of humor and is tolerant of views differing from his. Perhaps the Post prefers public officials who are less candid.

In any event, the first issue the Post seized upon to illustrate their "Mr. Tough" characterization of him was the Justice Department's time-log project which required attorneys to fill out daily sheets indicating the time allocated to each category of cases worked on. Even though similar time-accounting systems have long been utilized by private accounting and legal firms, as well as by the Agriculture Department, the Interior Department, and the Federal Aviation Agency, the Post accused Mr. Kleindienst of "bureaucratic nitwitism" and suggested that the attorneys should refuse to cooperate. This issue—if it can be called an issue—received more attention from the Washington Post than any other in which Deputy Attorney General Kleindienst has been involved.

This is interesting, as well as amusing, for several reasons. First, the Post chose not to mention that the time-log project had, in fact, been formulated by the Director of the Administrative Division under Attorney General Ramsey Clark. Deputy Attorney General Kleindienst had merely not stopped its implementation. That so much editorial space was devoted to such a trivial matter suggests either that there were not any important issues to write about in 1969, or that the Post was really "gunning" for the Deputy Attorney General. More significantly, if the time-log project was the biggest fault the Post could find with the Deputy Attorney General during his more than 3 years of helping to administer one of the most controversial Federal agencies, he must have been doing a pretty good job. Finally, the fact that Mr. Kleindienst was able to ignore this niggling, carping kind of criticism shows that as well as being a competent administrator, his powers of restraint are nothing short of remarkable. If the past is any guide, those powers will be severely tested in the future.

Mr. President, I am pleased that his nomination was reported unanimously by the Judiciary Committee, and I am confident that it will be quickly confirmed.

GOVERNMENT SUBSIDIES: WHO GETS THE $63 BILLION

Mr. PROXMIRE. Mr. President, in January the Joint Economics Committee published a staff study entitled "The Economics of Federal Subsidy Programs." The study, on a long-neglected subject, has aroused great interest in the press, among economists and scholars, and among the public at large. It is a valuable piece of work prepared by Mr. Jerry J. Jasinowski and Dr. Carl Shoup.

It found and identified, as a preliminary figure, some $63 billion in Federal subsidies. And this is a rock bottom preliminary, conservative figure. As time goes on billions will be added to the amount as additional programs and subsidies are identified.

Now Mr. Taylor Branch, an editor of the Washington Monthly, has written an article for the March issue entitled "Government Subsidies: Who Gets the $63 Billion?" Mr. Branch has taken the cold figures and statistics in the Joint Economic Committee study and translated them into a bright, interesting, and revealing article. He has popularized this otherwise dry-as-dust subject in a way that is needed if the public is to be informed and aroused to do something about those subsidies which are excessively costly, which fail to meet the purposes for which they were originally designed, or which end up as windfall profits in the pockets of those who were originally not intended to receive them.

I ask unanimous consent that this interesting and lively article by Mr. Branch be printed in the RECORD.

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

GOVERNMENT SUBSIDIES: WHO GETS THE $63 BILLION?

(By Taylor Branch)

Ever since Teapot Dome, the average man and woman have suspected that there must be a more satisfying way to do business with the government than just paying taxes,

and they dream of more lucrative government securities than their W–2 forms. The average man is beginning to reconsider the longstanding public consensus that the corridors of independent business are the best path to riches. To be sure, his actual contact with the authorities still consists primarily of draft notices and Series E savings bonds and license plate lines at city hall, fully in keeping with the grim reputation of the law and its servants. But he has a feeling that there is something more behind the impoverished look of the postman and the tribulations of the policy analyst—something to explain why campaign contributors seem content with their investment even after suffering the skyrocketing costs of a share in a political candidate, and why today's hustler is likely to be a junior pol instead of a junior salesman. He sees through the loopholes and wired contracts only dimly, but every time he sets out into private enterprise to seek a fortune where it is supposed to be, the crosshairs of some farsighted financial instinct intersect over a public coffer. Although he is not quite ready to turn his stockbroker or his time card in for a lobbyist, something in his bones says that the last rainbow has plunged into Washington and that others have beat him to a treasure which he does not yet fully understand.

These inklings of the average man were recently firmed up by solid evidence in a historic study by Senator William Proxmire's Joint Economic Committee. Proxmire's staff man Jerry Jasinowski has been working for more than a year to assemble a compendium of all large government subsidies—all the modern opportunities for the informed person to beat the IRS by taking home more than he sends in. Jasinowski says that his work so far has merely "dented the surface" of money paid to special groups, but his preliminary figures show that more than $63 billion in subsidies flows from the federal government out through particular veins in the economy every year. The discovery of this huge sum—about one fourth of the total federal budget, and growing—promises to have a jolting impact on the way we think of public economics.

Economists have always focused on the broad government policies designed to promote the general economic welfare, as opposed to the more individually tailored benefits which now seem to weigh heavily in the budget. (As economist Carl Shoup told the Proxmire committee, "Federal subsidies are the great fiscal unknown. The federal budget presents no comprehensive summary of subsidies. Most public finance textbooks in the United States either do not even list the word 'subsidy' in their indexes or give only a page or two of reference. There has been no monograph on subsidies in the English language—there are several in German—until the recent work of this committee.") The folklore of capitalism has apparently wiped the idea of a government handout from the minds of economic scholars, but the Proxmire study may one day be looked back upon as a declaration both of *de facto* socialism and a fundamentally inequitable formula for socialist distribution.

RISING BRIBES AND SUBSIDY'S COUSINS

The Joint Economic Committee defines a subsidy as any government financial assistance aimed at inducing particular private groups to alter their behavior in the marketplace, and the value of the subsidy is that portion which is "undeserved" by the harsh standards of private enterprise.

Subsidies can take the form of direct cash payments, such as a $5 million bonus for dairymen and beekeepers meted out by the Agriculture Department. There are also "back door" tax subsidies, such as a $55 million boost for companies that operate primarily in Latin America or the $1.5 billion depletion allowance for the oilmen and their mineral colleagues. There are all kinds of credit subsidies, such as the $179 million Rural Electrification program, which has been putting up telephone poles out in the country since the Depression. Finally, the government provides "benefit-in-kind" subsidies by buying and selling goods and services on more favorable terms than the customers could find on the market. If you know how to tickle the right places in the Agriculture Department, for example, you may get the government to build a lake on your land at far less than cost under the $78 million Watershed Works of Improvement program.

The volume of payoffs in the Proxmire study becomes even more remarkable when you consider the sums that the Joint Economic Committee has omitted for various reasons. The survey does not include outright welfare payments and transfer payments, such as the $9 billion federal share of public assistance and all of Social Security. "We want to be able to distinguish between government assistance that is ostensibly buying something for the money, as with a subsidy," explains Jasinowski, "and welfare payments that are only meant to improve the living standard of the poor or disabled. The two should be evaluated somewhat differently; the subsidy is successful if it gets the market performance it bargained for as cheaply as possible, whereas a welfare payment is successful if it efficiently redistributes income to the poor. Of course, a subsidy program that yields no return to the taxpayers may in effect only be transferring income to the wealthy, in which case we have a welfare payment to the rich." If welfare payments are defined out of the study, others are abandoned because of measuring difficulties. For example, the $63 billion does not account for waste, a comprehensive program by which the government pays more than it should (often intentionally) for items like weapons systems and operations research analysts. Nor does it include a wide range of what Jasinowski calls "regulatory subsidies," such as trade restrictions, licensing policies, and industry regulation—most of which amount to indirect payments from consumers and taxpayers to special groups. The oil import quota system alone is estimated to place about 5 billion regulatory dollars in the accounts of the petroleum industry each year. When you add waste and welfare and quotas and pensions to the at least $63 billion uncovered thus far in intentional subsidies, it is safe to conclude that the federal government had its discretionary teeth deep into the little fibers of the economy long before the wage-price controls.

Of course, it it no news to discover that the government plays a large role in the economy—ever since President Kennedy had to roll out the nukes and the space ships to achieve prosperity, the private economy has seemed lame in spots. But the new, vitally important contribution of the Proxmire effort is that it will begin to show in detail exactly how the budget affects people in all their individuality.

That is where the average man should perk up, for he can use the preliminary Proxmire findings to calculate that his interests are not uppermost in the minds of those who design subsidies. For every one of those controversial programs that give aims to the poor or to him, it turns out there are several that grant blessings primarily to those with incomes above the $10,000 median citizen. Although high incomes are supposed to make people bribe-proof and relatively immune to material weaknesses (as is frequently asserted by congressmen who want their salaries raised), this principle has not yet drifted out into the population at large, where bribes, like champagne, remove scruples in proportion to the amount of the luxury consumed. The average man, having learned not to expect decent, honest treatment from any association of professionals and degreeholders (that he is not a member of), having realized that truly remunerative work is one part show business and two parts terminology, and having divined that complaints about problems like unsanitary food only bring a diet of more chemicals, is now confronted with documentary evidence that he is being screwed by the government buck. Like hot air, the federal dollar floats upward, attracted by large buildings, as the average man contemplates from the bewilderness.

THE FOOD TRANSFUSION

As he scrutinizes the Proxmire report, the average man's mind may dwell on all the reminders of subsidies that he encounters in his day. His contact with subsidy program begins early in the morning when he is likely to eat a Wheatie, and thus becomes acquainted with an agricultural subsidy structure that the study puts at $5 billion a year. (The Nixon Administration plans to increase this figure by about $700 million next year.) In addition to these payments, federal crop limitations have the effect of raising all crop prices about 15 per cent above the market level. This costs people who don't grow their own food about $4.5 billion annually—so that the combined payment and control programs for agriculture take about $10 billion to the farm every year.

Economist Charles Schultze, former budget director under President Johnson, has completed perhaps the first precise measurement of the effects of this $10 billion on the distribution of farm income. He shows that the wealthiest seven per cent of farm families receive federal benefits averaging $14,000 apiece (raising their net farm income from $13,400 to $27,500), while the poorest 40 per cent receive an average benefit of $300 (boosting them to a net farm income of $1,100.) Schultze also calculates that the poorer half of the farm population receives 9.1 per cent of the total federal subsidy, while the wealthiest 19 per cent takes home 62.8 per cent of the federal money.

The average man may have trouble with his breakfast as he ponders the figures. His government is selecting the richest farmers, with market incomes already above his own, and writing checks to double their pay up to $27,500. Thus, Uncle Sam places these farmers in the top five per cent of families by income in the United States. (In 1970, only six per cent of all families had total money earnings greater than $25,000.) Meanwhile, the small farmer—for whose protection the entire system was ostensibly designed—receives only miniscule tribute. The arrangement appears especially senseless when one reflects that the government could take the $5 billion in direct payments alone and distribute an income floor of $3,000 to the smallest 1.8 million farmers who comprise 60 per cent of the total. Food prices would fall an average of 15 per cent without the government production controls, and the benefits of this $4 billion saving would accrue most heavily to the poor because people spend a declining fraction of the family budget on food as income grows. The abolition of price supports would be like repealing a 15 per cent sales tax on food—a tax now collected basically according to the need to eat and distributed to farmers according to their volume of production.

A BOOST FOR KEY BISCAYNE

After breakfast, the average man may pause on his doormat to consider the $8,425 billion in housing subsidies that staff man Jasinowski has unearthed. Congress has been passing laws since 1949 declaring universally adequate housing to be a national goal, and

most people, supporting this endeavor, have been distressed that an invisible wrecking ball has laughed at the effort. From the plans of every low-income unit and public housing formula has mushroomed a high rise, from every model city a shopping center, until the unhoused poor fear urban renewal more than they fear the landlord. But at least the generous citizen feels a murmur of warmth because the purpose has been noble and the subsidies aimed at those who need them.

The oldest housing subsidies, however, may have escaped his attention: the federal income tax deduction for property taxes and mortgage interest payments, two stimulants for home-ownership hidden in the tax laws. The distributive effects of these subsidies, which are available only to those who itemize deductions, have been pointed out repeatedly by former Assistant Secretary of the Treasury Stanley S. Surrey. In 1968, Surrey succeeded in persuading the Treasury to begin publishing an annual compendium of "tax expenditures," reasoning that all deductions and exemptions are equivalent to direct government appropriations and should be evaluated in the budget as if the taxes had been collected and then paid out to the beneficiaries of the tax breaks. Surrey's demystification of the mortgage interest deduction, for example, shows how the current program would be designed if it were transferred over to the Department of Housing and Urban Development:

For a couple making more than $200,000 a year, HUD pays the bank about $9,800 of the mortgage interest payments on their $200,000 home.

For a couple making $25,000 a year, HUD pays $1,000 of the interest payments on their $50,000 home.

For a couple making $10,000 a year, HUD pays the bank $350 of the interest on their $25,000 home.

For a couple too poor to pay income tax, HUD pays nothing to the bank at all, leaving the couple to talk things over with the loan officer.

The same formula now applies to all property taxes: the federal government pays 70 per cent of local taxes and interest payments for the rich, 20 per cent for the average man, and nothing for the poor.

If itemizing homeowners are increasingly pleased with this law as their incomes rise and their houses expand, so are the bankers. The Treasury's generous underwriting of borrowing costs increases the demand for bank money, drives up the interest rate, and generally increases the return to capital in the economy.

The property tax and mortgage interest deductions cost $5.4–5.7 billion annually, as calculated by Jasinowski and the Treasury Department. Treasury estimates indicate that about 70 per cent of the tax assistance goes to families with incomes greater than the average man's $10,000. *And these two tax subsidies give away more housing money every year than all the grand housing laws of the last twenty years combined.*

Although the distributive effects of these tax subsidies may deflate the average man's pride in the public crusade for universally adequate shelter, he may still applaud the objective that was in mind when the subsidies were created, namely, to increase home-ownership. But the payments are grossly inefficient because they fail to concentrate benefits on those people who would *not* own a home if their subsidy were a bit smaller and on those who *would* own a home if their subsidy were a bit larger. Instead of pinpointing assistance for those who are in need of shelter, the program now gives far more help to those in need of a winter home in Key Biscayne or even a third hideaway in San Clemente—more for a sitting room than for a furnace, more for an orchid greenhouse than for indoor plumbing. By conferring the vast preponderance of assistance on people who are of such means that they would own their homes regardless of tax breaks, these subsidies operate so little toward increasing the number of homeowners that they are essentially welfare payments, distributed—like White House invitations—inversely according to need.

SUBSIDY POLLUTION

As the average man leaves his relatively unsubsidized house for work, the fresh air and nature's odors may remind him of the $3,225 billion listed in the Proxmire survey as subsidies for natural resources. He may recall the $130–140-million payment to timber producers, for example, which results from a special law that their income is to be taxed at capital gains rates rather than at the rates for ordinary income. In 1943, Congress passed a bill that gave capital gains treatment not only to tree-growing but also to the returns from the seemingly more ordinary tasks of logging and processing. President Roosevelt vetoed the act, saying that the timber provisions provided relief "not for the needy but for the greedy." But Congress overrode the veto, convinced that the new subsidy would rescue the large number of small tree growers on the margin of insolvency. (According to government sources, five large companies—Weyerhauser, Boise Cascade, Georgia Pacific, U.S. Plywood, and International Paper—now receive about $100 million of the $140 million timber subsidy.)

One angle tossed to the Congress by the tree people was that the subsidy would place their industry on a more equal footing with the rest of the natural resources field, which was enjoying the percentage depletion allowance. This curiously named tax advantage allows the processors of natural resources to deduct, rather than depreciate, their capital costs. In addition, they can deduct a percentage of their revenues instead of their actual investment costs, which usually means that they deduct more costs than they have. The U.S. Treasury estimates the annual subsidy value of percentage depletion as approximately $1 billion. Percentage depletion has been added to so many mineral products—like ball and sagger clay—that it is easier to specify what is excluded than what is depleted. The law itself rules out "soil, sod, dirt, turf, water, mosses, minerals from sea water, the air, or similar inexhaustible sources."

While the tree subsidy and the depletion allowance may hurt the environment by stimulating faster use of natural resources, a few smaller subsidies work in the opposite direction by encouraging people to clean up. The only water pollution subsidy given private polluters by the federal government is a provision in the 1969 Tax Reform Act allowing rapid depreciation schedules for investments to clean up the environment, costing $15 million a year. Two tax lawyers at Boston University have recently shown that the distributive effects of this measure lean, as usual, toward high finance. The subsidy means that the average corporation that purchases a $150,000 certified pollution control facility will receive a direct government payment of:

$11,952, if company profits are above $25,000,

$5,479, if company profits are between $0 and $25,000,

$0, if the company has no profits, or a loss,

$0, if the company spends its pollution control money on measures that involve no capital expense, such as using low-sulfur fuel.

The subsidy operates on three principles: that the costs of pollution control are to be borne by the public rather than by the producers and consumers of the product, that a capital investment is to be favored over all other forms of control, and that the companies which need assistance the least will get the most. Senator Albert Gore tried to eliminate accelerated depreciation on the floor of the Senate, arguing that its distributive effects were intolerable, but he lost decisively after Senator Muskie stated that "this tax relief is only a stimulative to industry to make the investments called for by air and water quality standards." Gore said that industry may need stimulating and pollution certainly needs controlling, but that the Senate and the public could no longer afford to let a worthwhile purpose blind them to the outrageous impact of some government actions on the distribution of income.

THE SAILOR'S SCOTCH HIGHBALL

The average man, perhaps a bit groggy from the more than $20 billion in upward-bound subsidies he has already encountered, may think about travel subsidies while riding to work. He will have an ample selection, since the Proxmire study has already uncovered $1.231 billion in annual transportation subsidies. Much of this money is new, such as $270 million in mass transit subsidies, so that its distributional effects are not yet known. But the $482 million to the maritime industry has effects that have been roughly measured.

The federal government pays $224 million each year to some 14 shipping companies to cover the entire wage differential between the earnings of an American merchant seaman and a foreign one. In other words, the companies pay Japanese wages out of their own pockets, and the taxpayers make up the difference to cover the seaman's living, which one source from the Maritime Administration estimated at $16–30,000 a year. Needless to say, there is little incentive for the companies to hold down wages, since the government picks up the tab. The result is that each seafaring job is subsidized approximately $12,000.

The government also pays $238 million a year to subsidize the construction of ships for the merchant marine, a curious program resting on arguments of military necessity (but not included in the military budget). About 13,000 workers in the industry are subsidized an average of $8,000 apiece by the construction payments. Finally, $250 million of indirect, "ship American" payments that are not yet included in the Proxmire study bring the total maritime payoff to more than $700 million each year.

Access to these $700 million in government benefits is carefully protected for the few companies that have always been enrolled, and these companies present a united front to the government in alliance with the three major seafaring unions. As Joseph Albright has written in *Newsday*, the maritime subsidies have been repudiated on national defense, welfare, and balance of payments grounds—leaving the merchant marine's government income floating on tradition, sentiment, and one of the most politically potent lobbies in Washington. Of the Seafarers' International Union, Albright writes that "although it represents only 20,000 jobs, the Seafarers' Union's political kitty is bigger than that of any other union in America and four times as big as that of the million-member United Steelworkers Union of America." The maritime unions dole out more than $1 million each election to members of Congress, who are moved to nautical hyperbole in approving appropriations each summer and who are always trying to increase the subsidy. The companies, which don't miss out on the federal benefits, throw in some contributions, too, and the result is a tiny, well-knit lobby with almost nuclear powers per man. Albright quotes former Maritime Administrator Nicholas Johnson's appraisal of its achievement: "They have succeeded in getting congressional authorization for a pipeline into Fort Knox from which they are all sucking gold. With laws like that, you don't need to be dishonest."

The costs of this gold drain don't seem like much when you think of the contribu-

tions as spread out among every single person in the country, as former Maritime Administrator Emory S. Land told Albright: "The operating differential subsidy, per capita, amounts to the cost of one scotch highball. The construction differential subsidy may amount to the cost of one bottle of beer. It seems to me we might relinquish two libations per annum and support a proper shipbuilding industry and a prosperous U.S. merchant marine."

The average man is attracted to the image of the subsidy programs as a kind of round-robin highball, but it seems that friendly libations go only to those who have earned them through conscientious lobbying, and that he serves only as a credit card for many mutual kindnesses among his betters. With dry lips, he may reflect on some of the smaller maritime subsidies, such as the free medical care the federal government has given all merchant seamen since President John Adams pushed the program through Congress in 1798.

TAKING YOUR MEDICINE

The average man cannot enter his doctor's office with the financial nonchalance of a sailor, and he may be reminded that the Proxmire study has recorded $9.406 billion a year in subsidies to medicine (roughly 6.25 billion scotch highballs). Health, like adequate housing, is a national goal, and any distortions of the private medical market should be aimed at providing care to those people who otherwise would not have it. The health system, of course, is a disaster, but Proxmire's work shows that what federal help there is tends to go to the right people, with some exceptions.

Medicaid (health assistance for the poor) and Medicare (for the aged) have subsidy costs of $3.110 billion and $2.070 billion a year, respectively, taking up the majority of health subsidies. Both are financed by non-progressive taxes, but the benefits of the programs are so progressively distributed that they are, on balance, pro-poor and pro-old people. In 1966–67, the average Medicaid patient received $34 in care for every dollar he paid into the program. In the same period, the average Medicare recipient got $3.40 in care on the dollar.

While Medicaid remains triumphantly pro-poor regardless of the scrutiny directed at it, Medicare withers a bit. A recent study by economists Bruce Stuart and Lee Bair shows that when benefits are discounted by care forfeited from other programs and by administrative charges, Medicare patients receive almost no subsidy at all:

After the medical assistance programs, the largest federal health subsidies arise from the tax deductions allowed for medical expenses and medical insurance programs, totaling $3.150 billion annually. Because these programs include some progressive limitations—only the first $150 in insurance premiums and expenses above three per cent of income may be deducted—they have long been considered relatively even-handed, as a boost to medical care without problems for the public conscience. At last, it seems that a subsidy may be designed to aid those who need care most based on their ability to pay—and that there may be a subsidy to help the average man with his medical bills. Preliminary estimates from the Treasury Department, however, show that the government pays about $23 of the average man's doctor bills through the tax system, while paying $110–$150 for people with incomes above $50,000 and only about $1.50 a year for the poor. Since these figures are smoothered out by all the people who don't get sick, they indicate that a person with a major medical expense will get no help from the tax system if he is poor, and that a wealthy person will receive four to six times the assistance meted out to the average man. The average man may get a share, but for those on either side of him the tax law says that we value a summer rest in Florida (travel expenses deductible, if prescribed) more than the poor person's chest x-ray. The regressive impact of the tax deductions more than offsets the net progressive gain from Medicare.

The Treasury Department has estimates for the income distribution effects of tax subsidies, such as the medical ones, but they have not been released to the public, nor are they available upon request. After refusing to supply the numbers as a matter of policy, one Treasury official was asked how his superiors would respond to an official Freedom of Information request for them. "I suppose they'd probably say that 'satisfactory figures are not now available,'" he replied candidly. "If you were the chairman of the House Ways and Means Committee, you might get them, but it still might take a long time."

IT'S BETTER THAN WORKING

If the distribution of benefits from the medical tax subsidies foreshadows all the other tax expenditures, the Treasury has good reason for withholding the estimates. The unequal benefits of the $19,388 billion on subsidies for commerce might be hard for any Administration to live with. Secretary Connally's reticence with the figures may be futile, however, because economists Joseph Pechman and Benjamin Okner have produced reliable estimates from the large sample of tax returns at the Brookings Institution. The Pechman-Okner study, commissioned by the Joint Economic Committee, shows that the largest subsidy for commerce comes from the special tax treatment given capital gains, which may be viewed as a $13.708 billion payment from the Commerce Department directly to stock traders, astute investors, and others who can keep Wall Street paper floating above par for six months and a day.

The recipients of capital gains gets a bonus on their take-home pay—above the spending-money they would get if their check came from hourly earnings at an auto shop instead of appreciation in Ford stock. This bonus comes to $12,320 *a week* if they are millionaires. Those making $500,000 to $1 million get extra weekly grocery money of $3,173, a figure 30 per cent greater than the amount being bandied about as a yearly guaranteed annual income for the poor. Those making $100,000 to $500,000 get only $435 each Saturday, and the benefits trail off from there down to the average man's compensation of 17 to 46 cents per week. Although the average man's weekly check would nearly be exceeded by the postal charges required to mail it, many common citizens applaud the capital gains provisions as a compliment to their investment genius and as at least a little something to help with the bills—eyes riveted on the quarter flowing into the left pocket while a buck is extracted from the right one to reward the holders of high-volume capital. Such self-interest must sustain the capital gains tax subsidy alone, because the consensus among economists is that the public as a whole receives few extra benefits from capital gains treatment and would not suffer if they were taxed like ordinary income. In other words, special tax advantages are not needed to induce people to make money through investments instead of through work. (This view holds as long as certain measures that encourage investment risks, such as the deductibility of capital losses, remain in force.)

In the Revenue Act of 1971, President Nixon pushed through his proposals for adding the largest single boost to the parade of commerce subsidies in more than 40 years—$6 billion a year in tax credits and accelerated depreciation for corporations, which amounted to a 10 percent cut in corporate taxes. The average man will reflect that these two gifts will be granted to companies in accordance with how much they do not need them, like the write-offs for pollution equipment. The corner dry cleaner and small manufacturer will probably get nothing, but General Motors will get a great deal—both absolutely and in proportion to its income. The Investment Tax Credit was repealed on President Nixon's recommendation in 1969, because, as he explained, 15 per cent of plant capacity was then idle and the companies needed demand, not new investment. Besides, there has been no economic evidence that the credit significantly increases national output. Nevertheless, in 1971, when the percentage of idle plant equipment had nearly doubled to 28 per cent, the President changed the name of the tax credit to Job Development Credit and passed a measure to throw money at the wealthiest corporations as an incentive for them to buy even more equipment. It was an idea worthy of the Sheriff of Nottingham.

LEARNING BY PAYOFF

By the time the average man gets home from work, he may decide that he needs more education to earn a subsidy in an economy that requires some skill and a little clout to get a fiscal handshake. He will then eyeball the $3.574 billion of education subsidies in the Proxmire study.

Most federal education subsidies fall short of the required-for-education criterion, but not nearly as regressively as some programs the average man has encountered while thinking about the Proxmire study. The $300 million subsidy value of national defense and guaranteed student loans, for example is distributed almost evenly among the population—with the richest quarter receiving a bit more than the poorest quarter. This indicates that there are some wealthy students receiving subsidies who would remain in school without them, in which case the federal money reduces their costs but does not add to the total amount of education received. On the other hand, there are some poorer students for whom the absence of a subsidy is the only factor keeping them out of the university. Thus, the country could increase the overall amount of education received by the young simply through a redistribution of subsidies so that they hit where they are most critical.

Some federal programs are more regressive than the loans, such as the $500 million paid out through the additional personal exemption for students—which gives money according to income and thus is a kind of special reward for wealthy parents who educate their children. The 164-million cash payment for Higher Education Work Study is hailed as a very progressive measure, since all the money goes to poor students, whom the government pays to do chores around the campus. The poor students like the program because it guarantees them a way to work through college, but they are not the prime beneficiaries. Essentially, the federal government is bribing the universities to let poor *students*, rather than ordinary workers, perform the menial tasks of operation. The money saved by the university on labor costs can be applied to lowering overall operating expenses, or lowering student fees. Thus, the university gets full tuition from all students, the poor students get a trifling wage for their labor, and the non-poor students come out as the real something-for-nothing beneficiaries by getting a government-sponsored reduction in charges. The amount of money in the program is so small that it is not a monstrous outrage, or even necessarily a bad program, but a close look does show how some efforts that are passed off as "aid to the needy" are not what they seem.

The regressive features of federal grants to public universities are mirrored in state systems, where most of the educational benefits go to wealthier people. Since state taxpayers

subsidize about one third of university tuition costs from revenues collected on a roughly proportional basis in most states, and since the child of a wealthy parent is more than three times as likely to enroll in a state university as a child of a poor parent, the benefits of state higher education are distributed about like those from the medical deductions, angling upward. A study of California education by economists Lee Hansen and Burton Weisbrod shows that families with children in the University of California have higher incomes than families with children at the California state and junior colleges. The university families receive a subsidy of $1,700 a year, while paying a total of $910 in all state and local taxes, for a net gain of $790. The poorer families with children in the poorer quality state and junior colleges also receive a net subsidy over taxes, although a much smaller one. Families without children in state higher education pay the costs. The paying families have a lower average income than the receivers, and they in effect subsidize the families of the students—giving progressively more subsidy to the families with higher incomes and with children in the higher quality institutions. The California system is widely hailed as progressive and pro-education because the state pays almost all college fees for its students, but the Hansen-Weisbrod analysis shows why the large public contributions to higher education are not necessarily equitable, much less a boon to the poor.

According to Brookings economist Robert Hartman, the state of Ohio has recently enacted a plan for financing state higher education that would do two things. First, it would provide loans to all students who want them and who qualify for state universities. Second, it would require that all instructional subsidies be paid back to the state. The repayment is a small percentage of the student's income, beginning only when and if income reaches $7,500 per year and increasing in mildly progressive steps for higher incomes. Hartman writes that "on pure equity grounds it would be hard to beat this proposal," but the executive director of the American Association of State Colleges and Universities called the Ohio Plan "a reversal of what public higher education has stood for for more than 100 years."

TREASURY WELFARE

The average man who takes a mental stroll through the Proxmire study is perplexed by all the subsidies and income redistribution he sees whirling around him. He sees money being taken from most people and given to the oilmen and to ball and sagger clay, from single people and childless couples to the parents of school children, from jobholders to the Job Development Credit, from the poor to rich farmers, from the payroll tax to Medicare, and from everyone to the capital gain. He sees the regressive Social Security tax rising several billion dollars a year so that it may catch the Pentagon budget in a year or two, while corporate taxes fall by $6 billion of new subsidies in a single year. He finds that the effective tax rate for all the federal assessments ranges from 25.6 per cent for the very poor to 29.9 per cent for the average man to 33.6 per cent for those making 25 to 50 grand, and that in the United States the distribution of income is not noticeably different after taxes than it is before them. He concludes, in short, that a nose for subsidies is second only to the possession of a degree as an asset in finding a soft job, that the economy breathes, floats, and circulates prestige based on bonuses paid from the grand central subsidy of the Congress, and that one of the chief incentives for a person to become rich must be to get the inside track on a wide variety of relatively free subsidies—an inside track that the average man appreciates by running his counting finger over the Proxmire ledger.

On his journey through the subsidy galaxy, one might form several notions about public bribes that deserve some thought during TV commercials. The first one is that anyone who receives an incentive payment to accomplish some social objective should be accountable for how well he spends the taxpayers' money. The oil industry, for example, should not be allowed to take federal dollars as a subsidy for domestic exploration and then refuse, as a private enterprise, to provide access to records that are needed to determine whether the public is getting its money's worth in new oil.

Of course, the government itself has not made much of an effect to measure the effectiveness of all the subsidies that have accumulated piecemeal over the years—how much new housing is produced by the housing subsidies, how many small farmers get substantial aid under the farm programs, and so on. This vital service to the citizenry has been overlooked partly out of ignorance and partly because so many of the subsidies are concealed in the tax laws, where the substantive committees of Congress and the reponsible agencies of the Executive branch never see them. Normal education appropriations must pass through the education and appropriations committees each year, where they can be scrutinized and criticized and adjusted. But if the same measures are rewritten as tax subsidies, as virtually any program can be, the education committees and HEW will never have authority over them, and may not even see the bill as it passes through the Treasury and the Senate Finance Committee and Wilbur Mills. And the tax subsidies are almost always permanent, handed out through the Treasury every year regardless of performance.

Tax subsidies suffer the additional fault of falling under Stanley Surrey's maxim that 'the wealthier individual the greater his assistance under the program," so that even a justified subsidy is likely to be a disaster for the average man if it is designed by the Treasury. The laws are not only written to favor the wealthy, but they are often so complicated that maximum rewards go to those who can hire a lawyer to gain a toehold over the tax digest, leaving, the average man, as usual, screwed by the abstruse.

To the extent that they transfer money without pushing behavior toward the stated subsidy goals, tax subsidies are equivalent to welfare payments. Author Philip Stern, among others, testified before the Joint Economic Committee that the welfare content is preponderant, after confessing that his own private fortune enabled him to evaluate tax breaks quite closely. Stern testified, using Brooks Institution figures, that the weekly welfare check from all tax subsidies, including pro-poor ones like the tax exemption for welfare and Social Security income, is graduated far more steeply than the federal income tax: $.31 a week to the poor; $12.52 to those earning $10,000–15,000; $229.07 to those earning $50–100,000; and $13,854.78 to millionaires.

Joseph Pechman and Benjamin Okner have calculated from IRS returns that $77 billion in federal revenues would be recovered by canceling all the tax subsidies and returning to a flat progressive income tax with no preferences. To stay at current levels of government expenditure, this $77 billion would permit an overall tax cut of about 50 per cent—reducing the rate of seven per cent at the lowest taxable level and 43 per cent at the highest. This would still leave substantial subsidies of other kinds in need of evaluation, but it would end the longstanding travesty of huge gaps between nominal and effective rates at the higher levels.

KNIGHTHOOD IN THE CLOSET

A second notion that strikes the average man on perusing the Proxmire report is that programs to supplement the income of the little person tend to get subverted unless they are tied only to his income and not to his occupation. Thus, our sympathy for the little farmer lines the pockets of large corporate farmers, and the rescue mission for the little treegrower winds up mainly as a transfusion for the five largest timber companies in the country. And the Pechman-Okner report reveals that federal transfer payments—social security, railroad retirement, welfare, workmen's compensation, unemployment benefits, and veteran's disability compensation—give $7 billion more in supplements to people with incomes above $10,000 than below. The startling fact is that people who make below $5,000 receive $296 per person from such income maintenance payments, while those making $25–50,000 get $1,146 per person, or nearly three times as much.

If Congress wants to help people because of their hardship—that is, if it is more concerned with the recipients of the money than with accomplishing some broad social goal—it makes a great mistake by not transferring the money directly to the recipients based on their low income alone. The negative income tax is the most efficient way to do so, for it provides income supplements without loopholes for the big timber companies to sneak through. The average man is blamed for blocking the negative income tax, as more enlightened citizens bemoan his bigotry and Draconian social values. National polls show, however, that more average people support a guaranteed annual income than do people in higher brackets. More than 80 per cent of the five to 10 granders, the lower ranks of the average man, support a guaranteed job at the minimum wage for all capable people willing to work. This would cost $21 billion in wages for nine million workers, according to the Urban Institute, a poverty think tank that compiles comprehensive statistics on income maintenance. This sum is almost exactly equal to the subsidy cost of one single tax advantage in the Pechman-Okner report: income splitting, by which married couples are allowed to divide their joint income to get into lower tax brackets. About $7 billion of this subsidy goes to one group alone, the five per cent of the population that makes between $25,000 and $50,000 a year.

If we can bless the 25-granders with $7 billion for being married, we can certainly spend an equivalent amount to eliminate malnutrition. To guarantee every family a standard of living at the poverty level or above would cost $27 billion. This would not only eliminate poverty as currently defined, but it would also be an enormous step toward achieving other national goals related to poverty, such as housing, medical care, and nutrition. Furthermore, it would enable the country to cut back the growing kudzu of a poverty bureaucracy in government and its mirror apparatus in consulting land.

For conservatives, a guaranteed annual income would be pleasant because it would restore a modicum of work incentive to the poverty population, which now faces a system of outright discouragement. Jodie Allen of the Urban Institute has shown that if a welfare mother of three in Chicago increases her income from $4,000 to $5,000, the extra $1,000 will net her $98. She thus pays a marginal tax rate of 90 per cent by losing welfare benefits. Her next $1,000 in earnings will actually give her a net decrease of $147 in disposable income, for a marginal tax rate of 115 per cent. This situation may be compared with the current subsidy arrangement for people at the other end of the income scale, where a skillful operator can combine capital maintenance expenses with a capital gain in such a way as to show a tax loss while making a profit. The tax loss may be

applied against other earnings to produce a tax rebate on what would otherwise be paid to Uncle Sam. Each dollar of capital gains is thus not only tax free but it produces a tax bonus that rises according to the operator's bracket—truly a negative income tax for the wealthy. No guaranteed annual income plan will produce that kind of incentive for the Chicago mother, but it will give her 50 cents of every earned dollar to keep.

For the average man, the guaranteed annual income would get liberals off his back for awhile, allowing him to concentrate on his own advancement without having his conscience pricked by the words of people who make more money than he does. His consent to the plan is required not only because of his political attachment to the work ethic, but also because he will have to contribute modest sums to pay for it. This fact will have to be faced regarding any substantial income maintenance program, because the whole scheme cannot be financed from increased taxes on J. Paul Getty. Since only six per cent of families earn more than $25,000 and only 29 per cent earn more than $15,000, the income groups just above the average man will have to come up with some of the cost, and the average man will have to kick in a little, too. Of the $77 billion generated in tax subsidies in the Pechman-Okner calculations, 47 per cent came from the handful of the population with incomes greater than $25,000, and 43 per cent came from those with incomes between $10,000 and $25,000. The first group gets about six times as much subsidy per capita as the second, but the more numerous "middle class" group comes out with nearly the same amount of federal gratuity.

I mention this unpleasant situation only to point out the nonsense that many young people like myself fall prey to in thinking that all the poor can be fed from the drippings off David Rockefeller's table. There is something strange about those of us who long to smite the filthy rich and crusade for the poor, while at the same time fully expecting to earn incomes that will place us in the richest 10 per cent of the population (assuming that a decent living wage is $20,000 or so). The contradiction can be concealed, as it is far easier for students to hide their affluence while identifying with the poor than for the poor to get away with the trick in reverse. But it pokes out every now and then with overtones of hypocrisy—somewhat analogously to our demonstrating against the war while utilizing the college deferment to transfer its burden elsewhere. Our kinky moral position should check the full battle cry against the robber barons—it is like going to the barricades with a proclamation of knighthood tucked away back home in the closet. The upshot of the distributive picture is that you can expect the majority of tax subsidies, and the other ones as well, to be rebated if necessary from those far richer—but you should be prepared to throw in a little yourself, just like a bad guy.

POLITICAL WALL STREET

The average man may derive a third notion from the Proxmire report—that nearly every federal bill has an impact on the distribution of income, and that people may like the substance of a proposal for business or pollution or education, but not the unnecessary effects on income distribution. These effects are now considered carefully only by those special groups who stand to gain from them, and yet their cumulative weight is critical to almost everyone's standard of living. In fact, the subsidy study will begin to provide the knowledge which may show that the selective smiles and favors of government have more influence on the economy than the broad fiscal and monetary policies that have preoccupied people since Keynes. In other words, whether you have a job or an adequate standard of living may depend not on the Federal Reserve's interest rate policy or the general level of government expenditure, but on whether Uncle Sam has slipped you a little booster with your own name on it. You may be scratching down through the dust in the chicken yard of private enterprise, hoping for the magistrates to sprinkle a few well-chosen policies around to make things more fertile for everybody—but the real morsels may be bartered over in the next field, where you must jockey with your style, educated poise, organization, confidence, and any other attributes that might convince people you deserve something. With fiscal and monetary policy, officials have scrupulously tried to follow the old principle that government actions should treat people equally, and it is a great sin of conventional morality to use economic measures which discriminate among groups of people. In the subsidy-filled economy, however, there is no stigma attached to special benefits. Like on old rotary seed-planter, the federal budget splits them out to those who position themselves well, and everyone in your neighborhood is likely to get a different amount.

Engrossed in the intricate demands of all the separate beneficiaries of government, the politician simply has nothing of substance to say to the people in general anymore. He now speaks to people in smaller groups, where he lets it be known that a livelihood or a subsidy or at least a small fiscal hypo can be had for votes, or money. Thus, the average man is becoming exposed to a process that will make him regard Washington as he has always regarded Wall Street: he knows that in general his fortune may be indirectly determined there, where the economy is kept churning, but in particular he senses that he is being screwed. Like his poorer underlings, he may not see very well, but he can feel.

The citizen will now have more than his traditional reasons to curse Washington, but ultimately he lifts his eyes there in time of war, recession, accident, unemployment, and general malaise—and the insults he directs at the politicians are a measure of their significance.

THE RICH MAN'S PURPLE HEART

While staring at a politician, the average man may have his fourth revelation about Senator Proxmire's work on subsidies—that the politics of subsidies are stacked against him, and that the whole situation has arisen with a push from more gnarly forces than economic miscalculation. As Senator Fred Harris testified before the Joint Economic Committee, "Subsidies are to modern politics what patronage was to the politics of the 19th century. Subsidies, in other words, are the lifeblood, tainted to be sure, of our electoral system, and this is precisely the reason why it is so hard to eliminate them." The analogy is an apt one, although the current subsidy arrangement is so thorough that one might say subsidies are to modern *society* what patronage was to 19th century politics, spelling out how each person gets along and where he fits in.

The average man will observe the politics buzzing as soon as he begins to question any of the premium payments to a special interest. The challenged group will marshal its forces and begin reciting its virtues in such a way as to transmit little information that would enable one to measure the value of the subsidy.

If pressed for specific justifications, the recipients will respond with four predictable arguments. World Bank economist Jeremy J. Warford catalogs them in *Public Policy Toward General Aviation*, his book on subsidies to the owners and operators of private airplanes. Private, or general aviation, aircraft account for 98 per cent of the 130,000 planes in the country, with the regular airlines owning the rest. They make about 75 per cent of all landings and take-offs requiring the facilities of FAA control towers, and 80 per cent of the private flights are deductible as business expenses for the executive owners. And Warford concludes that the owners of private planes receive about $640 million per year in subsidies for air traffic control, airport construction, and the like, above their aircraft taxes and fees. (About $500 million of the net subsidy comes from Washington, the rest from state and local governments.) Over the next decade, Warford estimates that the subsidy will cost about $3,500 per aircraft per year. Although the owners of private airplanes would seem to have a fairly rough assignment in justifying taxpayer gratuities for the owners of executive jets, they make their four arguments with the confidence of people who have won skirmishes with the public before.

Highest Common Denominator. If you can get the Aircraft Owners and Pilots Association to admit that its members are subsidized, the first riposte will be that other forms of transportation receive subsidies—autos and bicycles through the construction of public roads, and so on—and that equity demands similar treatment for those who traffic privately in the sky. This line of reasoning skirts every question regarding wether the subsidy is justified and efficient, but it is politically potent. It is known as the subsidy multiplier, because once any gratuity becomes effective this mechanism is used to extend the benefits to any group that can claim the remotest likeness to the original beneficiary. Thus, subsidies seek the highest common denominator in the process which enables percentage depletion to seep into every mineral scarce enough to have any economic value.

Don't Hurt the Little Guy. The airplane people next hold forth that any tampering with the subsidies would place unconscionable burdens on the airborne small fry, the Piper Cubs and single-engine jobs. Strictly speaking, this is an argument for a welfare payment, based on human tenderness for the less fortunate fliers, and it should really carry no weight in the luxury field of air travel, but it apparently does.

Most interests were once hesitant to make the little-guy point because it appears too socialist in its sympathies. However, the experience of Medicare doctors has led many supporters of free enterprise to realize that socialism is not so bad if it combines socialized costs with capitalist benefits in a kind of guided collectivism. They have relaxed their capitalist principles enough to take advantage of the attention the hardship argument will win in the media.

Extraordinary Public Benefits. Every subsidized group has a favorite "public interest" rationale for its Treasury income. According to Warford, the aircraft operators have decided that "general aviation helps to arrest the decline of sparsely populated regions, thereby conferring benefits . . . for which the society as a whole, rather than the aircraft operators themselves, should be called upon to pay." This argument, arising contemporaneously with rural nostalgia, means that it would be a good idea to build airports out in the country so that private plane owners can touch the bellies of their Lear jets down out there and check rural depopulation. There is a shred of validity in the assertion that private airports stimulate rural industry location, but it is largely specious upon examination and ludicrously short of justifying such an enormous subsidy.

National Defense. No self-respecting special interest group can expect to get anywhere without at least one argument that can be located on the flag. (This is perhaps the critical shortcomings of welfare proponents, who do fairly well with arguments one through three.) The private skymen

have risen to the occasion with the claim that they constitute a kind of unorganized reserve air force, whose mobility would be of great military value if the airfields were knocked out and the bigger planes couldn't operate for lack of adequate runways and facilities. As one pilot put the strategy to the Secretary of Transportation: "It would be a major advantage to the Communist plan to eliminate the vast facilities and National Defense Capabilities of general aviation's fleet of over 110,000 planes. Nearly all of these planes are capable of flying and operating from dirt strips, sections of streets and highways to anywhere in the country. As recently proven, Communist-led and controlled civil rights mobs rioting, burning and looting are capable of closing entire cities. It would be a very minor job for them to riot and burn the few major airline terminals. . . ." This is the core of the argument, although it is usually toned down a bit in congressional hearings. Each executive in the informal air reserve can imagine himself hopping into his Cessna at a moment's notice, strafing militants, and saving the day. He requires neither medals nor draft notices to make military sacrifices for his country—needing only a small subsidy, a rich man's Purple Heart, which the pilots might prefer to call an advance against hazardous duty pay.

When the Aircraft Owners and Pilots Association and the National Business Aircraft Association troop before Congress to support the federal payments to themselves—their measly 400 million scotch highballs—the average man is not likely to be well represented at the gathering. He probably doesn't yet know about the subsidy, for one thing, or about the character of the benefits. If he did, he might reason that it wouldn't be worth trooping all the way to Congress to contest his tiny pro rata share of two jiggers. And if he decided to hire a public interest advocate like Ralph Nader, he would find that the costs of saving his two jiggers are not tax deductible, whereas the lobbying costs of corporate jet owners and all other corporations have been deductible since 1962. And even if payments to a public interest lobby were tax deductible, the average man would not benefit as much as most corporations because he is in a lower tax bracket—because, in effect, the subsidy for lobbying is unfairly designed. So the average man who decides to fight pays 48 per cent of the jet owners' lobbying expenses as a taxpayer and all of his own as an unsubsidized private citizen. The upshot of all this is that the hearings are lopsided enough for the private airmen to sell their putrid arguments easily and take home the cheese.

Once enacted, a subsidy is even more securely entrenched than the balance of forces at the hearing would indicate, because campaign contributions from the recipients give many politicians a deaf ear for the average man. These donations are the gyroscopes of subsidies, given not so much to obtain new benefits as to protect old ones. If a subsidy is a public bribe and a campaign contribution is essentially a private one, cleaned up, the mutual transaction makes sense only because the special interest groups get back more than they put in. If the airmen contributed as much as one per cent of their $500 million Treasury payment, they would have a political war chest of $5 million. This money would be well spent on friendly candidates, since the group would be buying dollars with pennies. (Of course, it is highly unlikely that such maintenance costs approach one per cent of the bonus, even for the maritime industry.) The candidates would take the contributions and use them to convince the voters of their dedication as public servants. Meanwhile, the average man would provide the fuel for the whole affair by coming up with the subsidy for the special group, a tiny portion of which would be kicked back to the politician to pay for his TV spots. The arrangement is a model of circular stability, and economists should give up study of the business cycle to focus on the rhythm of election finance.

The political obstacles weigh heavily against any effort to rearrange federal outlays fundamentally, but it is not impossible. If by some odd contrivance the average man succeeds in recovering these public favors, only to re-confer some of them on the poor, he will remain a screwed and unique citizen—absorbed with his labors, grabbing a little on the side—but his government will be a lot easier to swallow. And if a truly fair distribution of the subsidy largesse is beyond his immediate grasp, the practical implication for the average man is that he had better get in there and scrap.

U.S. AID PROGRAM IN LAOS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a most interesting article on Laos, written by Mr. T. D. Allman, and published in the New York Times of Friday, February 25, 1972, be printed in the RECORD. I urge Senators to read the article carefully. It is highly educational and should be considered in relation to the U.S. aid program in Laos and very likely elsewhere.

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

IN LAOS AID MARCHES ON

(By T. D. Allman)

VIENTIANE, LAOS.—Some time ago, I had my introduction to the self-perpetuating interregnum of suspended time, space and perception occupied by the United States Agency for International Development, and its sister agencies, Clandestine Client State Division, when I paid my first call on the genial, perennial A.I.D. director in Laos, Charles Mann.

His office then was located in a small, misleadingly ramshackle building in the Na Hai Diao Compound in suburban Vientiane. The compound is a self-contained cantonment which shelters, besides A.I.D. headquarters, the centers of the C.I.A. bombing and military advisory efforts in Laos, a swimming pool, supermarket, American bar and restaurant, movie theater, popcorn machine and microwave tower, all encased in a six-foot chain link fence and patrolled by units of the U.S. Embassy's 500-man strong, blue-uniformed private army.

The most noticeable thing, upon first visit, about the compound was that in a country where every house is open to catch the faintest breeze, each American building was sealed off, windowless. When the buildings did have windows, they were painted over in white, locked, barred and curtained from the inside.

In Mr. Mann's office, there were no windows at all, just a series of maps, displaying neat arrows, insignae, code keys and statistics showing the visitor exactly what was happening in Laos from the vantage point of A.I.D. activities to command.

Mann, whose ability to attune A.I.D. activities to the requirements of U.S. intervention had made him A.I.D. director in South Vietnam, Cambodia and the Congo, did not discuss his organization's activities as a front for the C.I.A. I had been told in advance.

However, his conversation—his talk, an explanation of how the U.S. supported the kip, the Laotian national currency, at a steady rate of 500 to the dollar was interesting enough. I was able to discern that the kip operation essentially consisted of exchanging annually $20 to $30-million for valueless kip, and burning the collected kip. The program acted as a straight-forward giveaway. It moved the Laotian economy no closer to self-sufficiency, indeed perpetuated dependence on the United States.

As a result, the country was flooded with imported consumer goods; "re-exportation" of some of them on the black market kept the business community content; there was little inflation. Laos, Mann seemed to be saying, for obvious reasons preferred living at a standard it could never by itself afford to the evils of Communist aggression.

I asked if the kip would have any value if the program ran out of money. Yes, he conceded, if the dollars were cut off the kip would not be worth the paper on which it was printed.

Now, three and a half years later, things are a little changed in the Na Hai Diao Compound. A.I.D. headquarters has vacated the ramshackle building and settled a few yards away in Vientane's most unusual indestructible building.

With the devaluation of the dollar and the anti-A.I.D. vote in the Senate, A.I.D. has learned that empire has its financial limitations.

Following the Senate vote, the U.S. Embassy devalued the kip by 20 per cent. Unless Congress has a change of heart, or the rich Japanese and Europeans pay more to keep it up, the kip will be devalued again, or be left to find its own value, and A.I.D.'s most cherished program will be gone.

The new A.I.D. headquarters gives the impression of eternity, if not grace. It has no windows at all, not even a painted-over one, throughout its three stories.

Locals call the new building "the white cube," "the cinder block," but most often "the windowless building." Its number on the embassy roster is 500—will they change the number with the devaluation to 600, I could not avoid wondering, and then perhaps to 1,000, to keep up with the kip? The building, A.I.D. officials say, cost only $394,000, and, one said, "will pay for itself in reduced air-conditioning charges." Unofficial estimates by local contractors put the building's cost at millions. The air-conditioning runs off A.I.D.'s private generators; the U.S. Mission consumes more electricity than the rest of the country combined. The A.I.D. telephone directory contains more entries than the Laotian Post and Telegraph telephone book, but the A.I.D. switchboard, preoccupied with internal communications, still cannot be reached from an outside line for most hours of the day.

The new windowless building is off-white, eyeless, bomb-proof, impregnable to climate and contains its own furnace for destroying secret documents. Hundreds of bureaucrats, their maps and coffee-makers, presumably could subsist within it, never leaving, for years.

ADDRESS BY SENATOR HANSEN BEFORE CALGARY, ALBERTA, CHAMBER OF COMMERCE

Mr. CURTIS. Mr. President, on February 15, the distinguished Senator from Wyoming (Mr. HANSEN) addressed the Chamber of Commerce of Calgary, Alberta, Canada.

Senator HANSEN paid tribute to the high degree of good relations which have always existed between the governments and the people of Canada and the United States. He discussed the increasing importance of the need for energy supplies to support the growth of both nations.

Senator HANSEN illustrates the dependence of the Canadian crude oil production on United States markets and

compares this to Canada's embargo, last November, on further natural gas exports to the United States. This, he observes, could affect United States contributions to both oil and gas exploration in Canada.

It was exactly this disparity of treatment which occasioned my introduction of Senate Resolution 208, on December 6, 1971, proposing studies to reach satisfactory trade relations between Canada and the United States for the long term. I am delighted to ask unanimous consent that Senator HANSEN's remarks be printed in the RECORD and to accept their support for my resolution.

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

WHAT'S NEW IN THE NEIGHBORHOOD

(Remarks by CLIFFORD P. HANSEN, U.S. Senator, Wyoming)

It is an honor, a great pleasure, and a very timely privilege to have this opportunity to talk to the business leaders who comprise the Chamber of Commerce in The Oil Capital of Canada.

Canada and the United States are bound together by many interests—in historical kinship, in our economic interests, in our political idealogies which value foremost the individualism and initiative of our people.

We are bound together in a mutuality of interest involving our joint security.

We are partners in freedom, and no two Nations have pursued their individual and joint commitments to freedom in closer proximity, with better cooperation, for longer years, in greater harmony, with better fruits to show for the effort.

I am pleased and proud that present U.S.-Canadian relationships, our historical ties, and cultural and ethnic commonalty have meant a great deal to our two countries.

There is evidence that we are continuing to establish mutually beneficial trade relationships, including auto and coal production and electrical power generation.

We must work to build on these on-going programs in order to establish a freer flow of commerce and exchange of technical and professional talents.

In this atmosphere of trust and cooperation, we can speak openly and candidly to each other. In that spirit, I would like very much to share with you some of my thinking on a very complex challenge in which the United States and Canada share a vital interest. That, stated simply, is the proposition of maintaining an adequate secure supply of the basic energy fuels that are so fundamental to our security, and to the continued economic progress of our industrialized societies.

An adequate energy supply means, basically, a capability to produce and deliver the oil and gas required to meet the rapidly accelerating demands for these fuels in the years just ahead.

To fulfill these needs will require a vigorously healthy and expanding petroleum producing industry both in the United States and in Canada. More and more, the hard dollar decisions by management as to whether to explore and develop turn on the energy policy decisions by Governments. This is true whether the Government is in Washington or in Ottawa—in Alberta or in Wyoming. In 1970 the world petroleum industry spent $21.5-billion in capital investment, but the expenditures for production were only $7.2 billion, and for exploration only $1.3 billion.

All other expenditures for processing, marketing and transportation were up from the previous year's level, while production and exploration expenditures were down. The funds spent on exploration and production represented the lowest proportion of capital spending on record. This does not bode well for the seventies when we know that we must more than double the capital expenditures of the sixties to find enough oil and gas to meet the growing demand.

However, rather than talk in terms of our growing needs for oil and natural gas, it is more accurate and realistic to talk in terms of our growing needs for liquids and gaseous fuels. The swift pace of change, involving choices among fuel sources and new technology that has us talking in terms of "synthetic" gas and liquid fuels, introduces a whole new perspective of the energy-producing industries. These changes, in turn, promise to broaden the international character of the energy business.

This accelerating change involves Governments in even more decisions that will affect the future course of energy development, and it imposes on Governments a greater responsibility to construct policies that are sound, consistent and productive. In many respects, and this is particularly true in the United States, there are many who view virtually every energy policy decision as being in collision with environmental policy.

I am among those who believe we can carry forth a commitment to develop sufficient energy supplies consistent with a commitment to improve our environment, or, stated another way, that mankind can restore and maintain an acceptable environment without repealing civilization. But we must accept that, for the time, the conflicts between the need for more energy and the demands of some environmentalists have not been resolved. The result, in many cases, is that we have policy vacuums that mean interminable delays—if not stalemates—in essential energy development such as offshore leasing in areas of the Continental Shelf, and in essential transportation such as the Trans-Alaska pipeline.

This is but one of many elements where public policy is confused, indecisive or inadequate—and but one reason that the United States if not the entire North American continent is heading toward an "energy gap" which, if current trends go uncorrected, will reach regrettably intolerable proportions in the decade of the 1970's.

Indecisiveness or failure by either Canada or the U.S. in developing adequate and reliable sources of energy can only serve to make our country and yours more dependable on insecure and volatile foreign sources. And the militantly nationalistic policies and attitudes of many major oil producing countries could not only bleed our consumers but also lead to very serious security problems for both the United States and Canada.

Rather than attempt to cover the many aspects of the current dilemma as to energy supplies and policies, I will discuss a more narrow range of issues that are of joint concern to Canada and the United States—and to the petroleum industries of Canada and the United States. In response to the general worsening of our energy supply position, the President of the United States sent to Congress the first Presidential message dealing solely with energy problems and policies on June 4, 1971.

Under a section headed "Imports from Canada," the President's energy message stated:

"Over the years, the United States and Canada have steadily increased their trade in energy. The United States exports some coal to Canada, but the major items of trade are oil and gas which are surplus to Canadian needs but which find a ready market in the United States. The time has come to develop further this mutually advantageous trading relationship. The United States is therefore prepared to move promptly to permit Canadian crude oil to enter this country, free to any quantitative restraints, upon agreements as to measures needed to prevent citizens of both our countries from being subjected to oil shortages, or threats of shortages. We are ready to proceed with negotiations and we look to an early conclusion."

The United States policy of limiting oil imports, in the interest of national security, has recognized the relative security of Canadian oil. The administration of our oil import program has provided Canadian oil with preferential treatment. This preference has not been altruistic but rather designed to best serve our own national interests in the U.S. In 1972, provision was made for an increase of 100,000 barrels daily in U.S. oil imports in the area east of the Rocky Mountains. Two-thirds, or 65,000 barrels daily of this permissible increase, was reserved for Canadian oil.

In 1959, when President Eisenhower implemented the Mandatory Oil Import Program, U.S. imports of Canadian oil averaged 160,000 barrels daily. Our receipts of Canadian oil totaled 835,000 barrels a day in 1971, and will approximate 900,000 barrels daily in 1972—an increase of more than 450 percent during the period of oil import controls. I might say that another major producing nation on the Western Hemisphere—Venezuela—is vocally angry at the arrangement Canada enjoys under our program and has taken action to vent that anger.

It is clear that the U.S. oil import program has favored Canadian oil and served to encourage development of the Canadian industry. Well over half of Canadian production is marketed in the United States; U.S. markets have helped to encourage the Canadian oil industry and this is all to the mutual well-being of our sister countries.

There should be no disagreement that adequate petroleum supply is essential to the joint security of the United States and Canada. I believe there is no disagreement on that score, although there may be different concepts of security. I happen to be among those who believe that secure, uninterrupted supplies of basic fuels are vitally important to industry, and to ordinary consumers. Insecure energy supplies are as much a threat in peace, as in war.

Once there is agreement that the United States and Canada have a similar interest in secure oil supplies, then there ought to be agreement that both countries have a similar interest in encouraging the development of secure oil and gas supplies.

If adequate oil supplies are important to security, then our two Governments should have an equal stake in encouraging a healthy petroleum industry in both Canada and the United States. This is the crux of the President's statement of the need for measures to prevent citizens of both countries from being subjected to oil shortages, or threats of shortages, and his pledge to remove quantitative restraints on imports of Canadian oil once such agreement can be satisfactorily concluded.

It is my understanding that since President Nixon's energy message discussions have continued between our two Governments, with the hope remaining—on the part of the United States—for arrangements that will lessen the vulnerability which results from the policy of dependence on foreign oil of Quebec and the Maritime Provinces.

I recognize that this is old ground. It was put succinctly almost four years ago, in June 1968, by a highly respected native Canadian who happens now to be a resident of my State of Wyoming, Mr. Glenn E. Nielson, of Husky Oil Company. Mr. Nielsen said:

"It is difficult to understand why Canada allows almost half its domestic requirements to be imported, while its own production facilities are restricted. The long-term policies of both countries should be to cooperate and create sufficient incentives to the oil industry to discover satisfactory reserves in North America to meet future market needs and

remove any reliance on changeable foreign nations for oil in the event of war."

I believe this observation by the Board Chairman of Husky Oil Ltd. whose company has been one of Canada's aggressive smaller oil explorers, remains as valid in 1972 as it was in 1968.

As we seek separately in our own ways, and jointly where practical, the economic climate and the policy atmosphere that encourages development of U.S.-Canadian energy resources, we can expect—and respect the fact—that there always will be a Canadian view and a United States view of developments.

I am one who believes that we should express and compare those different viewpoints. From this, I am convinced, will emerge the understanding and the long-term progress that will best serve the vital interests of both countries.

I might quickly refer to two views regarding two current situations that involve U.S.-Canadian relationships, by way of expressing the hope—and the confidence—that these views will resolve into mutually beneficial accord in the longer term that will accommodate the practical necessities.

Oil and natural gas, as those who seek them know, are the joint products of a singular process—petroleum exploration. If I am correct that special consideration of Canadian oil under the U.S. oil import program has encouraged the search for oil, then it has also inevitably encouraged the finding of some gas. This being the case, the action of the Canadian Government, in November, that in effect placed a restriction on further shipment of Canadian natural gas to the United States was disappointing. It could lead to a strong reaction in the United States which might change the pattern of purchasing their requirements. While there are those who would say "we don't have anywhere else to go," they might be surprised at Yankee ingenuity. Although the reserves of oil in the United States are great, recent discoveries have not kept pace with consumption and we are more and more having to seek new sources of supply. Discussions with Russia, involving American investment in transporting and importing LNG—which I oppose—illustrate what I'm talking about.

In the trade field, we buy 66 percent of Canada's exports and supply 71 percent of your imports. We had a trade deficit with Canada of $2.5 billion in 1971. I realize that the very size of the U.S. economy, with which Canada is so closely associated, has created, a special desire for Canadians to nourish your own economic identity. But if this leads to nationalistic, self-defeating policies, I ask you honestly—who will be hurt more—Canada or the United States?

I would hope that the longer term goal of both the United States and Canada of arrangements that would justify removal of barriers on the movement of oil, also would include natural gas where there is a need to be filled and a supply available to a willing buyer from a willing seller.

There is the question of the happenstance of geography having placed the largest U.S. oilfield on the Alaskan north slope, where the companies which have invested well over $1-billion have yet to sell a barrel of oil because of a lack of transportation. They have been waiting four years, which is a considerable wait to begin receipt of a return on such investments. They will wait at least two, maybe three years more, if they can look to the quickest and most visable means of moving that oil—which is the Trans-Alaska pipeline.

There is a view among some Canadians that tanker shipment of Alaskan oil to the lower 48 States would present an environmental hazard to the Canadian Pacific coast. This is an understandable concern, but reason would indicate that the real threat is no greater than that to which the U.S. East Coast has been exposed from tankers moving more than a half million barrels of foreign oil daily to the Canadian Maritime provinces. We have suffered no ecological damage as a result of these movements over a span of many, many years—so I can therefore report that the risk is indeed minimal. Again, neither of us can afford to seek self advantages by denying the others reasonable needs. It does not necessarily follow that transportation to the lower 48 States must be achieved by this method. As I reflect upon the enormous untapped and undiscovered reserves in northwestern Canada the need to consider seriously an alternative—a trans-Canadian pipeline—is obvious.

The United States increased its oil imports by more than 400,000 barrels daily in 1971, and will increase them by almost a half million barrels a day in 1972, including large increases in residual fuel imports. Our dollar outflow for oil exceeds that of any other commodity, and represents an adverse factor of about $3 billion a year in our balance of payments account. This was a significant factor in 1971 when the United States experienced its first overall trade deficit since 1888 of $2 billion. As already stated, our deficit with Canada alone was in the magnitude of $2.5 billion. We acted on August 15 to impose a 10 percent import surcharge and let the dollar float. If we are forced to act again to defend our balance of payments, I suspect it will be with broad scale import quotas which, as you may know, are perfectly "legal" under Article XII of the GATT to protect a country's balance of payments. We want to avoid this if possible. That is one further reason why it is imperative to get North Slope oil on stream as early as practical, and without delay caused by unjustified fears.

It would hardly be proper for a speaker from the United States to avoid some mention of that perennial subject, the concept of a "Continental Energy Policy." Not much progress has been made toward establishing a coordinated U.S.-Canadian energy policy despite several years of talk, and I tend to think the term itself suggests possibilities that are too much to expect.

The question has been asked occasionally by realists on both sides of the border, I believe with some perception, something like this: "How can two countries, neither of which has a discernible, workable energy policy in its own right, expect to construct a 'coordinated energy policy'?"

This may have a negative ring of futility, but it certainly brings home the impracticality of entertaining hopes that are too ambitious in the short run. And I would be the first to admit that the United States has been somewhat of an under-achiever in attending to its own energy policies and problems.

While a broad all-encompassing coordinated energy policy may be beyond practicality in the near term, certainly the vital interests of the U.S. and Canada require that we seek to construct our individual policies in ways which best serve our mutual interests. I believe the long-term best interests of both countries require and justify policies which will encourage the full development of North American energy resources, consistent with our growing requirements and with our joint concerns for the environment.

Our potential for developing secure energy resources, under constructive and proper Government policies in both countries, is great indeed. On the Canadian side, that potential is dramatized by reference to the fact that the geologic sedimentary area covering Alberta, Saskatchewan, and much of Manitoba and the Yukon, encompasses about 800,000 square miles—equivalent to the oil States of Texas, Louisiana, California, Oklahoma and Wyoming combined.

I want to see that great expanse of sedimentary rock explored, along with those areas of the Canadian and Alaskan Arctic which hold such great promise. I feel, a responsibility to use such influence as I may have to encourage the development of secure energy resources as an alternative to dependence for essential fuels on such unstable areas as the Middle East, and I would hope that would be the goal of citizens of Canada and the United States, and of both our Governments.

WHAT IS SENILITY?

Mr. PERCY. Mr. President, we frequently hear the word "senile" used to describe elderly people who have become forgetful, careless in their personal habits, and generally confused about what is going on around them.

If a middle-aged person continually forgets where he lays his glasses or where he puts the matches, we say he is absent-minded; if an elderly person does the same thing, we say he is senile.

In an article which appeared in Wednesday's Chicago Tribune, writer Jo Thomas of Knight newspaper service made some interesting observations on the question of senility.

Mr. President, I bring this article to the attention of Senators, particularly my fellow members of the Committee on the Aging, and ask unanimous consent that it be printed in the RECORD.

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

"SENILE"—THE CRUELEST LABEL

(By Jo Thomas)

In an age which crams men into pigeonholes, the more scientific-sounding is the label on the slot, the easier is the conscience.

Depending on sex, income, job, place of residence, or race, people are expected to perform like "housewives," "disadvantaged," "blue collar workers," "suburbanites," or "militants."

The cruelest label of all is reserved for the elderly. It is all the more heartless because it has an antiseptic medical ring to it. With a clear conscience, it can be laid on an elderly person to rationalize almost anything done to him. The label is "senile."

It is not going unchallenged, however. A small voluntary agency in Buffalo has set up a project to counteract senility. Kenneth Pommerenck, its director, calls senility "one of the most damaging self-fulfilling prophecies ever devised."

Pommerenck contends that senility is a form of social withdrawal much more often than it is the end result of physical deterioration.

A person forced to retire on substandard income, robbed of his identity and some of his purpose and crushed in spirit, adjusts to a hostile environment the best way he can. Society labels this behavior "senile." The elderly person is frightened into believing his brain really is deteriorating, and eventually he behaves as if it were.

The project is encouraging efforts to rescue elderly people from custodial care and return them to independent living. Pommerenck also wants to warn well-meaning relatives and friends that many symptoms of senility may be nothing of the kind. He cites several so-called symptoms and what to do about them:

Sympton: He forgets his own name, at night and wanders around the house, sometimes talking to himself.

Reality: He's alone all day with nothing to do. He catnaps and putters around. At night, he isn't tired. There's no longer any real differences between night and day so he follows the same pattern of catnapping and putter-

ing. The solution would be some day time activity significant to him and preferably away from home. It should tire him out enough to sleep at night.

Symptom: He repeats the same statement or question a number of times, apparently without realizng it.

Reality: He has little contact with other people and lives more and more in his own imagination, eventually confusing thoughts and actions. The solution would be regular activity, contact with others, and a chance to take responsibility for his own affairs, go places, and be drawn out of himself.

Symptom: He loses track of the time and day of the week and becomes very confused about this.

Reality: He no longer has a fixed schedule to keep him oriented. The rest of us are constantly reminded of time and place. On vacation, we delight in forgetting the date, but in an older person we see this is a sign of serious deterioration. A solution would be activities, places to go, and some fixed responsibilites.

Symptom: He talks incessantly, makes constant demands for attention, and seems to feel others exist for his convenience.

Reality: Everyone needs the attention of others. If we lack positive, constructive, socially acceptable attention-getting devices, we create less desirable ones. The solution would be to redirect his energies into activities with a variety of people.

Symptom: He forgets his own name, which seems to be the ultimate in disorientation.

Reality: Most of us have "gone blank" on introductions because of anxiety. In an elderly person anxiety can reach a paralyzing level of blotting out his own name. A solution is to treat the person with respect and dignity, helping him to rebuild a positive identity. It's also possible to practice social situations which produce anxiety—such as making introductions or paying bills.

In the 16 months Pommerenck's project has been working out of the state Communities Aid Assocation, he says a great number of people who were diagnosed as suffering from chronic brain damage have been taken out of custodial care.

"Nobody's claiming that every elderly person can run a 100-yard dash or be a computer programmer," says Pommerenck. "But many people who are considered vegetables could be living productive lives."

GENOCIDE: DESTROYING GROUPS IN WHOLE OR IN PART

Mr. PROXMIRE. Mr. President, in the past there has been some confusion concerning article II of the Genocide Convention of 1948. This section defines the crime of genocide as the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group." The point of debate has focused around the term "part." Opponents of the treaty believe that the concept of partial destruction is too ambiguous to be included under the genocide treaty. They wonder whether the murder of one or two members of a particular group might unjustly arouse the cry of genocide. S. 3182 remedies this dilemma by explaining the full extent of genocide, in whole or in part, in the following passage:

> Substantial part means a part of the group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity.

The murder of one or two people is an insanely inhuman act which all civilized nations deplore and punish. But, according to this new understanding of genocide, such acts need not fall under the articles of the treaty. Rather, the intent to destroy a "substantial part" as explained above is the yardstick by which this international crime is to be judged.

Consequently, there can be no doubt as to the meaning of the Convention's use of the phrase "in whole or in part." The atrocity is no longer ill-defined, and therefore I urge Senators to expeditiously move to ratify this treaty and pass the implementing legislation.

U.S. POLICY IN SOUTH ASIA

Mr. ROTH. Mr. President, the knowledgeable New York Times columnist, Mr. C. L. Sulzberger, has been traveling in South Asia, where he has interviewed Prime Minister Gandhi of India, President Bhutto of Pakistan, and Prime Minister Mujibur Rahman of Bangladesh. Mr. Sulzberger's reporting provides some valuable insights into the thinking of these three important leaders. What they told him was of special interest to me because of a speech on our policy in South Asia that I delivered here earlier this month.

At that time I urged that we adopt a balanced approach in South Asia. By that I meant that we should avoid involvement in the internal disputes of the region and should seek the friendship of all the nations located there.

Mr. Sulzberger's dispatches offer reassuring evidence that this is indeed a feasible course for us. Each of the leaders interviewed was receptive to measures that would improve relations with the United States.

Even Bangladesh Prime Minister Mujibur Rahman, who castigated our Government for "sending arms to the Pakistanis who were murdering us," stressed his determination that Bangladesh maintain a nonalined position that would permit friendly ties with all nations including the United States.

In my earlier speech, I also pointed out that one of the major hindrances to good relations with both India and Pakistan was our provision of arms to those countries. I explained how time and again our participation in the arms trade had involved us in the longstanding quarrels of India and Pakistan.

That these dangers are still with us becomes very clear from reading Mr. Salzberger's interview with President Bhutto. The Pakistani leader stated plainly that he hoped to get American aid to rebuild Pakistan's armed forces. No doubt our Government will sooner or later be forced to decide whether to provide the arms Mr. Bhutto is seeking.

The case for doing so is a weak one. It will be difficult to justify new arms shipments on the grounds we have used in the past; namely, that we are combating Communist expansionism and that we must support those who are allied with us against the Communist threat. In his remarks Mr. Bhutto makes clear that he wants arms for protection not against China or the Soviet China but against India. And insofar as existing alliances are concerned, Mr. Bhutto says he personally believes Pakistan should withdraw from SEATO and CENTO. The burden of proof clearly lies with the advocates of arms shipments to explain why resumption would be in the interests of the United States.

Mr. President, I believe that the full reports of Mr. Sulzberger's interviews would be great value to the many Senators who are concerned about South Asia. I ask unanimous consent that they be printed in the RECORD.

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

INTERVIEW WITH PRESIDENT BHUTTO OF PAKISTAN

RAWALPINDI, PAKISTAN.—Following are excerpts from an interview with President Zulfikar Ali Bhutto of Pakistan conducted in English by C. L. Sulzberger of The New York Times.

Q. What has been the value to Pakistan of the CENTO and SEATO alliances and the bilateral defense agreement with the United States?

A. Certainly the alliances did not come into operation either during the present crisis or the 1965 war. And the latest conflict, in which India was supported by another power, was even more severe. Nor was there any dispute about the fact that we were the victims of aggression. As an ally we surely didn't expect to be dismembered with out help. So in the future we hope that our own military defenses will be more secure.

We want to improve our relations with all countries but, particularly, we base our hopes on new relationships with the United States, a turn for the better. We are already grateful for your recent actions. The enemy's onslaught against West Pakistan would have continued unabated if the United States had not given a firm ultimatum warning the hostilities must cease. The Soviet Union understood the signal and then pressed India to accept a cease-fire. I know this is true. I have just been in Peking and Chou En-lai confirmed this to me.

Therefore I think that the world and my own people should know that the United States, in the interests of peace and civilized conduct among states, did put its foot down. If there had been no U.S. intervention, India would have moved hard against Azad Kashmir [the part of Kashmir under Pakistani control] and also on the southern front in Sind.

Unfortunately, under the supine and stupid leadership of Yahya Khan [the previous president, now under arrest] our people were given no direction. They were subjected to confused and contradictory orders that could only have been issued under the sway of Svengali.

VALIDITY OF TREATIES

Q. Do you regard the two alliances and the bilateral pact with the U.S.A. as still valid?

A. Certainly they remain legally valid. But politically and militarily they have become ineffective. I do not plan to make any formal changes in our own relationships. I would prefer to leave the final determination on these questions to the National Assembly, especially while Indian forces continue to occupy part of West Pakistan and all of the East. But my personal view is that the bilateral understanding with the United States can be kept intact—with a clearer understanding of each country's obligations. This will require a meeting of minds, and also some redrafting. After all, a qualitative change has taken place in this region since the 1971 treaty signed by India and the Soviet Union. This allows India a chance to create greater havoc in the entire area from Nepal to Afghanistan, Iran and the Persian Gulf. Our own physical dismemberment now exposes other countries to arrogant Indian expansionism.

We must look for new arrangements. Obviously the United States has an interest in Asia and doesn't want to see a drastic shift in the balance of power. And we want a genuine dialogue with the United States on this new situation.

Of course we have good and fraternal relations with the other CENTO members just the way we want to retain friendly links with Britain although we have left the Commonwealth. But I feel—as I made plain in my party manifesto before I was President—that we should withdraw from CENTO and SEATO. This is only a personal feeling. That is unless, on reconsiderating CENTO, we can revitalize it. And I would like to strengthen our bilateral U.S. agreement. SEATO is of less concern to West Pakistan and its future depends on what happens in the East.

ROLE OF UNITED NATIONS

Q. What value is the U.N. to the victim of aggression?

A. I am sorry I used harsh words before the U.N. but our situation was then desperate and I felt far away. Nevertheless, I don't feel differently now. The U.N. has been rendered ineffective by misuse of the veto. I only hope the General Assembly can be made more active under the uniting for peace resolution. This should assume a mandatory rather than a recommendatory character.

Q. Are you seeking to negotiate any new pacts—with the United States or China, for example?

A. Certainly this would be to our interest and, as I told you, I hope something can be done with your country. I also put the subject up to the Chinese, even before I went to Peking on my recent trip. China already knew there were many public demands here for a defense pact. But when I discussed this with the Chinese leaders they stressed that it was common interest rather than pacts which mattered.

They pointed out that they had had a defense pact with another Communist country, the Soviet Union, and now look where that stands. They said their policy was now averse to pacts but that mutual interests were better and produced more binding ties.

And I must admit we saw this ourselves in CENTO and SEATO. India marched into Dacca on the back of the Soviet Union and certainly CENTO should have acted. And in developing our foreign policy now we must henceforth assume that India is no longer acting independently but makes all its moves in accordance with its 1971 treaty with the Soviet Union. We must assume that they are acting in concert.

COMMONWEALTH RELATIONS

Q. What have you lost by leaving the Commonwealth?

A. When I was Foreign Minister I saw the necessity of analyzing historic trends and basing policy on them. Thus one could see the American mood was turning against pacts and wanted to recast policy from the bases of the nineteen-fifties. Balance of payments position was bad. There was the horror of Vietnam, a feeling that the U.S.A. was overstretched, a refusal to be a world policeman. Likewise Britain felt overstretched and saw that it belonged to Europe. It was no longer a great power and could not even hope to play Greece to the American Rome because the U.S.A. understands the game better.

Thus it was inevitable for Britain to change its position. And Commonwealth conferences are useless. They just let off steam and vernom. I'd rather work out problems on a more rational, bilateral basis. I want to improve relations with Britain bilaterally and grow culturally. But we won't reopen the Commonwealth chapter.

Q. What was the upshot of your trip to Peking this month?

A. China has stood by us as a friend and neighbor in two wars, 1965 and 1971. We want a profound dialogue with them just as we want one with the United States. And in Peking I found encouragement on this. The Chinese understood our viewpoint and liked it. I found a sympathetic atmosphere for such a dialogue.

Q. I have heard reports here of new troop movements in Kashmir and the possibility of another crisis there. Is this so?

A. Yes. This is causing concern. The Indians are moving in. And you musn't forget they have staged seven aggressions in 24 years. They attacked Pakistan in 1947, 1965 and 1971. They had their row with China. They attacked in Hyderabad and Kashmir. They seized Goa. Now India would like to see Kashmir more completely in its hands. They are pouring in money and propaganda and staging worrisome military movements. I am going up there soon myself to see.

NIXON'S CHINA TALKS

Q. Do you expect Pakistan will be discussed by President Nixon in Peking?

A. Not Pakistan as such, but the whole subcontinent: India's intentions and actions. Everyone sees the need to prevent these licentious conquests.

Q. What do you hope for as a result of Nixon's China trip?

A. We've had a long association with the Chinese leaders. My last meeting with Mao was the third. I have had many, many meetings with Chou-En-lai. And I can tell you there won't be masses of people in the streets to greet Nixon because, after all, you don't recognize China. But the talks will be fruitful and productive, of that I'm confident.

You are two great powers on the same ocean, the Pacific, and you have had a long association in the past. This Nixon trip is a welcome development. The dialogue will be welcome. Nothing sensational will come of the talks but that is good. Nobody wants an earthquake. Let the stream flow gently and build relations gradually on the basis of mutual confidence. Nixon showed admirable statesmanship in moving for this meeting. You know, I have made mistakes in my life and one of them was in 1950 when, as a young student at the University of California, I campaigned against Nixon on behalf of Helen Gahagan Douglas. I was very wrong. He has made a great contribution.

Q. What is being done about returning prisoners from the recent war?

A. We have less than 1,000 Indians and they have almost 100,000 of ours. Yet I have taken unilateral steps to help Bangladesh—sending food, releasing Sheik Mujibur Rahman without conditions. I could have held him as part of a bargain on prisoners. But India does nothing to respond to these moves except make pious talk. I hope they won't try to barter on prisoners' lives. We have asked other states to help us diplomatically but the Indians show no magnanimity and keep talking about conditions.

TIES WITH BANGLADESH

Q. Are you contemplating any new offers to keep some kind of relationship with Bangladesh, something like confederation?

A. It's premature for that. You must have voluntary solutions. The feeling for this must grow. New ideas can gain strength only after the existing animus comes to an end. Mutual respect must gradually flow from the soil. Patience and deeds are needed, rather than words.

Q. What do you think Soviet ambitions are on the subcontinent?

A. India will lose from its aggression, in the long run. It has sown the seeds and will reap a bitter harvest in India itself. By sponsoring Bangladesh you will see that India will lose West Bengal and Assam. And it is preposterous to think that, in an association with a great power like Russia, the great power's own interests will not prevail. It is absurd of India to think that with its ancient wisdom and the rope trick it can lasso the Soviet Union.

The Soviet Union will demand its full pound of flesh. There will not be anything immediate and sensational like Soviet bases. There will just be an undercurrent of subtle gains. The Soviet Union looks above all at China. It is bound to gain influence in Indian West Bengal. India's own miserable citizens already sleep on the streets of Bengal and stave off starvation with food provided by the United States. And if our links with East Pakistan remain permanently broken, that part of the world too will come under Communist influence, either Soviet or Chinese. In either case it will be red.

Q. And the Pathan [North West Frontier] and Baluchistan regions of West Pakistan? I have heard reports that Soviet propaganda and agents are now active there?

A. You may simply say that I preferred not to answer that question, to comment on it.

HELP IN REBUILDING

Q. Are you now seeking help in rebuilding your military strength? Above all, are you seeking U.S. help?

A. There is certainly a new situation now. India got all its equipment from the Soviet Union but complained every time we got the smallest thing from the U.S.A. Now we have had great losses. I certainly don't want to embarrass your Administration during an election year. But we desperately need arms to defend ourselves. And if I find that it is not embarrassing to your Administration, I assure you I am ready to start talks on all this tomorrow.

Q. Can you tell me something about your internal program?

A. We have already placed all heavier industries under state control but we want a strong private sector. We are tightening discipline on banks and I'd like to nationalize insurance, compensating foreign companies. An agrarian reform program will start at the end of this month. I want to reduce the holdings and power of the zamidars [large landowners]. The first election in our history was in 1970 and it exploded pent-up frustrations. Therefore I don't want a new election yet. Our tradition is for a vote every five years. I could sweep the polls now but I don't want to. I want the present assembly, acting as a constituent assembly, to draw up a new constitution. This must be so drafted as to avoid any future challenge by a political adventurer, military or civilian. After all, we have had four dictatorships in 24 years. I want a referendum to approve the steps I've taken so far, my reforms. This will be held soon, before the year is over. And then there will be a second popular referendum after the constitution has been framed.

I want to take the power from the elite, without denuding them. I want to get the army out of politics. And I want to limit the political power of big business, which floated the generals. I have no ideology that can be described in a simple phrase.

I have always been sickened by poverty and economic injustice. I have always had a fire in my heart and a desire to revolutionize our society, to throw away dead weights and to build a beautiful new face. And we are building. We are reducing the tyranny and cruelty. I can't define my doctrine. Doctrines everywhere are becoming flexible. You can't define things. How do you define Communism? In Russia? In China? In Yugoslavia? In Albania?

INTERVIEW WITH PRIME MINISTER GANDHI OF INDIA

NEW DELHI.—Following are excerpts from an interview with Prime Minister Indira Gandhi of India conducted by C. L. Sulzberger of The New York Times:

Q. It is obvious that the Soviet Union strongly supported India during the recent crisis, both politically and militarily. Do you think this indicates that India feels obligated to demonstrate its gratitude in any tangible way?

A. Well, one of our faults is that we are unable to display gratitude in any tangible sense for anything. I think you know that. And I might add that it would be a very different kind of aid if it were based on the expectation of gratitude. Countries help one another because they need one another. Obviously, countries are not disinterested when they help one another. But I don't think the record shows an inclination to display tangible gratitude here.

Q. Am I right in deducing from your statement that Indian policy still remains firmly based on nonalignment—despite the 1971 treaty with Moscow?

A. Yes. Certainly. It is firmly based on nonalignment. I must point out, however, that your country—and the West as a whole—gives its own meaning to that word, nonalignment. We regarded nonalignment as a form of neutralism or noninvolvement.

For us, nonalignment only means that we don't belong to any military bloc. We started this policy of ours when there were two military blocs in the world. Things have changed since then, but our policy remains the same. We reserve the right to make our own judgments and to take our own decisions despite what other countries may wish.

Q. Is India anxious to improve its relations with China and the U.S.A., both of which are currently not very good?

A. We are always anxious to improve our relations with other nations. And I would like to point out that we have always had the greatest admiration for the United States in particular.

We would also like normal relations with China. They are not very warm now. But they are not really any worse today than they were before, for quite a long time.

Q. Would India welcome a U.S. initiative to open the kind of high-level dialogue mentioned by President Nixon?

WOULD-WELCOME DIALOG

A. We always welcome a dialog. I would welcome efforts to make a new start. Naturally, we would hope to see signs of a serious effort to make a new start.

Q. Just where did Indian-United States relations go wrong? After all, for years there has been talk of an American desire to rely on India as a democratic counter-poise in Asia to China.

A. I suppose your attitude toward India changed when your policy toward China changed.

I think the United States always has had difficulty in understanding India. Western nations have a habit of regarding the West as the center of the world. But obviously, we can't see always through the same eye.

And even when the United States spoke of supporting India, it was arming Pakistan.

I think the United States made many wrong assessments from the start. It tended to look at things in terms of being Communist or non-Communist and not in terms of what people were actually doing.

I don't want Communism for my country. But if someone calls himself a Communist and at the same time really behaves like a democrat I don't have anything against him.

SAYS EXTREMISM WANES

We have won our country away from all forms of extremism by our own policies. I suspect that, if we had followed the ideas of extremism, large parts of this country would by now be Communist and other parts would have fallen under the control of the extreme right wing.

Q. Is it accurate to say that the first serious break in your hormonious relations with China came when the Chinese occupied Tibet?

A. Well, we had a border dispute with China and that was deadlocked. They took a very definite view of this question around 1954. And that was also the time they moved into Tibet.

And when they took over Tibet, refugees including the Dalai Lama came to India. They mistook our sympathy for the refugees as an act of hostility. But we have always sheltered those who ask for shelter. We welcomed the Dalai Lama in that spirit and we told him he was free to carry on all his religious activities here. Nevertheless, the Chinese accused us of politics in this instance.

Q. Do you agree with those who predict that left-wing centrifugal forces in West Bengal and Assam will be encouraged by the creation of Bangladesh and might endanger Indian unity?

A. As a matter of fact we have more extreme leftists here in India than there are in Bangladesh. The people in Bangladesh are worried about our extreme leftists going there—I mean people like the Naxalites and Communists party. Bangladesh has nothing to do with this.

If those extreme leftist movements grow it will be because of other factors. They are certainly strong now and it is a concern to us, but I think we are gradually beginning to get them under control. I think there is less danger now than there was a year ago. The great thing is that we have been able to arouse public opinion on this issue. For a considerable time when extremists were accused of violations they had to be released by the courts because no one would come forward to give evidence against them. People were frightened, but now they are taking courage and this is helping a great deal.

Q. I understand that all Indian troops will be withdrawn from Bangladesh by March 25. When will the process begin?

A. Oh, it has already begun. It began right away after the fighting stopped. Within the first two weeks almost half our troops were pulled out. And we will go ahead on schedule.

Q. What are the necessary preconditions—if any—for the repatriation of Pakistani prisoners from India?

A. Obviously talks are needed first. And there have not been any talks. As far as I know, we have not yet received any official request from Pakistan suggesting such talks.

Q. I was recently in Pakistan and heard reports of menacing Indian troop movements in the region leading toward Kashmir. Would you comment on this?

A. There is no truth at all in such reports, I can assure you there is nothing in it. And I would know.

Q. Does India wish to modify the border with West Pakistan or is India prepared to leave that border the same as it was prior to the recent war? I include the de facto frontier in Kashmir when I refer to the pre-war border.

A. There should be some adjustment. There is no doubt that certain adjustments are required. Some do exist and they must be eliminated. But this is not a major question. I am not talking about major changes.

You must remember that the cease-fire border in Kashmir was designed to preserve peace. But if peace cannot be preserved there, it must be changed in order to achieve its objective.

Q. Is there any evidence that the Naxalites [extreme left revolutionaries] in India receive support or encouragement from China?

A. That is very difficult to prove. How can you conclusively prove such a thing? Of course, the Naxalites constantly use the name of Mao Tse-tung. They proclaim "Mao is our chairman."

They are really a very mixed movement. You know, they include a hard core of young people, young intellectuals, from very well-to-do families. And then they also include many extremely poor people from have-not and landless families.

And sometimes students get taken in by this. And the trouble is that they are not allowed to leave when they wish to leave.

Q. What is your reaction to reports that Indian policy during the war was to distintegrate West Pakistan or even today wishes to break up West Pakistan?

A. There is no basis to this. We would like to see an independent and strong Pakistan, but this cannot come about except on the basis of friendship with India. We don't want to see a weak Pakistan.

Q. I am sorry to get back to this, but I wonder once again if you could elaborate your comment concerning West Pakistan. There have been reports that India planned to destroy Pakistan's armed forces and to seize that portion of Kashmir controlled by Pakistan.

A. I can assure you that the only policy we had toward Pakistan during the recent war was a holding operation in the West without any thought of an offensive major penetration. Our policy was only a holding operation, I repeat.

I hear there are reports that a "Cabinet paper" was seen by certain U.S. intelligence agents, a paper which claimed that we were planning to destroy West Pakistan. Well, I can guarantee you there was no such Cabinet paper because I see all Cabinet papers. Maybe there was some kind of a plan drawn up for theoretical circumstances by the military. You know, there are contingency plans of this sort always. But there was certainly nothing that was Indian policy of this sort.

INTERVIEW WITH PRIME MINISTER MUJIBUR RAHMAN OF BANGLADESH

(By C. L. Sulzberger)

DACCA, BANGLADESH.—Sheik Mujibur Rahman, Prime Minister of the enormous new state of Bangladesh, said in an interview today that he would welcome an internationally arranged population exchange with Pakistan, enabling non-Bengalis now living in this fledgling country to depart.

Such a step, he said, would facilitate the return here of Bengalis now in the Islamic nation that, as West Pakistan, controlled this country until the independence struggle and the Indian invasion in December.

Sheik Mujib estimated that the minority of non-Bengalis who would wish to be transferred out of Bangladesh amount to 750,000 people.

The general belief is that there are perhaps two million Biharis in Bangladesh in a population of 75 million. The Biharis—Bihari is the general term to denote non-Bengali Moslems—are widely detested. They contributed much active support for, and collaborated, with the Pakistani military and civilian authorities in the bloody campaign against the Bengalis' autonomy movement.

The Prime Minister said that he thought the United Nations was the proper authority to administer such a population exchange and that he would enthusiastically welcome it. Nevertheless, he took pains to insist that the minority here was being treated tolerantly by the majority despite recent horrors.

Notwithstanding Sheik Mujib's assurances, it is known that the Biharis live in great fear and that some have been badly treated since independence.

Sheik Mujib is an unusual man. The word "sheik," an honorific similar to "esquire," denotes his middle-class, land-owning antecedents. Mujib, the diminutive of his first name, expresses the universal affection felt for the national leader.

He is an emotional man of 55 years with gleaming black eyes, graying hair and mustache and a vigorous demeanor. Tall for Bengalis, he stands almost 6 feet. He smiles readily and likes to talk, waving the pipe he always clutches. During the interview, in English, he showed friendship for the American people but none for the American Government.

He seems to have survived 11 years of imprisonment for his political opinions with-

out a scar. Nine years were in solitary confinement, often without books; when he had them, he said, they were his only friends.

He said he always slept easily and well, even falling off to a full night's rest an hour after he was seized last March 25 by the Pakistani authorities, who were believed ready to kill him. "I was at ease," he observed. "If a man is ready to die, how can you kill him?"

The Bengali leader is not given to intellectual formulations but to vague enthusiasms or, as in the case of Pakistan or the Nixon Administration, passionate dislikes.

The "I's" flash through his sentences like telephone poles besides a speeding train, but he gives the impression that, rather than being conceited, he simply associates himself with his nation.

Thus Sheik Mujib may say, when discussing economic prospects: "I have jute. I have tea. I have hides and skins. I have forest products. I have natural gas. I have fish."

He insists that he is a pragmatist, saying: "I am not a philosopher, I am a practical man. First I am a nationalist. Second I am a democrat. Third I am for secularism. And fourth I am a socialist. But it is my own socialism and not imported from abroad."

But questions about his practical plans draw a blank. He says the economy is fundamentally good although Bangladesh needs emergency aid to recover from the recent holocaust. If the American people—not the Government—wish to help, he would want food, medicine, transport equipment and emergency housing materials to erect huts replacing the millions of houses destroyed. He wants it all if possible before the rainy season begins in May.

He is vague about finances and administration. Seventy per cent of Pakistan's small stock of gold and hard money belongs to Bangladesh, he insisted, and he spoke about drawing up an indemnity bill to be charged to Pakistan both for Bangladesh property and for the immense damage caused.

He said the civil service and the brand-new diplomatic service were functioning well, but others are less optimistic. He expects Bangladesh to have a "modest" defense force.

In foreign policy, the Prime Minister insisted, Bangladesh will remain nonaligned, and he wants to be friendly with all nations, including China and the United States, once they recognize his regime. But he is clearly wedded to a close attachment to India and to the Soviet Union.

Sheik Mujib sternly recalls that while Moscow was protesting Pakistani repression and using its veto in the United Nations to defend the Indian-Bangladesh cause in the war, President Nixon was "not protesting but sending arms to the Pakistanis who were murdering us."

"Yet he knew what was going on," the Prime Minister continued. "He had his consulate and his C.I.A. here reporting to him. But when his Consul General told the truth, he was taken away and sent somewhere else."

According to the Prime Minister, law and order prevail and there is no abnormally high crime rate. No guerrilla bands exist as such any more, he added, except for "a few hooligans armed by the Pakistanis." His authorities control all districts, he maintained.

He said Bangladesh was satisfied with her borders and had no territorial claims.

Discussing the Pakistani military action he used figures that are questioned by neutral authorities.

"A minimum of three million people died here," he said. "Just today in one town a thousand skulls from decapitated bodies were found. Two hundred thousand girls were raped."

He said several thousand "collaborators." all civilians, would be tried under civil law in open court. There will also be trials of what he appeared to estimate as several hundred "war criminals," all Pakistani military men who are thought to be in Indian prisoner-of-war camps. Sheik Mujib said they would be tried in special courts under a law not yet drafted.

Summing up his views, Sheik Mujib said he intended to create "a society without exploitation."

"I don't want any cartels or capitalistic controls," he added. "I love humanity."

THE JOINT COMMUNIQUE ON CHINA

Mr. KENNEDY. Mr. President, I am confident that the joint communique ending the President's trip to China will be recorded as one of the most progressive documents in the long and distinguished tradition of American diplomacy and foreign affairs, a fitting end to the historic visit that has done so much to renew the long and tragically interrupted friendship between the American and Chinese peoples. There is no question in my mind that, whatever the course of future events in our policy toward China, the bridge that has now been built to Peking will be a lasting monument to the Presidency of Richard Nixon. I commend the President for the visit, and I commend as well the important contributions that Dr. Kissinger and Secretary Rogers have also made.

Most especially, I welcome the progress on Taiwan announced in the communique. The administration has now delivered the coup de grace to its old discredited two-China policy, and I hope that there will be an early and rapid withdrawal of American forces from that island.

At the same time, it is not ungenerous to say that the initiative toward China is more a window than a door. For all its eloquent rhetoric, the communique is a document of hope, not expectation, of promise, not fulfillment, of beginning, not conclusion.

We must insure that the bonds we have begun to build do not jeopardize our relations with nations like India and Japan and the Soviet Union. We must not let the new initiative distract us from all the important domestic issues we have to face at home.

And so, although there has been progress from the visit, this is not a time to rest on any laurels. Instead, it is a time for the new and harder work that must follow on, if we are to make genuine and lasting achievements on all the great issues that have divided America and China in the past, and that divide us still today. Soon, perhaps, if we are successful in our work, there will be an American Ambassador in Peking, and a solution to difficult issues like Vietnam, Korea, Taiwan, nuclear control, and all the other great questions before us.

In sum, the trip is a success because of the challenge it gives us in the months and years ahead. Let us meet the challenge. Let us resolve that the communique will not be simply a document that keeps the word of promise to our ear, and breaks it to our hope.

CARL HAYDEN

Mr. BELLMON. Mr. President, I am pleased to join other Members of the Senate in offering a brief message of tribute to the memory of a former distinguished Member of this body, the late Carl Hayden of Arizona.

Unlike many Senators, I did not have the opportunity of serving in the Senate with Carl Hayden. However, his long tenure in the Senate and the many contributions that he made as a lawmaking pioneer left a legacy felt by those who have come after him.

Of all the fine things written about this man, what impressed me most was an observation by a Los Angeles Times staff writer, who wrote in April, 1971:

> The real truth is that Carl Hayden, despite two-thirds of a lifetime in the rarefied air of the Nation's Capital, never did shake the Arizona desert from his hightop shoes.

In these words is a lesson for all of us. We must never forget the land from which we came, we must never forget the roots from which we sprang, if we are to remain true to the people we serve.

HIGH COST OF INCREASED ARMAMENTS

Mr. STEVENSON. Mr. President, billions of dollars spent in the name of national security can contribute to our national insecurity. Herbert Scoville, Jr., a former Deputy Director of the CIA and the Arms Control and Disarmament Agency, supports an adequate defense. He also perceives the high costs and many perils of impulsive efforts to increase U.S. armaments. He lays bare some of the current myths about the relative strengths of the United States and the U.S.S.R. in a New York Times article of February 24, 1972. I commend the article to the Senate and ask unanimous consent that it be printed in the RECORD.

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

ARMS LIMITATION OR ARMS RACE?

(By Herbert Scoville, Jr.)

WASHINGTON.—President Nixon's $6-billion new defense requests call for an increase of more than a billion dollars for new strategic weapons. At the same time, concrete results on the Strategic Arms Limitation Talks have again been postponed, at least until he goes to Moscow.

Why the urgency on new weapons programs and interminable delays on a mutual halt to the arms race? Why wait until May? Are national politics controlling our security decisions?

An advanced airborne command post and a future generation submarine missile system headed the list of defense programs which he believes cannot even wait until next year. What has happened since last summer to require, on an emergency basis, a new airborne command and control system for the President and top officials? Certainly we have always assumed that Russian submarines would be deployed in locations which would permit their missiles to reach Washington, just as our Polaris missiles have been stationed for years within range of Moscow.

Secretary of Defense Laird now tells us that our present command communication systems are vulnerable to Electromagnetic Pulse, the high intensity radiation pulse produced by a large nuclear explosion. But this phenomenon is not new. It has been observed in our nuclear tests for more than twenty years. We have had extensive re-

search programs to limit its effects. In 1968 the Defense Department issued an unclassified handbook for the benefit of manufacturers who wished to build more resistant electronic equipment.

Either we are seeing another example of a fabricated danger to keep the military-industrial complex active, or our defense planners should be accused of dereliction in their duties. Although Electromagnetic Pulse is widely advertised as the new menace, the initial procurement under supplemental appropriations will be for four large aircraft, presumably Boeing 747's the first three of which will be fitted with old electronic equipment, not items newly designed to resist Electromagnetic Pulse.

Similarly, we should ask the question: What emergency suddenly requires supplemental funds and big new expenditures for a new submarine missile system? Secretary Laird recently said this was not subject to negotiation at the talks on strategic arms because it was a replacement for the Polaris submarines. But we are still converting at a cost of $5 billion the Polaris submarines to launch the advanced Poseidon missile. Why—if Polaris is becoming obsolete? Actually, even the Poseidon is unnecessary unless the Russians build a large ABM system which would take many years and which would be banned if President Nixon's optimism on a treaty limiting ABM's is realized.

Defense authorities at all levels have stated that our submarine forces are not threatened by Soviet anti-submarine warfare. Secretary Laird says our Polaris deterrent is "highly survivable." We have even no concept of the nature of such a potential threat since the required technology is as yet undiscovered. While a new submarine missile system may take seven years to build, the lead time for effective antisubmarine warfare deployment is much longer, if it can be done at all. Spending large sums now on a new submarine and missile may prematurely commit us to much larger amounts for weapons designed against the wrong threat.

What is the rush about? No new, unforeseen danger to our deterrent has developed. The Soviet ICBM program is way behind that predicted by Secretary Laird in 1969. Then we started the Safeguard ABM because of estimates that Russia would add about 150 ICBM's to its arsenal each year and that more than a third of these would be the large SS–9's. President Nixon now states that only 80 ICBM's were added last year—only a handful of these were SS–9's. In August, 1969, the Russians were reported to have more than 275 SS-9-type launchers operational or under construction; now, two and one-half years later, the number is only about 300.

The Soviets have not yet tested a missile with multiple warheads which could be aimed accurately at several targets (i.e., MIRV's), and thus threaten our Minutemen. Yet when President Nixon first justified our ABM program, he expressed fears that such testing started in 1968.

True, the Russians are building up their fleet of missile submarines at the rate of nine to ten per year, not a large increase over Secretary Laird's prediction of six to eight per year in 1969. When those under construction are completed, they will have approximate numerical parity with the United States but not with the combined NATO fleet. However, our Polaris-Poseidon missile system is vastly superior to the Russian one.

Furthermore, such submarines cannot attack our Polaris deterrent or in any way make it obsolete so that it would have to be replaced by a new one. We must avoid the puerile notion that because the Russians are building a weapon we must have a similar program even though our security doesn't require it. This is "keeping up with the Joneses" on a billion-dollar scale.

Are we still so naive as to think we can scare the Russians into halting their programs? Delay in an agreement only ensures larger Soviet force levels. By May the Russians may have added another 100 missiles to their arsenal and the United States another 200 warheads. Bargaining chips bought for arms control negotiations are never cashed and lead only to an accelerated arms race. We should put the extra effort into improving our security by a mutual limit on arms now, not in May or not next November.

SEX DISCRIMINATION IN SCHOLARSHIP AID

Mr. BAYH. Mr. President, a recent study by Educational Testing Service has demonstrated that scholarship aid is an area in which women are subjects of consistent discrimination by their schools. Although many have assumed that such discrimination exists, ETS has provided conclusive proof of the existence of differential treatment according to sex.

The findings in the report are startling: In spite of equal financial need of men and women in the survey, more lucrative campus jobs and higher financial awards were assigned to men as compared to women. For example, financial aid is in the form of single awards of grants, loans, or jobs, or packaged awards consisting of combinations of those aid categories. Women received average single awards of $518 compared to $760 for men. The discrepancy was even larger for packaged aid: $1,173 for women compared to $1,465 for men.

As an inevitable result, more women took out loans than did men and their families bore a larger share of the financial burden of college tuition than did the families of men. In addition, the effort to offset these debts by working were frustrating to women: During the academic year, women averaged $439 in off-campus jobs, while men averaged $713; during the summer, women averaged $538 while men earned $869 or 61 percent more than women.

As a general conclusion, women received an equal number of awards, but the value of each award was consistently lower than that for men with one exception—loans. The need for sex-neutral scholarship assignments is clear. I ask unanimous consent that an abstract of the study, provided by one of the authors, Dr. Elizabeth W. Haven, and the accompanying tables be printed in the RECORD.

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

ABSTRACT OF STUDY [1]

GENERAL

The main purpose of this study was to examine how students and their families financed a year of postsecondary education. Included is a detailed accounting for the 1969–70 academic year of the resources and expenditures of unmarried full-time students, most of whom were college sophomores. Major emphasis was placed on the institutional practice of packaging (or combining) grants, loans, and jobs, and the relationship of student indebtedness to persistence in college and plans for continuing education on the undergraduate and graduate levels.

The group contacted (a total of 8,618) was a good cross section of fall 1968 college freshmen. These were among the 19,612 high school juniors who participated in the fall 1966 norming of the Preliminary Scholastic Aptitude Test (PSAT) and who were later verified as enrolled in a postsecondary institution in the fall of 1968.

The sample in this study (a total of 3,363 returns) was representative of the group location and type of high school attended. The respondents were also similar to the universe of fulltime undergraduates in the proportions attending the four types of institutions. Their reported family incomes for 1969 were distributed in about the same way as those for families of college students as reported by the U.S. Census.

In this study, the unmarried respondents who were fulltime students during 1969–70 included 1,168 men and 1,234 women, a higher proportion of women (51%) than that which exists in the college population. It is important to note here that there were no significant differences (5 percent level) in the socio-economic status, based on the mother's education and the father's occupation of the sexes. It is also noteworthy that about the same percentage of both sexes had family incomes below $10,000.

In this study, the private men and women were represented in equal proportions in public and private four-year institutions: about half in public and slightly more than one-fourth in private college and universities. The remaining students attended public two-year colleges and other types, with higher percentages of men than of women in public two-year colleges.

SEX COMPARISON

In examining the resources of men and women in this study, the parents of women contributed 51 percent toward the resources available for their college education as compared with 38 percent by parents of men in the study. Substantial numbers of the women worked, as shown in Table 7; [2] however, their average earnings were less than those of the men. In the case of jobs administered by colleges and universities, the average earnings of women was $401 as compared with $712 for men. In the case of other jobs obtained by men and women during the academic year but not funded by institutions, women averaged $439; men averaged $713.

Table 7 also shows the average awards received by men and women in grants and scholarships, and in loans by source. Here we see a pattern of smaller average awards for women than for men in scholarship aid but larger average awards for women in most loan types.

In this study, the financial assistance received by men and women is separated into that which came from institutions and that which came from other sources. About the same percentages of men as of women, 37 and 38 percent respectively, received financial assistance from institutions in the form of single awards of grants, loans, or jobs, or combinations of two or more of these aid forms. The latter type of aid form is packaged aid. More of the awards for women than for men were packaged. Despite the fact that packaged awards are larger than single awards—this fact has ben substantiated in other studies too—this study showed that

[1] Haven, Elizabeth W. and Horch, Dwight H. *How College Students Finance Their Education: A National Survey of the Educational Interests, Aspirations, and Finances of College Sophomores in 1969–70.* New York: College Entrance Examination Board, January 1972.

[2] Haven, Elizabeth W. and Horch, Dwight H. *How College Students Finance Their Education, Supplementary Tables.* New York: College Entrance Examination Board, January 1972.

(NOTE.—This study was conducted by Educational Testing Service with funds from the College Examination Board.)

fewer of the female packaged awards (52 percent) exceeded $1,000 than awarded to men (63 percent). It was also true that more women had package awards that included job aid than did men.

Table 14 shows that the average single award given by institutions to women was $518 as compared with $760 for men. For women, the average packaged award was $1,173 as compared wtih $1,465 for men. In the overall picture, the average female award was $215 less than that for men.

Table 15 shows the mean awards by sex for the seven types of aid identified in the footnote. Here, we find that, except for loans, men averaged more in awards from institutions than did women. It was also true that in the packages including loan aid (Types IV, VI, and VII), the average proportions of loan money to the total package was higher for women than for men.

While men were somewhat more likely to be in debt than women, in all but public two-year institutions, women borrowed more on the average than men regardless of the type of institution attended (Table 9).

During the summer of 1970, 89 percent of the men and 71 percent of the women were employed. The average summer earnings reported by men were $869; for women, $538.

The women in this study reported higher college grades than did the men: 54 percent of the women as compared with 41 percent of the men had an average grade of B or better in their total college work.

TABLE 7.—NUMBERS AND MEAN AWARDS TO FULL-TIME SINGLE STUDENTS IN STUDY: 1969–70 ACADEMIC YEAR

Resource	Total group (N=2,402)			Sex				Race				Status			
				Men (N=1,168)		Women (N=1,234)		Black students (N=116)		White students (N=2,213)		Residents (N=1,581)		Commuters (N=821)	
	Number	Percent	Mean	Number	Mean	Number	Mean	Number	Mean	Number	Mean	Number	Mean	Number	Mean
Grants and scholarships:															
Educational opportunity grants [1]	188	8	$605	78	$681	110	$550	39	$684	143	$597	141	$640	47	$498
Scholarships and grants from college [1]	430	18	589	205	671	225	515	34	965	382	565	327	657	103	375
State scholarships and grants	351	15	537	162	576	189	504	4	704	336	532	250	539	101	533
Private scholarships and grants	164	7	492	84	543	80	437	7	693	153	463	117	555	47	334
Loans:															
National defense student loans [1]	287	12	558	141	578	146	539	39	488	240	568	237	579	50	462
College loans [1]	39	2	419	15	303	24	491	7	343	30	457	36	436	3	208
Guaranteed loans	202	8	984	97	943	105	1,022	16	887	183	991	156	1,000	46	929
Educational loans from other organizations not guaranteed by state or Federal Government	39	2	784	13	664	26	844	2	873	37	799	32	804	7	692
Other loans	226	9	865	120	876	106	854	15	650	206	883	143	904	83	799
Jobs:															
Term-time jobs awarded as part of aid package [1]	471	20	544	216	712	255	401	49	443	406	565	337	503	134	646
Other term-time jobs	1,089	45	584	579	713	510	439	24	497	1,030	576	596	354	493	863

[1] These types of financial assistance are administered by institutions.

TABLE 9.—TOTAL MONEYS BORROWED FOR EDUCATION BY COLLEGE SOPHOMORES IN STUDY SINCE LEAVING HIGH SCHOOL

Subgroup	Public 4-yeqr			Private 4-year			Public 2-year			Other		
	Base N	Percent in debt	Mean debt	Base N	Percent in debt	Mean debt	Base N	Percent in debt	Mean debt	Base N	Percent in debt	Mean debt
Men	622	34	$1,162	321	44	$1,696	258	20	$1,142	39	44	$1,225
Women	640	33	1,327	361	42	1,932	198	23	1,210	98	31	1,364
Residents	922	39	1,298	559	43	1,833	89	34	1,818	95	37	1,387
Commuters	340	19	940	123	43	1,750	367	18	885	42	29	1,351

TABLE 14.—SUMMARY OF STUDENT AWARDS FROM INSTITUTIONS FOR SUBGROUPS IN STUDY: NUMBER, PERCENTAGES, AND MEANS FOR SINGLE, PACKAGED, AND TOTAL AWARDS: 1969-70 ACADEMIC YEAR

Subgroups	Number of awards			Percents of total [1]			Mean awards		
	Single	Packaged	Total	Single	Packaged	Total	Single	Packaged	Total
Men	283	147	430	24	13	37	$760	$1,465	$1,001
Women	278	192	470	23	16	38	518	1,173	786
Black students	26	50	76	22	43	66	1,021	1,483	1,325
White students	514	279	793	23	13	36	629	1,279	858
Residents	365	282	647	23	18	41	660	1,372	970
Commuters	196	57	253	24	7	31	604	945	681
Public 4-year	241	142	383	20	12	32	550	1,100	754
Private 4-year	175	158	333	26	24	50	769	1,557	1,147
Public 2-year	107	25	132	26	6	32	607	896	662
Other types	38	14	52	30	11	41	716	1,037	802
Total	561	339	900	23	14	37	640	1,300	889

[1] Based on number of respondents in each subgroup.

TABLE 15.—MEAN STUDENT AWARDS IN INSTITUTIONAL AID BY TYPE FOR SELECTED SUBGROUPS IN STUDY: 1969–70 ACADEMIC YEAR

Subgroups	Type of award [1]							Total
	I	II	III	IV	V	VI	VII	
Grants								$682
Men	$663	----	----	$863	$682	----	$1,097	769
Women	571	----	----	599	596	----	717	608
Black students	1,291	----	----	837	709	----	1,114	1,027
White students	587	----	----	687	632	----	800	646
Residents	709	----	----	731	694	----	934	755
Commuters	448	----	----	618	395	----	411	462
Public 4-year	533	----	----	533	427	----	592	518
Private 4-year	809	----	----	926	915	----	1,068	909
Loans								554
Men	----	$734	----	512	----	$528	505	573
Women	----	653	----	447	----	569	553	536
Black students	----	[2] 1,083	----	499	----	[2] 308	451	488
White students	----	----	----	$691	----	$467	$608	$555	$566
Residents	----	----	----	706	----	493	----	582	557	573
Commuters	----	----	----	659	----	388	----	318	348	456
Public 4-year	----	----	----	628	----	441	----	522	445	505
Private 4-year	----	----	----	844	----	549	----	590	584	611
Jobs								544
Men	----	----	----	$874	----	$490	711	434	712
Women	----	----	----	432	----	381	376	357	401
Black students	----	----	----	710	----	[2] 323	[2] 448	362	443
White students	----	----	----	650	----	441	634	400	565
Residents	----	----	----	587	----	408	586	403	503
Commuters	----	----	----	728	----	482	508	281	646
Public 4-year	----	----	----	555	----	445	707	456	540
Private 4-year	----	----	----	675	----	369	294	369	469

[1] Type I: Grant only; Type II: Loan only; Type III: Job only; Type IV: Grant-loan combination; Type V: Grant-job combination; Type VI: Loan-job combination; Type VII: Grant-loan job combination.

[2] Means based on n's less than 10.

EFFICIENCY IN THE ADMINISTRATION OF JUSTICE

Mr. GURNEY. Mr. President, for sometime I have been concerned about the efficiency of the administration of justice in this country. I have sponsored pending legislation which aims at assistance to State judicial systems. I intend to introduce shortly a bill aimed at improving procedures involving habeas corpus petitions in Federal courts. Such legislation represents, of course, only a part of the answer to a growing national problem of crisis proportions.

The Florida Bar Journal for February 1972 contains an article entitled "Delay and Congestion in the Criminal Courts," written by Charles H. Wilson, Jr., a Washington, D.C. attorney. Mr. Wilson accurately describes some of the serious problems existing in the administration of criminal justice today and proposes some solutions. While I would not necessarily endorse all of Mr. Wilson's proposals, I do feel that they are worthy of serious consideration by the Senate. I therefore ask unanimous consent that Mr. Wilson's article be printed in the RECORD.

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

DELAY AND CONGESTION IN THE CRIMINAL COURTS

(By Charles H. Wilson, Jr.)

The administration of criminal justice in this country has, in recent years, entered into what appears to be a permanent state of crisis—a crisis which raises the fundamental question of whether the quality of justice has been strained beyond the breaking point by spiraling crime rates and antiquated judicial procedures. In too many of our cities, where the increasing incidence of street crime has become of overriding concern, the judicial machinery is grinding to a virtual standstill under the pressure of congested calendars and growing backlogs. Society is demanding urgent action to bring violent crime under control, but the courts respond with a system of slow motion justice that provides justice to neither the innocent nor the guilty. In a very real sense, our courts are confronted by a crisis of confidence in their ability to acquit their responsibility to deal fairly and expeditiously with those accused of crimes. In some cities, the judicial machinery can fairly be said to be on the verge of a total breakdown.

The evidence of the breakdown, imminent or otherwise, is inescapable. Courts each year increase the number of cases they dispose of, but their backlogs continue to grow at alarming rates. Between 1966 and 1970, the Los Angeles County Superior Court almost doubled its felony dispositions—from 18,000 to more than 32,000. But, during the same period, its felony backlog grew from 2,700 cases to more than 6,500 cases. In Baltimore, the backlog of criminal cases grew from 2,000 to more than 4,800 in two and one-half years, and 58 percent of the outstanding cases in July 1970 had been on the docket for more than one year.

THE CONSEQUENCES

The inevitable consequence of such calendar congestion is delay in the judicial process. For those who are innocent of the crime charged, delay means that they must bear the stigma of the criminal accusation—and all of its devastating implications for an interminable period until they get their day in court. For the guilty, delay destroys the deterrent impact of the criminal sanction. If deterrence is to remain a viable goal of the criminal sanction, punishment need not be severe, but it must be imposed swiftly and surely upon those adjudged guilty of crime. Too often today, punishment is nothing more than a remote prospect that the guilty must confront in the uncertain future.

Delay and court congestion have a debilitating impact on the participants in the criminal judicial process, and on the process itself. Some defendants languish for months in overcrowded jails waiting for the judicial process to catch up with them. A survey of city and county jails by the Bureau of Standards last year produced the startling statistic that 52 percent of the individuals in those facilities were being held for reasons other than criminal conviction. Those jails serve only as holding facilities, indiscriminately mixing the hardened criminals with first offenders and providing neither recreational nor rehabilitative services.

Our defendants are not so unfortunate. They manage to qualify for bail or pretrial release and spend weeks and months on the streets until the courts finally hear their cases. Delay in bringing these defendants to trial jeopardizes the safety of society at large. Another Bureau of Standards study revealed that a defendant released for 120 days pending trial is twice as likely to commit a new crime as one released for only 60 days.

Complainants and witnesses to crimes also suffer the consequences of delay. They make repeated trips to the courthouse, only to discover that their case has been postponed to another day. At best, the passage of time that accompanies delay causes a witness' memory of events to dim, thus reducing the value of his testimony. At worst, the witness tires of the repeated trips to court and simply does not appear one day, requiring that the charges be dismissed.

PROBLEM GROWS

Eventually, the causes and effects of court delay and calendar congestion begin to blur. Defendants held in jails without rehabilitative facilities become more thoroughly criminalized and more likely to commit additional crimes when they return to society. Defendants freed on bail for inordinate amounts of time commit new crimes and thus contribute to further congestion. Witnesses who go to court several times—each time finding their trip has been in vain because of some breakdown in the system—contribute to further breakdowns when they finally decide against returning.

Court congestion—and the pressures it generates—has produced an adjudicatory process markedly different from the ideal in which a court's decision of guilt or innocence is made on the basis of informed and thorough deliberation. Today's glutted judicial system has become dependent on obtaining guilty pleas simply to avoid total collapse. In some urban courts, guilty pleas represent more than 70 percent of all case dispositions and 90 percent of all convictions.

Guilty pleas serve as the safety valve which enables overburdened courts to hold their own against the floodtide of cases confronting them. However, the high incidence of such pleas—and the growing dependence of courts on obtaining large numbers of such pleas—are disturbing signs.

The plea is a device by which the guilty can bargain for lighter sentences than they might otherwise receive. In theory, those lighter sentences are reserved for those who are repentant and who thus show greater promise of rehabilitation. In practice, however, the leniency accompanying a guilty plea is frequently offered to any defendant who is willing to save the prosecutor and the court the time and expense of a trial. As a result, a defendant is likely to receive a sentence that is not necessarily compatible with the interests of justice.

GUILTY PLEA A THREAT

A judicial system dependent upon the guilty plea also presents a threat to personal liberty. There is a very real danger that a system requiring large numbers of pleas for survival will be able to induce such pleas from the innocent as well as the guilty. That danger was illustrated by Life magazine's sobering account of a defendant being buffeted by the conflicting demands of an overworked judicial system. Accused of robbery and assault, the defendant listened uncomprehendingly as his attorney explained the options open to him. He was told that if he pleaded guilty, he would probably be sentenced to a year but would be freed immediately on the basis of time served in jail awaiting trial. However, if he protested his innocence and insisted on a trial, he would probably have to spend several more months in jail waiting for a trial date. And, if he were found guilty at trial, his sentence could be as high as 15 years in prison. Astounded, the accused asked his lawyer: "You mean if I'm guilty I get out today . . . But if I'm innocent, I got to stay in?"

REFORMS ARE POSSIBLE

The causes of court congestion and delay are as complex as the criminal courts themselves. Some of the causes are beyond the power of the courts to correct. For example, legislatures have given courts the responsibility for dealing with a wide range of human conduct—such as conduct regulated by victimless crimes—which does not respond to the criminal sanction and with other matters—such as traffic offenses and landlord-tenant disputes—that could as easily be handled by administrative agencies. There are, however, a variety of reforms that can be implemented within the judicial process and that, if implemented, could have a measurable impact on congestion and delay. I will devote the remainder of my remarks to some possible reforms in the judicial process.

1. Restoring judicial control

The techniques employed by courts to manage their criminal business contribute significantly to calendar congestion and delay. Criminal cases appear to plod along at an agonizingly slow and erratic pace without any apparent control or direction. Too often it is only by happenstance that all necessary parties are brought together in a courtroom on a given day.

An essential prerequisite to making the goal of speedy adjudication a reality is restoring judicial control over the pace with which a case moves through the criminal judicial process. In too many courts, judges have lost that control. Faced with staggering workloads themselves, the judges become too responsive to requests by overworked prosecutors and defense counsel for additional time to prepare their cases. The master calendar, which is still employed by a majority of courts, frustrates efforts to restore firm judicial control. Because each phase of a particular case can be assigned to a different judge under the master calendar system, no single judge has the power or the incentive to keep the case moving toward a speedy disposition. The parties tend to exploit this weakness of the master calendar system when delay is to their advantage.

These defects of the master calendar can be cured by an individual calendar system, under which each case is assigned to a single judge for all purposes through to final disposition. Courts which have switched from the master to the individual calendar uniformly report more expeditious disposition of cases. At a time when the number of new criminal cases increased by 65 per cent, the Philadelphia Criminal Court was able to reduce its enormous backlog through the individual calendar—leaving each judge with a manageable average of 23 cases. In the United States District Court for the Southern District of New York, case dispositions increased by 42 per cent during an experiment with the individual calendar. The ex-

periment was so successful that the entire court has changed to that system of assignment, and it expects its criminal docket to become current this year.

Courts have also been slow in adapting modern technology to their special needs. Computers can be invaluable aids to judges in their efforts to regain control over the movement of cases. The Court of Common Pleas in Philadelphia uses computers to schedule cases, subpoena witnesses, notify counsel and bailed defendants of trial dates, keep track of the number and age of all cases handled by each attorney practicing in that court, pinpoint the stages at which cases are backing up and, provide the court with detailed histories of defendants. As a result, the court has reduced delays caused by nonappearing parties, unavailable courtrooms and conflicting court appearances by attorneys. The court has also been able to identify and take action against attorneys who enter appearances in more cases than they can possibly handle.

FIX TIME LIMIT

Another technique for accelerating the disposition of criminal cases is to fix a firm time limit in which all cases must be brought to trial. In many jurisdictions today, cases are brought to trial only when all of the preliminary proceedings have been completed, but no deadlines are set for the completion of those preliminary proceedings. At least three states—California, Iowa and Washington—have a statutory requirement that all cases be tried within 60 days of their initiation. Their experience has shown that such time limits are realistic and workable. Similar legislation is now pending in Congress for federal criminal cases. Other courts—most notably the Second Circuit Court of Appeals and the New York Court of Appeals—and Florida have imposed time limits by court rule. The statutory alternative is probably the preferable approach, since the legislation can make provision for the added manpower and resources that a court might need to comply with such time limits.

2. Modifying court procedures

Some of the procedures now employed in processing criminal cases contribute significantly to court delay and calendar congestion. Modification of three such procedures could significantly accelerate the judicial process without depriving defendants of their full range of procedural rights.

The criminal judicial process generally encounters its first significant delay when defense counsel requests time to prepare and file pretrial motions and the prosecutor asks for time to respond. Depending on the complexity of the issues and the ingenuity of defense counsel, it can take two to four months to bring the pretrial motions to a hearing. And, if counsel have done their job well, additional time is consumed while the judge considers and decides the various motions.

Much of the time now consumed by pretrial motions can be saved if the incentive for filing written motions is eliminated. This, at least, has been the experience in those courts that have adopted the Omnibus Hearing procedure initiated five years ago in the United States District Court in San Diego. Under that procedure, the judge considers at a single hearing all preliminary matters connected with a criminal case—including matters normally presented by written motion. Requests for discovery, suppression, severance and the like are presented orally at the hearing, and the judge rules immediately on all such requests. The Omnibus Hearing permits disposition in a single proceeding of matters that formerly required several proceedings. Courts which have adopted the Omnibus Hearing have found that attorneys make far fewer motions orally than when motions are made by written submission—suggesting that the written motion is more a device to obtain delay than to assert a defendant's rights.

ELIMINATE GRAND JURIES

A second time-consuming procedure is indictment by grand jury to initiate the criminal process. In the federal system and in a number of states, the grand jury is the only permissible method for charging a defendant with a serious crime. In those jurisdictions, the indictment process significantly slows down the criminal process. Studies have shown that, in the District of Columbia and Philadelphia, the delays can be as long as six and seven weeks in most cases. For some categories of offenses in the District of Columbia, delays of up to six months are common.

The grand jury was initially designed to protect a defendant by screening out unfounded charges. It seldom performs that function today, and too often it acts simply as a rubber stamp for the prosecutor. In Cleveland, the grand jury refuses to indict in only about seven per cent of the cases presented to it. The comparable figures in Philadelphia and Baltimore are about two per cent. Since the grand jury no longer acts as an independent check on the prosecutor, the delay that the indictment process engenders is simply not justified. England, which gave birth to the grand jury, eliminated it in 1935 without any significant diminution in individual liberties. Twenty-three states now make the grand jury optional—preserving the indictment process for cases in which it is appropriate, but giving the prosecutor the option of proceeding by information. A similar reform in the remaining 27 states would contribute to the goal of speedier criminal adjudication.

A third procedure that requires reform is the method of selecting petit juries. In most criminal courts, the defense and the prosecution are permitted to engage in extensive questioning of each prospective juror—almost to the point of trying every crucial aspect of the case before a full jury is seated. In its extreme form, that voir dire procedure produces extreme delays. At the Bobby Seale trial in New Haven, more than 1,000 potential jurors were examined over a four-month period before 12 jurors and two alternates were selected. Jury selection in the celebrated Charles Manson trial in Los Angeles consumed one month. In other jurisdictions in more routine cases, jury selection takes as long as the actual presentation of evidence. The time consumed by lengthy voir dire examination needlessly diverts manpower and resources that should be employed in reducing calendar congestion.

The preferred alternative is to permit the trial judge to examine the potential jurors *en banc*, with the prosecution and defense counsel allowed to submit written questions in advance. The federal courts and ten states now follow that procedure; the American Bar Association has recommended it in its Minimum Standards for Criminal Justice. There has been no evidence presented to show that juries selected by such a procedure are less impartial than those selected after questioning by the attorneys.

3. Accelerating the appellate process

The goal of speedy adjudication in criminal cases is also frustrated at the appellate level. Merely by filing an appeal, criminal defendants in most jurisdictions can postpone the day of final judgment for one or two years. The problem of delay at the appellate level is becoming increasingly acute in those jurisdictions where growing numbers of convicted defendants—including those who plead guilty—seek relief in the appellate courts.

Delays in the appellate process have a debilitating impact on the goals of deterrence and rehabilitation that underlie criminal punishment. For the defendant who is freed on bail pending appeal, such delays are another indication that punishment is only a remote possibility. Studies have shown that he is more likely to commit new crimes than a defendant freed pending trial. For a defendant who is imprisoned while his appeal is being considered, the lingering hope that the appellate court might overturn his conviction can make him less responsive to rehabilitation.

ACCELERATING APPEALS

There are a variety of techniques available to appellate courts for accelerating their disposition of criminal appeals. I should like to focus on three such reforms.

The first significant delay in the appellate process is encountered before a case ever leaves the trial court. In many jurisdictions, it takes the court reporter several weeks to prepare the transcript of the trial court proceedings—the essential prerequisite for preparation of an appeal. The common explanation for this delay is that court reporters are seriously overworked. A more basic explanation is that we employ a transcription system that has failed to keep pace with modern technology. We now have available in the development or operational stage several technological alternatives to the present transcription system that promise to eliminate such delays.

Perhaps the most promising alternative is computer-aided stenotyping. This system employs a modified stenotype machine which transmits its impulses to a magnetic tape as well as to the roll of paper in the machine. The magnetic tape is fed into a computer, which can produce a printed transcript within minutes after a day's court proceedings are completed. This new system is now being tested by two companies that have developed it, and the initial test results are promising. Other technological alternatives are tape recording and video taping of trials. Both systems can reduce the delays now caused by the present transcription system, but each has peculiar disadvantages compared to the stenocomputer system.

The second significant delay in the appellate process occurs in the preparation of written briefs. In certain classes of criminal cases, it is time to ask whether written appellate briefs serve any useful function. The cases I refer to are those generally lumped under the rubric of street crime—robberies, burglaries, larcencies, muggings and assaults. The legal issues in such appeals are rarely complex, and the pertinent constitutional and substantive rules of law are generally well settled. One distinguished appellate judge in Washington has made the following observation concerning the briefs he receives in such cases:

"I think most of the briefs that I read are a waste of time on the part of the lawyers who write them and a waste of the court's time in reading them. In the average felony case, aside from changing the caption and the court number, the briefs are almost identical. They are like the menus in some restaurants. All that ever changes is the date."

In such cases, written briefs could be eliminated. In lieu of a brief, the defendant's attorney should be required within ten days to two weeks of entry of judgment by the trial court to submit to the appellate court a short designation of the errors he wishes reviewed—accompanied by appropriate transcript references and citations to relevant prior decisions. Such a designation of error will adequately apprise the appellate court of the issues on appeal. That court can retain the option of requesting after argument written briefs on particular issues that require further exposition.

If briefs are eliminated in such cases, greater flexibility will be necessary in the time alloted for oral argument. The only lim-

itation on oral argument should be considerations of relevance. It can be expected that, when attorneys are no longer tied to written brief, oral argument will provide a more meaningful dialogue on the issues of critical importance.

A third point of delay in the appellate process occurs when the court takes the case under advisement and begins preparation of its written opinion. Just as there is no justification for lengthy briefs in the typical criminal appeal, there is likewise no need for lengthy essay opinions. Unless a novel point of law is at issue, such appeals can be disposed of by an order or a brief, unsigned opinion. In New York, Michigan and Minnesota, where signed opinions are the exception rather than the rule, appellate courts have been singularly successful in disposing of appeals expeditiously while keeping pace with heavy workloads—suggesting that signed opinions are a contributing factor in appellate delay.

MANAGEMENT TECHNIQUES

The reforms that I have discussed have focused on the procedures employed by most courts in handling criminal cases and on proposals for streamlining those procedures. For some courts, such a comprehensive package of reforms can bring about a significant reduction in the delays and congestion that now characterize the criminal judicial process. Other courts will have to do more than implement such reforms. They will need additional manpower, resources and facilities to reduce existing backlogs. And all courts can benefit from the employment of specially trained court administrators who can introduce modern management techniques to clerks' offices.

Whatever direction reform takes, the need for reform in our criminal courts is inescapable. The legal profession has not always been responsive to calls for change in the institutions and procedures it has developed and nurtured. It is said that lawyers are uniformly in favor of progress and uniformly opposed to change. But change is essential today if our criminal courts are to make the necessary progress toward the goal of providing fair, expeditious and compassionate justice for those accused of crime.

AASA HONORS BILL COSBY AND MARY NAGLE

Mr. BURDICK. Mr. President, on Lincoln's Birthday, Mr. Bill Cosby proclaimed to all who would hear that the door to his personal emancipation had been opened by his fifth-grade schoolteacher, Mrs. Mary Forchic Nagle.

The occasion was the mammoth Atlantic City convention of the American Association of School Administrators, a feature of which is the presentation of "Golden Key Awards" to a prominent person, and to the teacher selected by that person as having had the greatest impact on the life of the honoree.

The Golden Key Awards are presented by six national organizations: American Association of School Administrators; Council of Chief State School Officers; Education Industries Association; National Congress of Parents and Teachers; National Council of State Education Associations; and the National School Boards Association. The National School Public Relations Association is the coordinating agency for the awards.

Honorees in the past have included persons such as President Eisenhower, Wally Schirra, David Brinkley, and Whitney Young. This year's recipients were Bill Cosby and Mrs. Nagle, who, as Mary Forchic, had been Bill's fifth- and sixth-grade teacher in the Philadelphia school system. Mr. Cosby called it no reflection on his other teachers, that Mary had been his first, second, and third choice as the person who had influenced his life most decisively.

He said that, in fact, she had done the work of three persons; that her academic teaching was innovatively outstanding; but that in addition, she implanted the desire for education and had made Bill feel at one with society. Although he grew up in Philadelphia, Mr. Cosby said he had never been downtown until Mary took him to the biggest movie palace, to a restaurant and home in a taxi, a type of travel used, he said, only by those of his neighbors who were very sick.

I find personal satisfaction in the honors coming to Mr. Cosby and Mrs. Nagle because I have a high regard for Mr. Cosby and because I have known the Nagles since I first came to Washington in 1958 as a Representative. We have remained good friends since then.

Mr. President, I ask unanimous consent to have printed in the RECORD the article about Mr. Cosby and Mrs. Nagle which was published in Parade magazine on February 6, 1972.

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

BILL COSBY'S FAVORITE TEACHER

(By Herbert Kupferberg)

The first day that Bill Cosby was in Mary Nagle's fifth-grade class in North Philadelphia, she said: "I'm going to write a dirty, four-letter word on the blackboard for you."

Then she picked up a piece of chalk and while the gaping class looked on wrote: "WORK."

"That's what we're going to do around here," she said.

Bill Cosby, who until then hadn't got on too well with his teachers, got the message so well that he eventually became famous as a television comedian and actor, with credits ranging from the *I Spy* adventure series to the educational *Electric Company* show.

PRESENTATION OF AWARD

Next Saturday at the annual convention of the American Association of School Administrators in Atlantic City, N.J., both Cosby and Mrs. Nagle will receive the Golden Key Awards for 1972, an honor that salutes U.S. teachers who have helped shape the lives of their pupils. Six educational organizations join in making the awards, which consist of symbolic gold keys, plus $500 to the teacher.

Cosby, now 34, says he came into Mary Nagle's class with a reputation as the "clown and con man" of the Mary C. Wister school in a nearly all-black neighborhood.

"Take a good look at me," Mrs. Nagle told him when he cut up for the first time. "I'm the comedian in this room. If you want to be a comedian, grow up and get educated, then maybe you can make your living as one."

"What she did was absolutely fantastic," says Cosby. "In a few months she not only taught us, but she was able to break our old bad habits. She wouldn't let me get away with being a little con man, so I had to work. It was like taking the New England Patriots football team in their first year and making them Super Bowl champions. She never gave up on a kid. It wasn't so much what she taught, but the way she instilled pride in us. When we did badly, she'd say: 'I think you're worth more than that. What do you think?' She didn't just let you ride along on C's and and D's like so many teachers do; you had to do better than yourself.

OMNIPRESENT FORCE

"It rubbed off on us outside of school, too. It wasn't as if she was looking over your shoulder, but the things she laid on you about pride were still there when you got home. If you were ever tempted to lift a loaf of bread in the supermarket, you weren't worried about the police. You were worried about what Mrs. Nagle would say."

Mrs. Nagle, now retired from teaching and a resident of Washington, D.C., remembers Bill Cosby vividly.

"When he left my class I told him: 'Either you'll be a lawyer or an actor because you lie so good.'"

To Mary Nagle, the essence of good teaching is trying to relate what goes on in the classroom to the lives of the pupils.

"You can't talk to them about ancient Troy," she says. "You have to take your ideas from what's going on in the community. Your big responsibility isn't to the principal or to the Board of Education. It's to the children. I was an innovator in my day, and the Board didn't like it."

Bill Cosby says Mrs. Nagle carried her sense of responsibility to the point of feeding and clothing some of her pupils.

"Well," she admits, "I always had the feeling that everybody is entitled to see the better side of life at least sometime. I saw to it that every child went downtown to eat at one of the better restaurants at least once a month. We did a lot of cooking in class, too. We had hot plates, I brought in food, and everybody got a good breakfast if they needed it. I even cut their hair sometimes. I used to cut my own, and if it was good enough for me, it was good enough for them."

VISITED IN HOMES

Says Cosby: "She was the only teacher I ever knew who regularly went to the pupils' homes to eat there and to talk to the parents. You know, most kids never see their teachers as human beings. We sure saw her that way. She rolled up her sleeves and scrubbed with us."

Mrs. Nagle believes that the same teaching techniques and principles that worked for Bill Cosby and his classmates some 20 years ago still have validity. Asked what advice she'd give to a young teacher starting in today, she says:

"Don't believe half the things they tell you in pedagogy. Have a cool approach—don't get hysterical. Or at least don't show it. Consider every day an adventure. Look at children as if they were human beings, and love every one of them."

Mrs. Nagle says that her basic belief is that every child has a destiny and that it's up to the teacher to help him reach it.

She's especially pleased that Cosby is devoting so much of his time these days to his work on the *Electric Company*, the Public Broadcasting Service's new program designed to aid elementary school children, especially those in deprived areas.

"I'm glad he feels the way he does about the schooling he got, and that now he's giving something back," she says.

As for Cosby, he's delighted that his old teacher is getting public recognition for the help she brought to his generation.

"If I know Mary Nagle," he says, "she's going to take her $500 award and buy about 350 kids lunch with it."

SPEECH BY BARBARA WARD BEFORE NATIONAL WOMEN'S DEMOCRATIC CLUB

Mr. STEVENSON. Mr. President, we profit too little from history. Mistakes too often are repeated, not learned from. And only rarely do voices exalting us to new and higher levels of common purpose rise above the clamor over such

transistory questions as the busing of school children.

Barbara Ward's is such a voice. In a recent speech at the National Women's Democratic Club she spoke pointedly of the lessons of Europe in the 1840's. She spoke of our choices ahead. I commend her speech to the Senate and ask unanimous consent that it be printed in the RECORD.

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

SPEECH AT NATIONAL DEMOCRATIC CLUB BY BARBARA WARD

The chief immediate importance of the world's mounting interest in the environment may be that it brings us new ways of looking at old problems. For thousands of years sages and prophets have talked of the unity and brotherhood of man. For over half a century, leaders have paid at least lip service to the idea of a functioning international order. But hitherto it has proved easy to evade the political necessities and easier still the moral ones.

Today scientists tell us that the world's really inescapable unities are those of a shared and finite "biosphere" of air and soil and water. Quite suddenly we are beginning to see new boundaries beyond the national frontiers that we are used to. We can see ahead the limits of poisons and dirt we can unleash in the air, the wastes and toxic materials we can flush our rivers into the oceans, the heat we can generate without melting ice caps, the soils we can erode without hastening famine—and all these risks effect not simply particular areas but the safety of the whole planet. This is a new, inescapable imperative of unity which, even a decade ago, had not impinged on the imagination of man.

The issue of boundaries is critical. And ultimately limited biosphere lacks resources of soil and water and minerals to provide for unlimited numbers of people. Within the life of our grandchildren it may reach a threshold beyond which further *physical* expansion becomes impossible. This prospect raises in a quite new way one of the oldest of man's social dilemmas—how is wealth to be shared? How are the poor to be raised up? What in justice and generosity are the permissible differences between fortune and misfortune within a society? We have yet to work out satisfactory local solutions. What are the limits when the society in question is the whole planet? When the dream of solving everything by continuing unlimited economic growth and letting enough of it "trickle down" to the poorer groups begins to reach a ceiling of numbers and resources that cannot be passed?

These are new dimensions to old problems. Many are so new that we are tempted to think that the oceans ahead of us are without charts and that we lack any directions for a safe land-fall. But although Santayana's aphorism, "Those who will not learn from history are destined to repeat it," may have become a cliche, it is after all a fact that truisms are true." We *can* learn from human experience. We *must* learn from historical experience and in the crisis before us—of growth and transformation and pressure and modernization in our planetary society—I believe we *have* models, quite recent ones, that can help us how to think about our new directions. They may also help us to avoid the calamitous errors we have made before.

We tend to look back on the 19th Century as one long boom of growth optimism and progress. But when the then developing lands of the Atlantic world had gone through about three to four decades of industrialization, there was a general crisis of hope and social confidence. I refer, of course, to the 1840s, the "Hungry Forties" which ended in the revolutionary explosion of 1948. Different prophets projected different dooms for different reasons. Malthus had forecast people outstripping resources. The middle 1840s were famine years. Could he be right?

Ricardo said the price of food would rise, pushing up wages, rewarding non-investing landlords and squeezing out industrial profits. Investment would cease. The 1840s saw the first great inter-Atlantic depression. Could Ricardo be right?

And Marx, that unique combination of a classical economist and a Hebrew prophet, argued that the private proprietors, by engrossing the surplus of the new industrial system, would never provide enough purchasing power to the oppressed and alienated working class to create a big enough market for the new goods. In the slump of the 1840s, all over Europe, starving weavers, dispossessed cottagers, unskilled workers were adding unemployment to all the other evils of the new, filthy, disease-ridden industrial quarters. Marx wrote his *Communist Manifesto* in 1847? Could he be right?

Next year, the year of revolutions, every throne in Europe—save in Britain—was shaken. Some fell. The system, built by Metternich after 1815, crumbled. The kings, the princes, the grand dukes, busy with ceremony and show and formal diplomacy, had not noticed that the ground was giving under their feet. They forgot the common life of their people. They missed the banking up of the social furnace. They had been playing at politics. The real politics blew them away.

I think these are analogies for us to ponder. Two-thirds of humanity are reaching that stage in their modernization and development that much of the presently developed world had reached in the late 1830s. The problems they face are infinitely more difficult and obstructive. Population grows twice as fast as in the nineteenth century. So does the work force. In spite of great gains through the so-called Green Revolution, food supplies are not secure for the numbers crowding into the world. The shadows of famine gather in parts of Asia. Unemployment is no longer a chance of the trade cycle—of alternating boom and bust. It is the permanent condition of perhaps 25 percent of the work force in the exploding cities of the developing world. And as for markets, "marginal men" in the *favellas* and stagnant countrysides of developing lands are indeed too poor to enter the market effectively. Yet providing for them even in a minimal way eats into the margins for saving. Malthus, Ricardo, especially Marx would recognize the picture. And they would foretell despair, radical violence and the coming of revolution.

And, in some measure, contemporary political reactions reflect the last days of the Metternich System. We are living through an age of princes when they travel to meet each other and discuss politics and spheres of influence and balances of power and alliances and counter alliances. Many are absorbed in public and secret diplomacy. There have never been so many summits in so short a span. And, apart from officially welcoming China into the place it has in fact been occupying for the last 22 years, the diplomacy is largely concerned with the preservation and elaboration of the post-war, post-colonial settlement of the Fifties.

I fear I am a little reminded of Thomas Carlyle who after a long tea with muffins to eat and small talk to listen to, cried out: "I sat and thought that through all those cobwebs I saw staring the awful eyes of death and hell." In other words, the common life of the peoples of our physically united and interdependent globe is sinking in to deeper misery, deeper contradiction, deeper catastrophe while on the surface we pursue "the sport of kings."

What should be done? I know that for many justified reasons the idea of foreign aid or economic assistance or cooperation for development has fallen on evil days in America—although as Bernard Nossiter remarked recently, "it is alive and well in other countries." But the reasons for its discredit are because it became too entangled in old fashioned national diplomacy. It shored up governments instead of peoples. It went to swords, not ploughshares. It was used in diplomatic poker games and even blackmail. It only marginally dealt with the deepening problems of the planet's common life. So perhaps its virtual demise as one more weapon in a Machiavellian armory should not distress us too much.

But this does not mean that with it you should throw away the vital fundamental concept of all responsible democracy—that the rich help the poor, the well, the sick, the strong, the weak, the fortunate, the miserable. If, in history, 1848 was not followed in many countries by continuous unrest and revolt, it was that little by little the common life of the people *did* become the center of politics. Sharing by taxation was introduced. Health, education, housing, insurance, welfare—these moved from the limbo of royal politics to the central issues of democratic life. There were other factors, naturally. The Atlantic world received, in the words of Mr. Lester Pearson, a vast "bonanza" in the shape of all the world's temperate land to settle, a 40 million immigration from Europe to the New World and colonial control of practically everywhere. This vast input of resources took the sting out of Malthus for a time. Internal reform took the sting out of Marx.

History therefore does not tell us that we *have* to have a total catastrophe. But it does tell us that without justice, without redistribution, without a global effort of sharing comparable to our domestic effort, we look like going the way to revolt, disruption, disintegration and the deepening risk of war. Equally, it tells us that if we institutionalize, on a proper scale and at the international level, the kinds of transfer and mobilization of resources needed for development before the year 2000, we can hope to repeat at the planetary levels some resemblance to our domestic realities and to what we have learned about survival in our national communities. Seen in this context, a one percent transfer of rich nations' GNP to development for the poor is the beginning of a planetary income tax. Carried out through international agencies, it is the first step towards a permanent objective effort of world redistribution.

The moment could be propitious. We may be about to impose, through SALT, some limits on our senseless pursuit of the weapons of overkill. We have a network of international institutions whose efficiency we are beginning to see how to improve. We have development policies which are beginning to put their chief emphasis not on "trickle down" from the rich but on direct investment in the skills and health, in the population policies and urban needs of the masses of the poor. If every Senator who has conscientiously voted out foreign aid will now vote in America's share of a world development effort, we have a chance at least of directing our planetary life away from the precipices of social disintegration and towards a somewhat less uncomfortable future for the species, man.

In this, America's part is critical. The basic fact is that, with all your domestic difficulties, you remain uniquely well endowed. For six percent of the world's peoples, you still command at least 32 percent of the world's income and at least a quarter of your gross national product is now produced in other countries. You can, if you so decide, face the coming decades in the spirit of that remarkable but shortlived monarch, Louis Philippe, who said to his aspiring bourgeoisie: "Enrich yourselves." The result was 1848. I think

an America, through its multinational corporation, its investment banks and its unparalleled economic power, doing nothing but this, is heading in the same direction.

But there is another strain in American life, a strain that enables the American people to survive in the imagination of the less fortunate lands with admiration and respect in spite of the worst errors of America's "princes." This strain is expressed in the hope of the Founding Fathers—the hope that they could found a country where the freedom and good fortune of ordinary men and women might become the basis of the state itself. Through all the turmoils of two centuries, through all the fake talk of "manifest destiny" and the "American century," even through all the reality of the use and misuse of American power, the image remains of a country in which men count, not monarchs, in which the common life of suffering, striving humanity is ultimately what politics is all about.

The malaise of American youth, the self-questioning of America, the spectacle of the greatest power asking itself whether it has used that power in the greatest way—all this keeps that image alive. But the world needs more than your doubts and questions. It needs your cooperation, a share in your extraordinary wealth, an equal partnership in discovering the operating directions for the world's future venturing, a commitment to continue with all of us the voyage of discovery in our united and precious biosphere, a reaffirmation of our common life on the single planet that is all we have to share. America was not made for the monarchial tradition. Its friends await with passionate eagerness to take up with it again the shared and creative labours of man's daily bread.

THE HONORABLE A. WILLIS ROBERTSON

Mr. KENNEDY. Mr. President, it is an honor to pay tribute to the late Senator A. Willis Robertson, of Virginia, one of the most influential statesmen and Senators of our time. Of all his distinguished qualities, I shall never forget his unfailing courtesy toward me when I first entered the Senate, his willingness to welcome a new young Member in this Chamber. Senator Robertson stood in the fine tradition of Virginia statesman going back to Washington, Jefferson, Madison, and Monroe, and Virginia is richer today because of the dedicated service he gave her people.

Few men of our time have had such a long and brilliant career in public service. Born a minister's son in Martinsburg, W. Va., Willis Robertson graduated from high school in Rocky Mount, Va., and went on to win both academic and athletic honors at Richmond College. After earning a law degree there, he opened his practice, and in 1915 he was elected to the Virginia State Senate from Rockbridge and Bedford Counties. Taking leave to volunteer for World War I as an Army officer, he served in the State senate until 1922 when he became commonwealth's attorney in Rockbridge.

In his career in Congress, Senator Robertson became a renowned authority on taxation and international trade, but he was also proud of his efforts to protect the outdoor life he so enjoyed.

He once said:

My wildlife conservation work is the happiest I have attempted to do. I would be happy if history records my efforts on behalf of conservation as being a worthwhile contribution to my day and generation.

Throughout his long career in State and Federal service, Willis Robertson served the cause of conservation well and he has left many lasting monuments to his concern.

As a distinguished member of the House Ways and Means Committee for a decade, Mr. Robertson established a reputation as a strong and effective advocate of fiscal responsibility, control of Government spending, and a balanced national budget. Upon the death in 1946 of Senator Carter Glass, whom he had greatly admired, Mr. Robertson was nominated for the Senate by acclamation of the Virginia Democratic Convention to complete the unfilled term. He was elected easily to the seat, and 2 years later he was elected to his first full term in the Senate. During his two decades in this Chamber, he served on the Appropriations Committee and as chairman of the Senate Banking and Currency Committee. He was a consistent champion of economy in Government spending, and a strong advocate of private investment to help developing nations.

Senator Robertson had an extraordinary insight into the problems of the economy as they affected millions of ordinary citizens. He championed the view that inflation was the cruelest policy a Government could inflict on its people, old and young alike. In recent years, many of Senator Robertson's predictions on the state of the American economy have been fulfilled—including the instability of the dollar on the world market and some of the worst inflation and budget deficits the Nation has ever suffered.

In addition to his expertise on economic affairs, Senator Roberston was a dedicated internationalist. He advocated increased private American investments abroad, and he also supported substantial American foreign aid. In many respects, he was far ahead of his time. For example, he was one of the first to argue that our foreign aids should be made multilateral, by channeling it through international agencies such as the International Monetary Fund and the World Bank, a view that is only now beginning to be widely accepted in Congress and the Nation. Indeed, upon his retirement from the Senate in 1966, Senator Robertson served as a consultant for the International Bank for Reconstruction and Development until just before his death.

Although Senator Roberston and I often differed on certain issues, I respected his wisdom and knowledge, and I deeply enjoyed our years together in the Senate. Senator Robertson served the people of Virginia well, and Virginia and the Nation can take pride in his lifetime of brilliant and dedicated achievement.

THE PRESIDENT'S HISTORIC TRIP TO CHINA

Mr. BENNETT. Mr. President, the President of the United States returns home this evening following his historical trip to China. A joint communique has been issued and for many weeks and months into the future, politicians, scholars, and the American people will be attempting to interpret what the communique really says.

Before I comment on that topic may I briefly say that President Nixon's major accomplishment during the China trip was the establishment of a dialog with Peking. This I feel was very necessary. While I remain strongly opposed to their political system and the philosophy of communism, we cannot ignore the fact that China is the largest nation in the world. It is now a nuclear power and will soon possess an adequate delivery system. Therefore, I think it was mandatory the United States had a way to begin to communicate with China and its leaders. The interests of peace, the interest of the United States demand it.

Years ago when the United States established diplomatic relations with the Soviet Union, I, together with many Americans, felt that this was a mistake. But now, looking back, I think no one will argue with the fact that while we have had our differences with the Russians, there have been times when our communications have been productive and essential to the preservation of world peace. Thus I think President Nixon has taken a giant step forward toward eliminating misunderstanding and miscalculation with Peking. Let us hope that it is also a step toward peace in Asia.

I have no illusions that this single visit will make China and the United States fast friends. The communique which was issued by the President and Premier Chou En-lai clearly stated the areas of disagreement which still exist. It may be years or decades before any of these can be successfully resolved.

Now on the issue of Taiwan: I am concerned that Taiwan may have been caught in the crunch. It is obvious that any reconciliation of differences between the world's most powerful nation and the world's largest nation would require some adjustments in our past positions. Furthermore, the United States cannot allow the self-interests of a small country such as Taiwan to outweigh its foreign policy or its national interests. On the other hand, it is clear from the communique that the U.S. position regarding U.S. presence in Taiwan clearly gives to the President the necessary flexibility to meet our obligations to that country. It points out that reductions in U.S. forces would occur as tensions in the area diminishes. I am sure the President understands this to mean that the United States alone will be the judge as to when the tensions have been decreased.

Furthermore, the language in the communique, while not explicitly restating the American commitments, is totally consistent with the view set forth by the President in his state of the world report wherein he pointed out that the United States would stand by its present treaty obligations.

CONSUMER CONFIDENCE REMAINS HISTORICALLY LOW

Mr. MOSS. Mr. President, the American consumer continues to demonstrate

his lack of confidence in the Nation's economic future. If that tendency persists, even massive Federal deficits will be unable to stimulate a full-fledged recovery.

Recent Department of Commerce data on personal savings level indicate a growing public desire to "hoard" funds which would normally go to purchases of new goods and services. This could have a devastating impact on current national expectations. Sales will continue to fall off. New orders will be called back. Eventually new investment plans will have to be reduced substantially.

This is bad news for the formulators of "New Economic Policy." Even the enormous tax-relief legislation passed in the last session will have little effect on consumers and investors who refuse to part with their extra cash. Unfortunately, recent studies by the Census Bureau show that "hoarding" is on the rise. New annual figures show that 1971 was an historic year for personal savings. Consumers held back about 8.2 percent of their incomes, a record high for the post-World War II period.

The trend has apparently continued through the current year. January retail sales figures demonstrate the absence of any strong recovery in consumer spending. This data contains a serious warning for national policymakers. Even towering budget deficits may not be able to generate sufficient private sector expenditures to expand production and employment. The administration's new fiscal policies will fail to stimulate the needed investment and consumption. Joblessness will continue to plague the Nation.

The importance of this "consumer confidence" factor has been raised in the past. I continue to hope for the kind of concerted, understandable national economic program which would inspire faith in the future. In the February 24 issue of the Washington Post, Hobart Rowen again brought this "hoarding" phenomenon to the surface. I ask unanimous consent that his thoughtful article be published in the RECORD so that others may become more aware of this most serious national economic consideration.

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

THE PUZZLING ECONOMY

(By Hobart Rowen)

One of the most puzzling aspects of the economy is why enormous Federal deficits—nearly $40 billion for this fiscal year and $25.5 billion for next—are having so little effect in bringing about economic recovery.

It is even more mysterious than the ease with which President Nixon shifted from being a budget-balancer to history's biggest deficit-spender. At least, one can find a political motivation for the President's dramatic conversion.

The failure of deficit spending to have the intended stimulative effect requires closer analysis. What is becoming clear is that pumping a lot of expansionary power into people's hands by fiscal or monetary means can be disappointing if other considerations induce saving rather than spending.

Consumer buying is anything but enthusiastic, and there are now serious doubts that the "consensus" forecast for a $100 billion growth in Gross National Product this year can be achieved.

Economic recovery on the business side has also been weak, despite all sorts of tax giveaways that were provided in the hope that businessmen would then borrow more, spend, and expand.

Instead, the nation's banks are loaded with money—helped along by an easy credit policy.

White House adviser George Shultz explained it to a congressional committee this way:

"You say to the banks: 'You have this money, you want to get it out on loan. Instead of waiting around for people to come in, as you have been accustomed to in the tight money era, get out—get off your duff—drum up customers, cut your prices, cut your interest rates'."

But businessmen respond to the real world, not to political exhortation. They'll borrow money when they see rising sales; and the bankers will be happy to make the loans.

When you get right down to it, the administration is expecting too much from fiscal policy in much the same way that it relied excessively on the magic of monetary policy in the past.

When it came into office in 1969, the administration made the mistake of assuming that all it had to do was to tighten up the money supply, and this would automatically whip inflation. But as leading monetarist Milton Friendman confessed in December in a speech to the American Economic Association, the policy didn't work: people just didn't believe that inflation would be licked, and they spent money in a way that made their expectations come true.

Similarly, the monetarists—led by George Shultz—figured a year ago that all the Fed had to do to bring the economy out of the doldrums was to push the button on the money machine. That didn't work either, because consumers lacked confidence in the economy.

The simple "confidence" factor that Fed Chairman Arthur F. Burns has been stressing must be given more weight than the conventional theorists will concede.

First of all, there is a credibility gap. When the First National City Bank of New York says that Mr. Nixon's budget scenario "strains credulity," it sums up the general opinion that the administration can't possibly spend as much money as quickly as it claims it can.

In any event, the real stimulative effect of the budget has been overstated by the traditional box-car deficit numbers the administration now proudly cites. When calculated on the more sophisticated national income accounts, the full employment deficit rate actually declines this way (calendar years):

1972, 1st half, $9.4 billion; 1972, 2nd half, 4.0 billion; 1973, 1st half, 0.9 billion.

These figures, from the Economic Council, show the budget will be less expansive in 1973. We should be having the maximum impact right now.

That apart, the old rules of economics don't seem to work, as Burns says. Unemployment is high, but wage rates don't go down. Capacity is under-utilized, but prices are high. Money is cheap and abundant, but people save it. (That casts doubt on the usefulness of the Muskie-Okun idea of a new $100 tax credit per family.)

Meanwhile, the Federal Reserve has been trying—and failing—to expand the money supply again. Instead, despite all the expertise at its command, the Fed pushed interest rates lower than it wanted to.

What this appears to suggest is that economists—in office or private life—know relatively little about the complex U.S. economy.

ARMS LIMITATION NOW

Mr. CHURCH. Mr. President, as the arms race between the United States and the Soviet Union continues its upward spiral, it is necessary to apply as much brake as possible to inhibit this dangerous contest. In this regard, I fully agree with the conclusion of Mr. Herbert Scoville, Jr., formerly the Deputy Director of the CIA and ACDA, regarding a limited arms control agreement. He asks:

Are we still so naive as to think we can scare the Russians into halting their programs?

Delay in an agreement only ensures larger Soviet force levels. By May the Russians may have added another 100 missiles to their arsenal and the United States another 200 warheads. Bargaining chips bought for arms control negotiations are never cashed and lead only to an accelerated arms race. We should put the extra effort into improving our security by a mutual limit on arms now, not in May or not next November.

I ask unanimous consent that Mr. Scoville's article be printed in the RECORD.

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

[From the New York Times, Feb. 24, 1972]

ARMS LIMITATION OR ARMS RACE?

(By Herbert Scoville, Jr.)

WASHINGTON.—President Nixon's $6-billion new defense requests call for an increase of more than a billion dollars for new strategic weapons. At the same time, concrete results on the Strategic Arms Limitation Talks have again been postponed, at least until he goes to Moscow.

Why the urgency on new weapons programs and interminable delays on a mutual halt to the arms race? Why wait until May? Are national politics controlling our security decisions?

An advanced airborne command post and a future generation submarine missile system headed the list of defense programs which he believes cannot even wait until next year. What has happened since last summer to require, on an emergency basis, a new airborne command and control system for the President and top officials? Certainly we have always assumed that Russian submarines would be deployed in locations which would permit their missiles to reach Washington, just as our Polaris missiles have been stationed for years within range of Moscow.

Secretary of Defense Laird now tells us that our present command communication systems are vulnerable to Electromagnetic Pulse, the high intensity radiation pulse produced by a large nuclear explosion. But this phenomenon is not new. It has been observed in our nuclear tests for more than twenty years. We have had extensive research programs to limit its effects. In 1968 the Defense Department issued an unclassified handbook for the benefit of manufacturers who wished to build more resistant electronic equipment.

Either we are seeing another example of a fabricated danger to keep the military-industrial complex active, or our defense planners should be accused of dereliction in their duties. Although Electromagnetic Pulse is widely advertised as the new menace, the initial procurement under supplemental appropriations will be for four large aircraft, presumably Boeing 747's, the first three of which will be fitted with old electronic equipment, not items newly designed to resist Electromagnetic Pulse.

Similarly, we should ask the question: What emergency suddenly requires supplemental funds and big new expenditures for a new submarine missile system? Secretary Laird recently said this was not subject to negotiation at the talks on strategic arms because it was a replacement for the Polaris

submarines. But we are still converting at a cost of $5 billion the Polaris submarines to launch the advanced Poseidon missile. Why—if Polaris is becoming obsolete? Actually, even the Poseidon is unnecessary unless the Russians build a large ABM system which would take many years and which would be banned if President Nixon's optimism on a treaty limiting ABM's is realized.

Defense authorities at all levels have stated that our submarine forces are not threatened by Soviet anti-submarine warfare. Secretary Laird says our Polaris deterrent is "highly survivable." We have even no concept of the nature of such a potential threat since the required technology is as yet undiscovered. While a new submarine missile system may take seven years to build, the lead time for effective antisubmarine warfare development is much longer, if it can be done at all. Spending large sums now on a new submarine and missile may prematurely commit us to much larger amounts for weapons designed against the wrong threat.

What is the rush about? No new, unforeseen danger to our deterrent has developed. The Soviet ICBM program is way behind that predicted by Secretary Laird in 1969. Then we started the Safeguard ABM because of estimates that Russia would add about 150 ICBM's to its arsenal each year and that more than a third of these would be the large SS–9's. President Nixon now states that only 80 ICBM's were added last year—only a handful of these were SS–9's. In August, 1969, the Russians were reported to have more than 275 SS–9-type launchers operational or under construction; now, two and one-half years later, the number is only about 300.

The Soviets have not yet tested a missile with multiple warheads which could be aimed accurately at several targets (i.e., MIRV's), and thus threaten our Minutemen. Yet when President Nixon first justified our ABM program, he expressed fears that such testing started in 1968.

True, the Russians are building up their fleet of missile submarines at the rate of nine to ten per year, not a large increase over Secretary Laird's prediction of six to eight per year in 1969. When those under construction are completed, they will have approximate numerical parity with the United States but not with the combined NATO fleet. However, our Polaris-Poseidon missile system is vastly superior to the Russian one.

Furthermore, such submarines cannot attack our Polaris deterrent or in any way make it obsolete so that it would have to be replaced by a new one. We must avoid the puerile notion that because the Russians are building a weapon we must have a similar program even though our security doesn't require it. This is "keeping up with the Joneses" on a billion-dollar scale.

Are we still so naive as to think we can scare the Russians into halting their programs? Delay in an agreement only ensures larger Soviet force levels. By May the Russians may have added another 100 missiles to their arsenal and the United States another 200 warheads. Bargaining chips bought for arms control negotiations are never cashed and lead only to an accelerated arms race. We should put the extra effort into improving our security by a mutual limit on arms now, not in May or not next November.

AMERICAN BAR ASSOCIATION FAVORS CONSTITUTIONAL EQUALITY FOR MEN AND WOMEN

Mr. BAYH. Mr. President, I am pleased to bring to the attention of my colleagues the fact that the American Bar Association has recently endorsed constitutional equality for men and women. At its meeting in New Orleans just 2 weeks ago, the house of delegates of the bar association adopted, virtually unanimously, the following resolution proposed by its section on individual rights and responsibilities:

Be it resolved, that the American Bar Association supports constitutional equality for women, and urges the extension of legal rights, privileges and responsibilities to all persons, regardless of sex.

Mr. President, this action is further evidence, if further evidence is needed, that the country expects and demands that the Senate will approve the equal rights amendment. Tomorrow the full Judiciary Committee will meet and will, I hope, report favorably to the floor the equal rights amendment without change. The Senate will then have the opportunity to follow the lead of the House and overwhelmingly approve the fundamental principle that "equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex."

The report of the ABA's section of individual rights and responsibilities recommending adoption of the resolution I just read, is a useful, brief summary of the reasons the equal rights amendment is needed. The report explains what women in this country know too well already: The criminal laws, business, and labor laws, and the educational policies of many States unfairly discriminate on the basis of sex. This is the evil at which the amendment is directed. The report also shows that judicial action under the 14th amendment for the equal rights amendment. In the report's words:

Even today, application of the Equal Protection Clause of the Fourteenth Amendment to women is narrowly construed, as demonstrated by the opinion in *Reed* v. *Reed*, — U.S. — (40 LW 4013, November 22, 1971). The Court's holding therein was limited to invalidating one sex discriminatory statute, in effect in only two states, and did not declare sex a "suspect classification".

Mr. President, I ask unanimous consent that the report and recommendation of the American Bar Association Section on Individual Rights and Responsibilities be printed in the RECORD.

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

AMERICAN BAR ASSOCIATION SECTION ON INDIVIDUAL RIGHTS AND RESPONSIBILITIES RECOMMENDATION

FEBRUARY 1972.

The Section on Individual Rights and Responsibilities recommends the adoption of the following resolution:

"Be it resolved, that the American Bar Association supports constitutional equality for women, and urges the extension of legal rights, privileges and responsibilities to all persons, regardless of sex."

REPORT

Under the early common law, women had few legal rights and virtually ceased to exist as legal persons following marriage. Because the United States Constitution was drafted while such concepts prevailed, passage of the Nineteenth Amendment was necessary in order to give women their sole right under the Constitution, that of suffrage.

Even today, application of the Equal Protection Clause of the Fourteenth Amendment to women is narrowly construed, as demonstrated by the opinion in *Reed* v. *Reed*—U.S.—(40 LW 4013, November 22, 1971). The Court's holding therein was limited to invalidating one sex discriminatory statute, in effect in only two states, and did not declare sex a "suspect classification."

Although Married Women's Property Acts and other remedial legislation is now in force in many states, there are still substantial limitations on women's right to contract after marriage, their right to consortium and grounds for divorce. The lack of a domicile apart from her husband may prevent a woman from voting where she actually lives, and may subject her to payment of non-resident tuition fees although she is a *de facto* resident.

Woman may not serve on juries in some states without first filing a written request with court officials, and little or no effort is made to inform women of this prerequisite. There are instances of criminal statutes dealing differently with women despite two 1968 state court decisions nullifying as unconstitutional indeterminate sentences for women which were not applicable to men.

In some community property states, the wife, who is powerless to compel her husband to pay federal income taxes or obtain funds to pay them, has nevertheless been held liable for tax deficiencies, *United States* v. *Mitchell*, 403 U.S. 190 (1971). Even though she is regarded as being a one-half owner of the community, she is not entitled to an accounting during the marriage, and cannot dispose of community assets unless special circumstances are present.

With respect to employment rights, it was not until 1963, when the Equal Pay Act was passed, that sex discrimination in that field was forbidden. The Equal Pay Act, like Title VII of the Civil Rights Act of 1964, prohibited certain discriminatory practices, but also contained exemptions of large groups of women workers. There appears to be no rationale for excluding women from coverage of these Acts other than a reluctance to make sex discrimination an unlawful employment practice throughout the labor market.

Moreover, other titles of the Civil Rights Act of 1964, such as Title VI, proscribing discrimination on the basis of race, color, national origin or religion by recipients of federal grants, ignores sex discrimination. These legislative omissions have been thoroughly studied and documented, and are ripe for immediate action.

Most of the discriminatory laws reflect a social and economic system of a bygone era when most of the population was concentrated in rural areas, and women did not work outside the home or have access to educational facilities. Today, there is a growing acceptance of additional avenues for women to participate as contributing members of the society. As a result, women comprise approximately 40% of the work force. Unfortunately, women are underutilized, and have yet to realize their full potential in terms of promotions of remuneration. Nonetheless, by availing themselves of new educational and employment opportunities, women have established their willingness to undertake the responsibilities which come with full participation.

The Section on Individual Rights and Responsibilities believes that the American Bar Association should adopt this resolution, and thereby assist women in securing the full and responsible citizenship they seek.

Respectfully submitted,

CECIL F. POOLE,
Chairman.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. Pres-

ident, I ask unanimous consent that the order for the quroum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

EDUCATION AMENDMENTS OF 1972

The ACTING PRESIDENT pro tempore (Mr. CHILES). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Educational Act of 1963, and related Acts, and for other purposes.

The Senate proceeded to consider the bill.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may speak on a nongermane matter at this time.

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

DR. GEORGE W. CALVER, FORMER ATTENDING PHYSICIAN AT THE CAPITOL

Mr. MANSFIELD. Mr. President, as Members of the Senate are aware, the former attending physician at the Capitol, Dr. George W. Calver, died quietly at home early yesterday morning, February 27.

On December 8, 1928, Lt. Comdr. George Wehnes Calver, Medical Corps, U.S. Navy, was assigned as the physician in attendance to the U.S. House of Representatives as the result of a resolution of the House. A similar resolution was soon passed by the Senate, so that Dr. Calver, became the first physician to administer officially to Members of Congress.

When first assigned, he had no office; his center of operations was the Democratic cloak room of the House. By the time Vice Admiral Calver retired in 1966, his staff had increased to two medical assistants and several corpsmen and nurses.

During his 38 years tenure, Dr. Calver had many sage words of advice for his "constituents." Among them were his "10 commandments of health":

1. Eat wisely.
2. Drink lots of water and fruit juices.
3. Eliminate thoroughly.
4. Bathe cleanly.
5. Exercise rationally.
6. Accept inevitables.
7. Play enthusiastically.
8. Relax completely.
9. Sleep sufficiently.
10. Check up occasionally.

Admiral Calver had a distinguished career in the military service. He was commissioned on June 18, 1913, as lieutenant junior grade, and retired as vice admiral on September 30, 1966. In addition, he was a Fellow in the American College of Physicians, a member of many professional organizations, and served as president of the American College of Cardiology. He was a Past Grand Paramount Carabao in the Military Order of the Carabao.

During his 38 years as attending physician at the Capitol, he made many close friends among the Members of the Senate and House.

His widow Jessie, of Washington, D.C., and two daughters, Mrs. Paul F. Dickens of Washington, D.C., and Mrs. Elder Carl Swanson of Green Cove Spring, Fla., survive him.

I wish to express my deep regret at the passing of this man who served the two Houses of Congress so well over such a long period of time. His retirement was a sad occasion; his passing is a sadder one. To his family, we extend our condolences in their hour of sorrow.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a brief biography of Dr. Calver.

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

VICE ADM. GEORGE WEHNES CALVER, MEDICAL CORPS, U.S. NAVY, RETIRED

George Wehnes Calver was born in Washington, D.C., November 24, 1887, a son of Dr. Thomas Calver and Lizzie Wehnes Calver. He attended Eastern High School and George Washington University in Washington, and was graduated in 1912 from the Medical School of that University. He entered the United States Naval Reserve on June 18, 1913, and was commissioned Assistant Surgeon with the rank of lieutenant, junior grade, Medical Corps, and transferred in the same rank to the Medical Corps, U.S. Navy, on April 10, 1914. He subsequently advanced through the grades to Medical Director with the rank of captain, as of May 30, 1934. On October 9, 1945, he was promoted to rear admiral, for temporary service, and on November 1, 1947, he transferred to the Retired List of the Navy in that rank. He was promoted to vice admiral effective September 30, 1966.

Upon reporting for active duty in 1913, he had instruction at the Naval Medical School, Washington, D.C. This course completed in May, 1914, he joined the USS SUPPLY at San Francisco, and one year later he was detached and ordered to the Asiatic Station for assignment. During the next two years he served at the Naval Stations, Guam, and Cavite, P.I., on the Yangtze Patrol aboard the USS PALOS and the USS GALVESTON, and in January, 1917, he was ordered to the Naval Hospital, Yokohama, Japan, for three months.

Throughout World War I, and until December, 1919, he served in Charleston, South Carolina, three months at the Navy Yard, and thereafter as Executive Officer of the Naval Hospital, Charleston.

He had duty with Destroyer Flotilla 2, Atlantic Fleet, from December, 1919, to February, 1922, successively in the USS BRIDGEPORT, the USS THOMAS, and again in the BRIDGEPORT. Ordered to the Hospital Corps Training School for Pharmacist Mates, at the Naval Hospital, Norfolk, Virginia, he served until May 29, 1925, when he joined the USS HENDERSON and was Senior Medical Officer of that transport until detached in February, 1927. He then reported to the Naval Dispensary, Navy Department, Washington, where he was Medical Inspector from April, 1927. He remained in that assignment ten years, with additional duty from December, 1928, in attendance at the House of Representatives during sessions of Congress.

From May 10, 1937, until July 14, 1941, he served at the Naval Medical Center, Washington, D.C., with additional duty as before as Attending Physician at the Capitol.

He was relieved of duty at the Naval Medical Center, but continued his duties as Medical Officer in attendance on the Congress. He also served as consultant in the Bureau of Medicine and Surgery, Research Division, before and during World War II. In addition to his primary duty of providing medical attendance to the membership of both the House and Senate, he has devoted himself diligently to medical research at the Naval Medical School, as well as serving actively as special consultant in internal medicine to the Naval Hospital, Bethesda. His retirement became effective on November 1, 1947, but he has remained continuously on active duty as before.

Vice Admiral Calver has the Victory Medal; American Defense Service Medal; American Campaign Medal; and World War II Victory Medal.

He married in 1916 Miss Jessie Willits, daughter of the late Admiral and Mrs. A. B. Willits, USN. They have two daughters, and reside at 3135 Ellicott Avenue, N.W., Washington, D.C.

Doctor Calver is a member of the American Medical Association, and in 1926 was elected a Fellow of the American College of Physicians. He was elected to the American College of Cardiology in 1951 and has served as President of the College of Cardiology. He is a Fellow of the American Geriatrics and Gerontological Societies and is certified by the American Board of Internal Medicine (1944).

Mr. GRIFFIN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. Mr. President, on behalf of the leadership and the membership on this side of the aisle, I wish to associate with the remarks of the distinguished majority leader.

Dr. Calvin was not only an outstanding physician but, as the distinguished majority leader has said, he was also a close and valued friend of Senators and Members of the House of Representatives. He will be missed, and I join in extending sorrow and condolences to his family.

Mr. MANSFIELD. Mr. President, I thank the Senate for allowing us to make these few remarks.

QUORUM CALL

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

EDUCATION AMENDMENTS OF 1972

The Senate continued with the consideration of the House amendment to S. 659, a bill to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes.

Mr. BEALL. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 448, line 23, strike "June 30, 1973," and insert in lieu thereof "June 30, 1974".

Mr. BEALL. Mr. President, this is a very uncomplex amendment and not nearly so controversial as those we have been considering recently.

It simply changes the termination date for the section. Section 123 provides emergency assistance for institutions of higher education, those institutions having financial difficulty in surviving today's escalating costs.

When we passed the bill last year, we wanted to make it a 2-year program and have the program until 1973, because it was then 1971. It is now 1972, and we still want a 2-year program. The amendment simply changes the date from 1973 to 1974.

Mr. PELL. I have studied the amendment of the Senator from Maryland. I think it has great merit. I recommend to the Senate that we accept the amendment. I yield back the remainder of my time.

Mr. BEALL. Mr. President, I thank the Senator from Rhode Island, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Maryland. (Putting the question.)

The amendment was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BEALL. Mr. President, I would like to ask the manager of the bill to state as a matter of legislative history the procedure for administering the basic education opportunity grant program and the way in which the basic grant program would be related to the present student assistance programs.

Mr. PELL. The bill passed by the Senate does not deal with the specific administrative mechanism for the basic educational opportunity grant program. This matter is omitted because provisions in present law give the Commissioner of Education authority for administering this program under contractual arrangements. When the Committee on Labor and Public Welfare considered S. 659 in executive session, the method by which the basic grant program was administered was considered specifically. The committee believed that the administrative mechanism should be left under the authority of section 411(b) of the General Education Provisions Act. That section reads as follows:

(b) In administering any applicable program, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

Under this provision it is intended that the Commissioner will contract with colleges and universities at which basic grant recipients are in attendance for the administration of the program in each of the schools.

Within the colleges and universities, it is probable that student financial aid officers will administer the basic grant program. The student financial aid officers would receive copies of the schedules promulgated by the Commissioner as provided in the bill, and individual students seeking basic grants would make application through the financial aid officers. The student financial aid officers would then calculate, on the basis of the Commissioner's schedules, the amount which the student's family could reasonably be expected to contribute to his or her postsecondary education. Once that amount is calculated, the student will automatically receive the difference between that amount which the family is reasonably expected to contribute and $1,400. It is not foreseen that the basic grant program will be any more "Federal" than the present student aid programs are. It is probable that the basic grant program could not be operated without the services of student financial aid officers.

It is also expected that the Commissioner will carry out an intensive dissemination project in order to inform potential students of their rights under the basic grant program, and that he will provide technical assistance to institutions, aiding them in the administration of the program. The Commissioner has authority to carry on these activities under sections 412, 413, and 414 of the General Education Provisions Act.

The contract authority of the Commissioner of Education under section 411(b) of the General Education Provisions Act provides that the Commissioner must pay for the services of contractors. Therefore, the Commissioner will pay the administrative expenses of institutions of higher education for their activities under the basic grant program.

These funds will be paid to the institutions from appropriations for salaries and expenses of the Office of Education under section 401(c) of the General Education Provisions Act.

I would emphasize that the basic grant program is not a discretionary program. If a student qualifies for a basic grant under the law and the schedules established by the Commissioner, that student has a right to a grant in the amount established under those schedules. The student aid officer may not deny the student a grant to which he or she is entitled.

The basic grant program is intended to be a floor supporting the present student aid programs. It definitely is not intended to replace the present programs. As the bill is drafted, there is a separate authorization for the present programs apart from the basic grant entitlement. Any attempt to shift funds from present student aid programs to the basic grant program would be contrary to the intent of the committee.

In fact, the success of the basic grant program will be directly dependent on the continued funding of the present educational opportunity grant program, as well as on the work-study program and direct loan program, because these programs are intended to supplement the basic grant program. These supplementary programs must be used to give financial assistance to two categories of students: First, the supplementary programs will be used to provide additional financial assistance to those students of extreme need for whom the basic grant is insufficient to enable them to complete a postsecondary education program. Second, the supplementary programs will also be used for students who go to more expensive institutions of higher education who have need for assistance, but who are not eligible for basic grants.

There is no intent on the part of the committee that the total package of student aid programs serve only basic grant recipients.

Mr. BEALL. Mr. President, I thank the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. 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 Senator from California is recognized.

Mr. CRANSTON. Mr. President, on behalf of the following Senators, who join me as cosponsors—Senators WILLIAMS, MONTOYA, and KENNEDY—I offer an amendment, send it to the desk, and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk proceeded to read the amendment offered by the Senator from California for himself and other Senators.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. DOMINICK. Mr. President, reserving the right to object, unless it is an extremely long amendment, would the Senator care to have it read? I would like to know about it, because I have had long discussions about it.

Mr. CRANSTON. I can explain it, but if the Senator wishes it read, we can do that. However, I will be glad to give him a copy to read while I am explaining it.

Mr. DOMINICK. If the Senator has a copy of it, fine.

The PRESIDING OFFICER. Is there objection to the unanimous consent re-

quest? Without objection, it is so ordered.

The amendment offered by Mr. CRANSTON for himself and other Senators is as follows:

On page 635, beginning on line 16, strike out all down through line 6, on page 636, and insert in lieu thereof the following:

(5)(A)(i) The General Education Provisions Act is amended—

(I) in section 402 (as such section is added by clause (2) of subsection (a)), by adding at the end thereof the following new subsection:

"(c)(1) In order to enable the Commissioner to carry out the purpose and duties of the Office of Education, the Commissioner is authorized, during the period beginning July 1, 1972, and ending June 30, 1975, to make grants to, and contracts with, public and private institutions, agencies, and organizations for the dissemination of information, for surveys, for exemplary projects in the field of education, and for the conduct of studies related to the management of the Office of Education.

"(2) From the sums appropriated pursuant to section 401(c) for any fiscal year, the amount available for the purposes of this subsection shall not exceed $25,000,000.".

(II) in section 421 (as so redesignated by clause (1) of subsection (a)), by adding at the end thereof the following new subsection:

"(c)(1)(A) Except in the case of a law which—

"(i) authorizes appropriations for carrying out, or controls the administration of, an applicable program, or

"(ii) is enacted in express limitation of the provisions of this paragraph,

no provision of any law shall be construed to authorize the consolidation of any applicable program with any other program.

"(B) No provision of any law which authorizes an appropriation for carrying out, or controls the administration of, an applicable program shall be construed to authorize the consolidation of any such program with any other program unless provision for such a consolidation is expressly made thereby.

"(C) For the purposes of this subsection, the term 'consolidation' means any agreement, arrangement, or the other procedure which results in—

"(1) the commingling of funds derived from one appropriation with those derived from another appropriation,

"(ii) the transfer of funds derived from an appropriation to the use of an activity not authorized by the law authorizing such appropriation,

"(iii) the use of any practice or procedure which has the effect of requiring, or providing for, the approval of an application for funds derived from different appropriations on any basis, or according to any criterion, other than that for which provision is made in the law which authorizes the appropriation of such funds, or in this title, or

"(iv) the making of a grant or contract involving the use of funds derived from one appropriation dependent upon the receipt of a grant or contract involving the use of funds derived from another appropriation.

"(2)(A) No requirement or condition imposed by a law authorizing appropriations for carrying out any applicable program, or controlling the administration thereof, shall be waived or modified, unless such a waiver or modification is expressly authorized by such law or by a provision of this title or by a law expressly limiting the applicability of this paragraph.

"(B) There shall be no limitation on the use of funds appropriated to carry out any applicable program other than limitations imposed by the law authorizing the appropriation or a law controlling the administration of such program; nor shall any funds appropriated to carry out an applicable program be allotted, apportioned, allocated, or otherwise distributed in any manner or by any method different from that specified in the law authorizing the appropriation.

"(3) No person holding office in the executive branch of the Government shall exercise any authority which would authorize or effect any activity prohibited by paragraph (1) or (2).

"(4) The transfer of any responsibility, authority, power, duty, or obligation subject to this title, from the Commissioner to any other officer in the executive branch of the Government, shall not affect the applicability of this title with respect to any applicable program.";

(III) by amending the heading of such section 421 to read: "ADMINISTRATION OF EDUCATION PROGRAMS".

(ii)(I) The provisions of section 421(c) of the General Education Provisions Act shall be effective upon the date of enactment of this Act. No provision of any law which is inconsistent with such section 421(c) shall be effective nor shall any such provision control to the extent of such inconsistency, unless such a law is enacted after the date of enactment of this Act and in express limitation of such section 421(c).

(II) Nothing in such section 421(c) shall be construed to authorize any activity not prohibited thereby.

(B)(i) There is hereby established, within the Office of Education, a Bureau of Elementary and Secondary Education (hereinafter in this subparagraph referred to as the "Bureau") which shall be responsible for the administration of the programs authorized by titles I, II, III (except section 306), V, VII, and VIII of the Elementary and Secondary Education Act of 1965, by section 222(a)(2) of the Economic Opportunity Act of 1964, by the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) and the Act of September 30, 1950 (Public Law 874, Eighty-first Congress). Within the Bureau there shall be—

(I) a Division of Compensatory Education with responsibility for the administration of the programs authorized by titles I and VIII of the Elementary and Secondary Education Act of 1965 and section 222(a)(2) of the Economic Opportunity Act of 1964;

(II) a Division of Bilingual Education with responsibility for the administration of the programs authorized by title VII of the Elementary and Secondary Education Act of 1965;

(III) a Division of School Assistance in Federally Affected Areas with responsibility for the administration of the programs authorized by such Acts of September 23, 1950, and September 30, 1950; and

(IV) a Division of Assistance to States, with responsibility for the administration of the programs authorized by titles II, III, and V of the Elementary and Secondary Education Act of 1965.

(ii) The Bureau shall be headed by an Associate Commissioner who shall be appointed by the Commissioner and who shall be placed in, and compensated at the rate specified for, grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code; and each of the Divisions described in division (i) shall be headed by a Director who shall be placed in grade 17 of such General Schedule; and in addition, there is hereby created, and assigned to the Bureau, four additional positions to be placed in grade 16 of such General Schedule. The positions created by this division shall be in addition to the number of positions placed in the appropriate grades under section 5108 of title 5, United States Code.

(C)(i) During the period beginning on the date of enactment of this Act and ending June 30, 1974, the Commissioner is authorized, notwithstanding paragraph (1) of section 421(c) of the General Education Provisions Act, to use funds available for the purposes of—

(I) section 306 of the Elementary and Secondary Education Act of 1965;

(II) part D of title V of the Higher Education Act of 1965; and

(III) except as is provided in division (ii), section 402(c) of the General Education Provisions Act;

for assisting local educational agencies in planning, developing, and operating education renewal sites. Such assistance shall be used to support innovative projects carried out in one or more schools in the field of elementary and secondary education designed to bring about comprehensive reform in the educational process. Such projects may include, among other activities, the training and retraining of teachers and other educational personnel, including the payment of such stipends as the Commissioner may determine to such persons (including allowances for subsistence and other expenses for such persons and their dependents) while participating in such training or retraining.

(ii) The funds available under section 402(c) of the General Education Provisions Act for the purposes of division (i) shall be that part of the appropriation under such section which the Commissioner certifies to the Congress is not needed to carry out (I) the statistical operations of the Office of Education, (II) surveys and studies by the Office of Education, and (III) the continuation, during the fiscal years ending June 30, 1973, and June 30, 1974, of the educational television programs popularly known as "Sesame Street" and "The Electric Company".

(iii) Nothing in this subparagraph shall be construed to authorize the funds made available for education renewal sites under division (i) to be used for any activity not authorized by the law authorizing the appropriation of such funds.

(iv) The Commissioner is hereby authorized to request appropriations under the authority of section 401(c) of the General Education Provisions Act to supplement the funds made available to him under division (i) for education renewal sites.

(D)(i) The Commissioner is hereby authorized, consistent with the amendments made by this paragraph (5), to provide assistance to local educational agencies, during the fiscal years ending June 30, 1973, and June 30, 1974, in order to continue the program known as "Right To Read" which is designed to improve reading programs and end illiteracy, which assistance shall be used to identify exemplary reading programs and support local educational agencies which adopt such exemplary programs. The Commissioner is authorized to request, under the authority of section 401(c) of the General Education Provisions Act, such sums as are needed to implement this subparagraph (D).

(ii) None of the funds authorized to be appropriated under subpart 4 of title IV-A of the Higher Education Act of 1965 shall be used for the program known as "Right To Read".

Mr. CRANSTON. Mr. President, the amendment I offer is designed to clear up a very confusing and unnecessarily complicated situation which has developed in the Office of Education in the past 5 or 6 months. The Commissioner of Education is proposing reorganizational schemes, new funding patterns, and program consolidations in order to implement the so-called educational renewal site strategy.

The Commissioner has stated that the fundamental purpose of the Office of Education is to assist school systems to improve educational achievement and

that the Office of Education must be an active participant in education reform, a purpose which I support when he uses procedures authorized by law. The major component of the Commissioner's strategy was described as a simply a new "administrative procedure." However, upon examination, this administrative procedure involves a great more than a simple internal organizational matter—it is a reorganization which is designed to change education programs now authorized by law in a manner, which I believe and the chairman of the Education Subcommittee (Mr. PELL) believes, is inconsistent with the intent of Congress. A major part of the strategy involved the consolidation of four programs—the teacher training institutes under the Education Professions Development Act, the dropout prevention program, and the Federal share of title III of the Elementary and Secondary Education Act—into a single program, that is the education renewal site program.

At the same time, in order to accomplish this purpose, three bureaus of the Office of Education were completely disrupted and reorganized, joining and separating programs without regard for the interests of the education community or the intent of the Congress.

It was intended that the Commissioner would establish 200 education renewal sites in fiscal 1973, and that the number would be increased each year until 1,000 sites involving 10,000 schools would be in operation throughout the country. This was intended to be accomplished without authorizing legislation.

A number of members of the Committee on Labor and Public Welfare and of the House Committee on Education and Labor became concerned about the Commissioner's activities in this area. Both the House and Senate reports on the pending bill expressed concern about this proposal and questioned the legal authority of the Commissioner to carry it out without congressional approval. In spite of these reports, the Commissioner proceeded with the project, with no consultation with the Congress.

On October 14, 1971, the Commissioner announced to Office of Education employees his final approval of the project and on October 15 transfers of personnel were begun. Shortly thereafter, State educational agencies and selected local educational agencies were notified that they were to prepare for the new program.

The chairman of the Education Subcommittee (Mr. PELL) then made inquiries on this matter and pointed out that, at least with respect to the dropout prevention program and the bilingual education program, the Commissioner's plans were not authorized by law. Finally, on January 7 the Commissioner informed the chairman that the bilingual education program and the dropout prevention program were to be omitted from the project. At that time, the chairman was informed that only about 30 initial sites were planned.

Exactly 2 weeks later, the Commissioner's subordinates contradicted the Commissioner's letter to the chairman in a telegram to State educational agencies and at a meeting with the council of the great city schools. In the first place, no notice was given that the bilingual program was no longer to be consolidated; in the second place, the bilingual program was specifically mentioned as being one of the "programs under one blanket—renewal"; and the number of renewal sites was changed from about 30 to "about 60."

When the budget for fiscal year 1973 was submitted, that also contradicted the Commissioner's statements in his letter to the chairman. In fact, the language of the budget request was such that the Office of Education was asking for approval of its new program by way of an appropriation act rather than by authorizing legislation, as the rules of the Senate and the House of Representatives provide.

On two occasions, the chairman of the subcommittee requested that the Commissioner defer any further action on the renewal site proposal. In spite of this, school districts were informed of application deadlines and the project continued. I might note, Mr. President, that, in spite of assurances from the Commissioner that he was obeying the law, the procedures being used in these application procedures were blatantly illegal. Section 421 of the General Education Provisions Act requires application procedures to be published in the Federal Register 30 days before the procedures take effect.

With this by way of background, I would like to express my particular concern about the future of the bilingual education program. Even though the Commissioner has assured us that it will not be consolidated into the renewal program, his subordinates still talk about bilingual education funds as part of the renewal site concept.

The bilingual program is a congressionally mandated single purpose program of major importance to California as well as to other States having large numbers of Spanish-speaking children. It is nowhere near achieving its goal, but it is making a spendid start. A recent report of the U.S. Commission on Civil Rights indicates that we need a much higher priority for bilingual-bicultural education in the Southwest and across the Nation. Bilingual education needs increased visibility rather than subversion under the renewal program.

It is a program of major concern to California, where at least 5.6 percent of the population is Spanish-surnamed and there are 646,000 Spanish-surnamed children in elementary and secondary schools.

I am not convinced that we can be sure of preserving the integrity of the bilingual education program so long as it is associated with the education renewal program.

Therefore, I am offering an amendment which would permit the Commissioner to initiate an education renewal strategy, and to provide specific legislative authority for the "Right To Read" program, but which would restore the Office of Education to its former structure until such time as legislation is enacted altering its structure organizationally.

The amendment I am offering contains the following provisions:

First, it authorizes specific funds to carry out the Commissioner's education renewal strategy.

Second, it provides specific legislative authority for the "Right to Read" program.

Third, it prohibits unauthorized program consolidations and unauthorized meddling with provisions of authorization legislation.

Fourth, it continues the organization of the Office of Education along the lines existing prior to the time education renewal reorganization occurred.

Fifth, it gives increased status to the bilingual education program in order to preserve its integrity.

Another matter along this same line will be dealt with by my amendment. The Congress has supported the Upward Bound program during the past 5 years. No one has questioned its success. Now, without benefit of legislation, the Commissioner has begun siphoning off Upward Bound funds for the Right to Read program. The Right to Read program has admirable goals with which I agree; however, it ought to be funded separately under specific legislation and not by funds appropriated for other purposes. My amendment will make this possible and, at the same time, preserve the Upward Bound program.

I would urge the adoption of my amendment if for no other reason than that it preserves congressional prerogative. It seems the Department of Health, Education, and Welfare has, in this instance, held the Congress in rather low esteem. It has disregarded statutes. It has ignored obvious legislative intent. It has failed to inform and consult with the Congress. The proper role of the Congress in making education policy must be established and maintained. With this amendment, the Congress will reassert its proper role in making policy decisions relation to the Nation's education systems.

In view of the interest of HEW and many others in this matter, a meeting was held in my office this morning with Secretary Richardson, attended by members of his staff, by members of my staff, by members of this committee's staff, by members of the Appropriations Committee staff, and other interested persons, to discuss this amendment and the situation that has caused me to prepare it.

The Secretary indicated his concerns about the amendment, and hoped that we might be able to agree upon a procedure to deal with the concerns that many of us in the Senate and many people involved in education in the country have over this situation, in a way that could resolve the matter without legislative action.

I have great respect for Secretary Richardson, and sympathize with many of the views he expressed. We finally reached an understanding that I would proceed to call up the amendment today and seek its adoption. We were partly in

a straitjacket on time, today being the only time when this amendment can be called up before the bill moves beyond this stage, and there would be no opportunity in the foreseeable future during this legislative year to deal with this situation if we did not deal with it today.

We agreed that subsequent to the time that the Senate agrees to this amendment, if it does, and prior to the conference, if we could reach an agreement with Secretary Richardson spelled out in writing that would achieve what he wishes to achieve short of actual legislative action, but would also achieve what many of us in the Senate wish to achieve without the necessity of legislative action, and if those assurances were satisfactory to those Senators who have expressed concern over these matters, then I would not press in conference for the adoption of this amendment by the conferees.

Mr. President, I ask unanimous consent that a section-by-section analysis of the amendment be printed in the RECORD at this point, followed by pertinent correspondence and other materials regarding the Office of Education's renewal site strategy.

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

ANALYSIS OF THE AMENDMENT RELATING TO EDUCATION RENEWAL SITES AND "RIGHT TO READ"

This amendment rewrites paragraph (5) of section 301(b) of the Committee Amendment by—

(1) conforming the provisions of paragraph (5) in the Committee Amendment with the other parts of the General Education Provisions Act;

(2) prohibiting unauthorized program consolidations and limitations on appropriated funds;

(3) establishing by statute the former Bureau of Elementary and Secondary Education;

(4) specifically authorizing an education renewal site strategy for the reform of education; and

(5) specifically authorizing funding for the program known as "Right to Read".

The amendment contains four subparagraphs as follows:

Subparagraph (A) contains amendments to the General Education Provisions Act. The General Education Provisions Act, under present law, contains those general provisions which control the administration of education programs for which the Commissioner of Education has administrative responsibility. The Committee Amendment amends that Act by adding provisions which establish an Education Division in the Department of Health, Education, and Welfare (consisting of the Office of Education, the National Foundation for Postsecondary Education, and the National Institute of Education), and which authorize survey, studies, and demonstrations in the field of education. This latter provision is rewritten by this amendment.

Division (i) of subparagraph (A), in clause (I) thereof, inserts a new subsection (c) into section 402 of the General Education Provisions Act, which section 402 is previously created in order to act as an organic statute for the Office of Education. This new section 402(c) is comparable with the proposed section 421(d) of the General Education Provisions Act in the Committee Amendment. Such section 402(c) provides, in paragraph (1), that in order to enable the Commissioner of Education to carry out the purpose and duties of the Office of Education, he is authorized, during the period beginning July 1, 1972, and ending June 30, 1975, to make grants and contracts for the dissemination of information, for surveys and for exemplary projects in the field of education and grants and contracts for the conduct of studies related to the management of the Office of Education. Public and private institutions, agencies, and organizations are eligible recipients of such grants and contracts. Paragraph (2) of such section 402(c) limits the amount of the appropriation under section 401(c) of the General Education Provisions Act which may be used for the purposes of such section 402(e) to $25,000,000 for any fiscal year. Such section 401(c) authorizes to be appropriated, as part of the salaries and expenses of the Office of Education, such sums as may be necessary to carry out the General Education Provisions Act. Such section 402(c) of the General Education Provisions Act differs from the section 421(d) proposed in the Committee Amendment in that—

(1) it states explicitly that the purpose of the subsection is to enable the Commissioner to carry out responsibilities vested in him by the organic statute of the Office of Education; and

(2) it makes clear that appropriations for the purposes of the subsection are to be part of the general appropriation for the General Education Provisions Act, in contrast with appropriations for the National Foundation for Postsecondary Education and the National Institute of Education, which are intended to be separate appropriations.

In *clause (II)*, division (i) of subparagraph (A) amends section 421 of the General Education Provisions Act (which section 421 is section 411 under present law and is redesignated as section 421 by clause (1) of section 301(a) of the Committee Amendment) by adding a new subsection (c) thereto prohibiting unauthorized program consolidations and unauthorized limitations on funds appropriated for education programs. The proposed section 421(c) contains four paragraphs as follows:

Paragraph (1) of such section 421(c) provides, in subparagraph (A), that no provision of any law shall be construed to authorize the consolidation of any education program with any other program, except when such a consolidation is expressly authorized by—

(1) a law which authorizes the appropriation, or controls the administration of, an education program; or

(2) a law which is enacted in express limitation of such paragraph (1).

Paragraph (1) of such section 421(c) further provides, in subparagraph (B), that no provision of any law which authorizes an appropriation for carrying out, or controls the administration of, an education program shall be construed to authorize the consolidation of any education program with any other education program unless provision for such a consolidation is expressly made in a statute authorizing appropriations for an education program.

In this analysis the term "education program" is used to refer to any program to which the General Education Provisions Act is applicable.

Subparagraph (C) of paragraph (1) of such section 421(c) defines the term 'consolidation'. The term 'consolidation', for the purposes of subsection (c) of section 421, means any agreement, arrangement, or other procedure which results in any of four actions, namely—

(1) the commingling of funds derived from one appropriation with those derived from another appropriation,

(2) the transfer of funds derived from an appropriation to the use of an activity not authorized by the law authorizing such appropriation,

(3) the use of any practice or procedure which has the effect of requiring, or providing for, the approval of an application for funds derived from different appropriations on any basis, or according to any criterion, other than than for which provision is made in the law which authorizes the appropriation of such funds, or in the General Education Provision Act, or

(4) the making of a grant or contract involving the use of funds derived from one appropriation dependent upon the receipt of a grant or contract involving the use of funds derived from another appropriation.

Paragraph (2) of such section 421(c) relates to the waiver and modification of requirements set forth in authorizing legislation, and to the imposition of limitations on appropriations other than, or inconsistent with, limitations placed in authorizing legislation.

Subparagraph (A) of section 421(c)(2) provides that no requirement or condition imposed by any law which authorizes appropriations for carrying out any education program, or by any law controlling the administration of any such program, shall be waived or modified unless such a waiver or modification is expressly authorized in one of these three statutes:

(1) A waiver or modification may be authorized by the law authorizing the appropriations for the program for which the waiver or modification is authorized; or

(2) A waiver or modification may be authorized by the General Education Provisions Act; or

(3) A waiver or modification may be authorized by a law which expressly limits the applicability of paragraph (2).

Subparagraph (B) of such section 421(c)(2) provides that there shall be no limitation on the use of funds appropriated to carry out any education program other than limitations imposed by the law controlling the administration of an education program. Such subparagraph (B) further provides that funds appropriated to carry out an education program shall not be allotted, apportioned, allocated, or otherwise distributed in any manner or by any method different from that specified in the law authorizing the appropriation.

Paragraph (3) of such section 412(c) provides that no person holding office in the executive branch of the Government shall exercise any authority which would authorize or carry out any activity prohibited by paragraphs (1) and (2) of section 421(c).

Paragraph (4) of section 421(c) provides that if any responsibility, authority, power, duty, or obligation subject to the General Education Provisions Act is transferred from the Commissioner to any other officer in the executive branch of the Government, such transfer shall not affect the applicability of the General Education Provisions Act to the education program with respect to which such responsibility, authority, power, duty, or obligation applies.

Clause (III) of division (i) of subparagraph (A) of paragraph (5) makes a conforming amendment to the capition head of section 421 of the General Education Provisions Act.

Division (ii) of subparagraph (A) of paragraph (5) relates to the effectiveness of section 421(c) of the General Education Provisions Act, which is added by clause (II) of division (i) of such subparagraph (A).

Subdivision (I) of such division (ii) provides, in the first sentence thereof, that the provisions of section 421(c) of the General Education Provisions Act shall be effective upon the date of enactment of the bill, S. 659. The second sentence of such subdivision (I) provides that no provision of any law which is inconsistent with such section 421(c) shall be effective, unless such a law is enacted after the date of enactment of S. 659, and then only if such a law is enacted in express limitation of such section 421(c). In the case of

a law which is only partially inconsistent with such section 421(c), that law shall not be effective to the extent of such inconsistency.

Subdivision (II) of such division (ii) provides that nothing in such section 421(c) shall be construed to authorize any activity not prohibited in such section 421(c).

Subparagraph (B) of section 301(b)(5) establishes within the Office of Education the Bureau of Elementary and Secondary Education. Its area of jurisdiction, as set forth in division (i), includes the administration of the programs authorized by titles I, II, III (except section 306), V, VII, and VIII of the Elementary and Secondary Education Act of 1965, by section 222(a)(2) of the Economic Opportunity Act of 1964, by the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) and the Act of September 30, 1950 (Public Law 874, Eighty-first Congress).

The second sentence of division (i) divides the Bureau as follows:

(1) a Division of Compensatory Education with responsibility for the administration of the programs authorized by titles I and VIII of the Elementary and Secondary Education Act of 1965 and section 222(a)(2) of the Economic Opportunity Act of 1964;

(2) a Division of Bilingual Education with responsibility for the administration of the programs authorized by title VII of the Elementary and Secondary Education Act of 1965;

(3) a Division of School Assistance in Federally Affected Areas with responsibility for the administration of the programs authorized by the Acts of September 23, 1950, and September 30, 1950; and

(4) a Division of Assistance to States, with responsibility for the administration of the programs authorized by titles II, III, and V of the Elementary and Secondary Education Act of 1965.

Division (ii) of subparagraph (B) of section 301(b)(5) specifies the personnel organization of the Bureau of Elementary and Secondary Education. The Bureau shall be headed by an Associate Commissioner who shall be appointed by the Commissioner and who shall be placed in, and compensated at the rate specified for, grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code; and each of the Divisions described in division (i) shall be headed by a Director who shall be placed in grade 17 of such General Schedule. In addition, division (ii) creates and assigns to the Bureau four additional positions to be placed in grade 16 of such General Schedule. The positions created by division (ii) shall be in addition to the number of positions placed in the appropriate grades under section 5108 of title 5, United States Code.

Subparagraph (C) of such paragraph (5) authorizes the Commissioner to carry out an educational renewal site strategy. Such subparagraph contains four divisions as follows:

Division (i) of such subparagraph (C) provides, in the first sentence thereof, that during the period beginning on the date of enactment of S. 659 and ending June 30, 1974, the Commissioner is authorized to use funds available for the purposes of—

(1) section 306 of the Elementary and Secondary Education Act of 1965;

(2) part D of the Higher Education Act of 1965 (the Education Professions Development Act); and

(3) section 402(c) (as added by clause (I) of section 301(b)(5)(A)(1) of S. 659) of the General Education Provisions Act;

for assisting local educational agencies in planning, developing, and operating education renewal sites. The second sentence of division (i) describes the activities to be carried out in education renewal sites. Assistance under the first sentence of division (i) may be used to support innovative projects in the field of elementary and secondary education which are carried out in one or more elementary or secondary schools to bring about comprehensive reform in the educational process. Such projects may include, among other activities, the training and retraining of teachers and other educational personnel, including the payment of such stipends as the Commissioner may determine, to such persons while participating in such training or retraining.

Division (ii) of subparagraph (C) limits the extent to which funds available under section 402(c) of the General Education Provisions Act may be used for education renewal sites. The Commissioner must first use appropriations for the purposes of such section 402(c) for—

(1) the present statistical operations of the Office of Education;

(2) maintenance of the surveys and studies of the Office of Education at the present level; and

(3) the continuation, during the fiscal years 1973 and 1974, of the educational television programs popularly known as "Sesame Street" and "The Electric Company".

Any funds appropriated for the purposes of section 402(c) which remain available after carrying out the above activities shall be available for education renewal sites.

Division (iii) of such subparagraph (C) provides that funds available under division (i) of such subparagraph for education renewal sites must be expended for the purposes of the program for which they were appropriated.

Division (iv) of such subparagraph (C) authorizes the Commissioner to request, under the authority of section 401(c) of the General Education Provisions Act, appropriations to supplement the funds made available to him under division (i) of such subparagraph (C) for education renewal sites.

Subparagraph (D) of paragraph (5) of section 301(b) authorizes the Commissioner to continue the program known as "Right to Read" during fiscal years 1973 and 1974 with funds requested and appropriated under section 401(c) of the General Education Provisions Act. Expenditures of funds under the Right to Read program shall be to identify exemplary reading programs and support local educational agencies which adopt such exemplary programs. Such subparagraph (D) specifically prohibits funds authorized for Upward Bound, Talent Search, and the program of Special Services for the Disadvantaged from being used for the Right to Read program.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION,
Washington, D.C., December 8, 1971.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: Enclosed is a copy of a letter I recently sent Senator Pell describing plans to implement our educational renewal site strategy, and how they meet the mandates of existing law. I know our planning has aroused considerable interest, and we have received a great many inquiries about the specifics. I hope this letter will be helpful in answering any questions you may have.

As the cornerstone of the Office of Education's effort to assist school districts in carrying our comprehensive reform. I believe the renewal site concept is absolutely crucial to Federal education leadership in the years ahead. If you have further questions about this important new strategy, I would be glad to answer them.

Sincerely yours,

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION,
Washington, D.C., December 3, 1971.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: This is in further response to your recent letter requesting information on the legality and impact on present Office of Education (OE) programs of my plans to reform the administration of certain OE programs. We are replying separately to concerns expressed in copies of telegrams attached to your letter pertaining to the transfer of functions within the Office of Education involving the ESEA Title II program.

I believe my specific plans can best be understood in the context of my view of the role of the Office of Education. It is my firm conviction that the fundamental purpose of OE is to assist the school systems of this country to improve the educational achievement of the students who attend them. The Office of Education must be an active participant in the continuing process of educational reform and change that is required to achieve this goal. To assure that OE will be of significant help to local school systems, I have been developing a general reform and renewal strategy for the Office. That strategy, which has been enthusiastically endorsed by Secretary Richardson, will require changes in the administration of some OE programs. All changes will be consistent with existing education legislation and will enable the Office to carry out the programs authorized by the Congress in a much more effective manner.

The major component of my renewal strategy is something that we have termed "Educational Renewal Sites." We intend this new administrative procedure (which will become operational in Fiscal Year 1973) to be the key element advocate of renewal and reform in American education.

Simply stated, the renewal site strategy is as follows. Several existing Office of Education elementary and secondary project grant programs will be administratively coordinated in the future. The funds from these programs will continue to be available to local school districts. Some number of schools from within each district that is a successful applicant under this approach will be selected as an "educational renewal site" and the Federal funds will be concentrated in the "site." The specific OE programs that will be administered under this new approach are: (a) Bilingual education programs (Title VII of the Elementary and Secondary Education Act); (b) the Dropout Prevention Program (Section 807 of Title VIII of ESEA); (c) the 15 percent of the Title III ESEA Program which is for special programs and projects (Section 306 of Title III of the Elementary and Secondary Education Act); and (d) Part D of the Education Professions Development Act (Title V of the Higher Education Act).

To receive funds under this arrangement, a school district, in addition to meeting the normal requirements for the separate programs, will agree to:

Involve all the appropriate members of the local community (teachers, administrators, parents, students, community groups, etc.) in the educational efforts at the renewal site;

Make an assessment of all the educational needs of those schools which will comprise the renewal site; and

Develop a comprehensive program designed to meet and overcome the problems discovered in the needs assessment.

Federal funds from the programs noted above will enable the schools comprising the site to develop the overall strategy, hire outside consultants, obtain the necessary ma-

terials and prepare teachers to use whatever techniques are needed to carry out the comprehensive educational program that has been developed for the site. These funds will be in addition to, and will not replace, the funds received by the district from State and local taxes, and from other Federal grant programs (e.g., impacted areas). Our objective is to enable school districts to use these major sources of funds in a more effective way under the impetus of the renewal site strategy. Such coordinated Federal funding will, be believe, encourage comprehensive planning and integrated programs on the local level.

The single most compelling reason for the development of this particular strategy is the assistance it will give to local school systems in their attempts to serve the educational needs of their students. This new approach will, we hope, lead to a measurable improvement over time in the educational achievement of students in the sites. In addition, it can instill in local schools an appreciation of the necessity for a continuous *process* of reform and give them the capacity to engage in self-evaluation and productive change even after the termination of Federal support.

In response to the legitimate concerns of school administrators over myriad and complicated Federal grants procedures, the renewal site strategy is designed to simplify such procedures at the local level. School districts which seek Federal funds for activities authorized under the above-referred to statutes will be able to submit a single application form. Such application will be reviewed against eligibility criteria which will, to the greatest extent consistent with pertinent enabling statutes, be integrated into a single regulation. Although some of the details of operational procedure have not yet been finally determined, I have listed in an enclosure to this letter some basic decisions respecting the manner in which specific aspects of existing legislation relating to such matters as advisory councils, accounting procedures, etc. will be handled. As you will note, all such matters will be administered consistently with legislative intent.

Some specific concerns have been expressed about the future disposition of programs authorized by the Education Professions Development Act (EPDA). As noted above, the EPDA programs affected by the educational renewal site strategy will be those authorized by Part D of Title V of the Higher Education Act. Any other parts of that Title for which funds are appropriated by the Congress, e.g., the Teacher Corps, will continue to be administered as separate programs.

The renewal site strategy has been reviewed by HEW's Office of General Counsel, which has advised that it finds no legal infirmity in the basic concept underlying this approach. As we formulate the procedural details of this program, we shall be working in cooperation with the Office of General Counsel to assure that (1) rules of eligibility for program grants under the pertinent appropriations will be consistent with standards of eligibility in the corresponding enabling statutes and (2) sufficient accounting procedures on the part of the grantee and the Office of Education will be followed to ensure that the purposes for which funds were appropriated and granted are satisfied by the grantees' expenditures.

The coordination of the programs affected by the renewal site strategy will be implemented within the Office by having them administered by a single unit reporting to the Deputy Commissioner for Development. These programs (Bilingual Education, Dropout Prevention, fifteen percent of Title III ESEA, and Part D of EPDA) will be administered by the new unit which we have named the National Center for the Improvement of Educational Systems. This unit will provide organizational coherence for the educational renewal site strategy.

Everything that I have done thus far as Commissioner of Education, and everything that I propose to do in the future, has one major goal—to assure that the Office of Education can effectively aid the school systems of our country to increase the educational achievement of children. I intend to make the Office an energetic agent of renewal and reform in education at all levels consistent with our statutory mission. The changes in OE practices and procedures that I have discussed in this letter are essential components of my renewal strategy.

I earnestly request your understanding of and support for these changes in OE so that our mutual desire to improve the education of all our children can be made a reality.

Sincerely,

S. P. MARLAND, Jr.
U.S. Commissioner of Education.

Enclosure.

EDUCATIONAL RENEWAL SITES

1. *Existing Programs and Projects.*—The Office of Education has made some moral commitments to school districts under existing legislation to fund certain programs (e.g., Career Opportunities Program and Urban/Rural Program under EPDA) for several years. These commitments are subject to the usual understanding that Congress must appropriate sufficient funds for such programs each year and that the local school district must continue to carry out the program according to the legislative intent.

All such commitments will be honored. School districts to which the Office has made such a commitment of funds extending through and beyond Fiscal Year 1973 will have two options: (1) they may continue existing projects as part of the more comprehensive renewal site approach; or (2) they may continue these existing projects as separate programs and not have them become part of the new site approach. In no instance will there be any arbitrary termination of an existing project.

2. *Funding Authorizations*—All funds appropriated for the separate OE programs that will be administered as part of the educational renewal site strategy will be spent for the purposes for which they were appropriated. Thus, for example, whatever amount of money is appropriated by the Congress for the Bilingual Education programs authorized by Title VII of the Elementary and Secondary Education Act will be spent for such programs.

3. *State Educational Agencies*—Under existing legislation, State educational agencies have a variety of roles to play in the programs to be administered under the educational renewal site strategy.

Under the Bilingual Education Act (Title VII of ESEA) and Title III, (i.e., the fifteen percent administered by the Commissioner under Section 306 of ESEA) applications cannot be approved by the Commissioner unless they have been submitted to the appropriate State educational agency for comments and recommendations.

Dropout Prevention projects must be approved by the appropriate State educational agency (Section 807 of ESEA).

Part D of EPDA requires consultation with State educational agencies to satisfy the State agency that the program or project will be coordinated with programs carried on under Part B of EPDA (see Section 531 (a)).

Accordingly, State educational agencies will be requested, in all instances, for their nominations for educational renewal sites and for their comments and recommendations on the programs of possible sites. Since the ultimate responsibility for approving sites and programs rests with the Commissioner of Education, it is possible that some sites, in unusual circumstances, may be selected which have not been nominated by a State agency. Even in those circumstances, however, the projects will be subject to State educational agency comment or approval wherever the applicable statute requires such comment or approval.

4. *Accounting for Funds*—Existing legislation requires such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant. This requirement will be met in at least two ways:

1. OE will keep track of what amount of funds from each categorical program go to each renewal site. In a hypothetical case, a $100,000 grant to an LEA might consist of $25,000 from funds appropriated for Bilingual Education, $25,000 from section 306 of Title III funds, $25,000 from Dropout Prevention funds, and $25,000 from Part D of EPDA funds. This breakdown, of course, would depend upon the nature of the funded activities, as determined by OE.

2. Each site will have to adhere to customary Federal accounting procedures. Specific items of expenditures will be attributed to funds coming from specific categorical programs.

5. *Regulations and Guidelines*—The regulations and guidelines for the several programs to be administered under the educational renewal site strategy will be combined into a single set. The unified regulations and guidelines will contain all the specific requirements that the separate authorizing acts mandate, e.g., that Federal funds supplement, and not supplant, State and local funds (Section 304(a)(3) of Title III of ESEA); that programs be of a size and scope that will make a substantial step toward achieving the purposes of the legislation (Section 705(a)(3) of Title VII of ESEA); that effective procedures be adopted for evaluating the effectiveness of programs (Section 807(b)(3) of Title VIII of ESEA); etc.

6. *Reports and Evaluations*—All educational renewal sites will have to meet current legislative requirements for annual reports. All will be subject to an evaluation of results. But grantees will submit a single report (not four or five separate ones on each categorical program) and a single evaluation of the site's comprehensive program.

7. *Advisory Council*—Existing legislation provides for the following Advisory Councils in connection with the programs involved in the renewal site strategy.

A National Advisory Council on Supplementary Centers and Services (Section 309 of Title III of ESEA).

An Advisory Committee on the Education of Bilingual Children (Section 708 of Title VII of ESEA).

A National Advisory Council on Education Professions Development (Section 502 of Title V of the Higher Education Act).

All these Councils will be expected to give advice on the general renewal site strategy and the relation of their particular programs to it. All will continue to fulfill any other statutory obligation, e.g., the Title III Council submits an annual report to the President and the Congress, the Bilingual Council develops criteria for the approval of applications, etc.

8. *Eligible Applicants*—A variety of agencies are now eligible for Federal funds under the programs involved in the educational renewal site strategy: local educational agencies (all programs); institutions of higher education which may apply jointly with a local educational agency under the Bilingual Education Act; institutions of higher education and State educational agencies under Part D of EPDA; nonprofit institutions or organizations of Indian tribes under Section 706(a) of the Bilingual Education Act; and the Secretary of the Interior for Indian schools under Section 706(b) of the Bilingual Education Act.

All these agencies will continue to be eligible to apply for funds under the educational renewal site strategy. Although priority will be given to applications reflecting the renewal site approach, some applicants

unable to meet the comprehensive requirements of this approach will also receive assistance.

JANUARY 27, 1972.

The Honorable CLAIBORNE PELL,
Chairman, Subcommittee on Education,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Commissioner Marland has sent me a copy of his letter to you of December 3, responding to your inquiry about the proposed Educational Renewal program. I am glad you are asking these pertinent questions, though I am not reassured by the Commissioner's response. Indeed, the correspondence raises additional questions which I believe deserve discussion by the Subcommittee.

I am particularly concerned about Title VII of the Elementary and Secondary Education Act, the Bilingual Education title. As you know, this program is of major importance to California. This Congressionally-mandated, single-purpose program has made a splendid start. However, it is nowhere near achieving its goal. In fact, the recent report of the U.S. Commission on Civil Rights, reviewing Mexican-American education, indicates that we need a much higher priority for bilingual-bicultural education in the Southwest and across the nation.

We must step up both funding and staffing for Title VII. Its consultant roster should be expanded. Successes and failures need more thorough documentation and analysis. Dissemination programs—for curriculum development, research, and public information—must be strengthened and broadened. These items, and more, must have greater attention if we are to meet our firm commitment to gaining educational equity for bilingual-bicultural children.

Achieving these objectives demands increased visibility for Title VII. We need steady oversight by the Congress to match words with action. I am not yet persuaded that either of these needs will be met under the Renewal program.

In the past, program consolidation has too often led to sacrifice of program integrity and dilution of effort, along with staff reduction and administrative budget cuts. The Teacher Corps is a case in point. Just last year, the Committee was forced to rescue it by legislating its independence from other Office of Education programs. From the Corps' beginning in 1965, the Committee had feared that competition with other education programs would eclipse the Corps and compromise its mission. In 1971, seeing the Corps receive less and less attention and focus within the Office, the Committee—in its report on the Higher Education Amendments—observed that the Corps staff had been cut from 75 to 37 permanent slots and its administrative budget had dropped from $385,111 to $97,000.

We have no guarantees that a similar fate will not await bilingual education under the Renewal strategy, resulting in an impairment at a most critical time. We must not allow this to happen.

There is another serious issue involved in the Renewal strategy. The program consolidates several of the Office of Education's most important categorical programs, including Environmental Education, Drug Abuse Education, Dropout Prevention, and Follow Through. I feel that a reorganization of this magnitude is a matter upon which the Congress should be consulted, not instructed. This transfer and merger of programs within the Office suggests the need for enabling legislation, yet no such legislation has been asked. The plan also reprograms funds, although the Senate Labor-HEW Appropriations Subcommittee must approve such reprogramming. It has not. These issues should not be ignored.

I am further concerned about the resemblance of the Renewal program to the President's plan for education revenue sharing. As you know, the Subcommittee has this plan under consideration. Hearings are not complete. We have not reported the bill. Both the National Education Association and the American Federation of Teachers, among others, oppose it in its present form. Yet, Commissioner Marland—writing in the January 10 edition of *The New York Times*, calls the Renewal program "a packaging process similar to the education revenue-sharing bill President Nixon has proposed as a means for the more efficient and effective delivery of formula grant funds to the states."

While I appreciate the Commissioner's candor, I am disturbed by the implication of his statement.

Mr. Chairman, I urge you to continue pressing for a better, clearer explanation of the Renewal strategy and its effects on existing programs than we have so far received. I know that every member of the Subcommittee commends Commissioner Marland for his commitment to educational reform and will work diligently with him to achieve it. The Congress and the Executive, however, are partners in the important work of education. Congressional silence on this issue will amount to acquiesance to a program that needs full discussion.

With best regards,
Sincerely,

ALAN CRANSTON.

JANUARY 27, 1972.

Dr. S. P. MARLAND, Jr.
U.S. Commissioner of Education,
U.S. Office of Education,
Washington, D.C.

DEAR COMMISSIONER: Thank you for your letter of December 8 enclosing the letter and memorandum to Senator Pell regarding the Educational Renewal program.

As you know, Section 707(b) of the Bilingual Education Act stipulates that the "Advisory Committee shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the development of criteria for approval of applications thereunder." I would appreciate knowing what the Council's comments and recommendations were with respect to including bilingual education in the Renewal program.

I am attaching a letter I have sent to Chairman Pell setting forth some general concerns I have about your proposal. I would appreciate any comments you might have.

Sincerely,

ALAN CRANSTON.

Enclosure.
cc: Honorable Claiborne Pell.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., February 17, 1972.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: Thank you for your letter of January 27 regarding the relationship of the Bilingual Education program to our proposed Educational Renewal Sites.

The Bilingual Education program authorized by Title VII of the Elementary and Secondary Education Act is not an integral approach. Local school districts will decide whether to include this program as part of a comprehensive Renewal Site. No district will be forced to do so.

I have enclosed for your information, copies of two letters (dated January 7 and February 10) I have sent to Senator Pell about Renewal Sites. Senator Pell's incoming letters are also enclosed. I believe they will clarify many of the points raised in your January 27 letter to Senator Pell which you enclosed with your letter to me.

We have not yet had an opportunity to consult with the Advisory Committee for the Education of Bilingual Children on this matter. Title VII establishes a 15-member committee; only three members have been appointed so far. Accordingly, there is no effective Advisory Committee yet in being. However, as noted earlier, I believe any possible misunderstanding as to the relationship between Title VII and the Renewal Site approach has now been resolved. We will, of course, bring this matter to the attention of the full Advisory Committee when all members have been selected.

Sincerely,

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

FEBRUARY 10, 1972.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR SENATOR PELL: Thank you for your letter of January 27 expressing your concern with the plans of the Office of Education for carrying out an educational renewal strategy, as reflected in our prior correspondence and in the President's Budget request for Fiscal Year 1973.

I agree that it is highly unfortunate that confusion continues concerning our renewal plans. Perhaps much of the confusion arises because the Office of Education has used the term "renewal" to refer to several different things. The term has been used in at least four different contexts:

1. *The effort I am making to instill in all appropriate OE activities a sense of the need actively to assist local schools to serve their students in a more effective manner. In this sense, the term can encompass everything the* Office does.

2. *The Educational Renewal appropriation.* As you know, for purposes of budget presentation, the Office of Education's programs are grouped in several appropriations. One of these appropriations for Fiscal Year 1973 is called "Educational Renewal." This appropriation contains most of the Office's discretionary programs at the elementary and secondary level—only a limited number of which would be involved in Educational Renewal Sites. Our earlier discussions concerning renewal have been limited to our plans for such sites.

Most of the programs included in the "Educational Renewal" appropriation are *not* a part of the "educational renewal site" approach. They are administered by various Deputy Commissioners. The appropriation also includes for Fiscal Year 1972 some programs which we propose would be administered by the National Institute of Education, if Congress should create that agency. For your information, I am enclosing a list of all programs included under the "Educational Renewal" appropriation and their placement within the Office.

3. *The Deputy Commissioner for Renewal.* One of my Deputies, Don Davies, has this title. He is responsible for the administration of several OE programs, such as the statistics program, educational technology (e.g. Seseme Street), and other programs, which are unrelated to educational renewal site activities. He also administers those programs which will form the basis for educational renewal sites.

4. *Educational Renewal Sites.* As noted in my earlier letters, the educational renewal site concept is a new approach to using some of the funds authorized under existing legislation. The Appendix to the Budget shows an item for "Site personnel development," drawing funds from Part D of the Education Professions Development Act. Some of these funds may be used in Fiscal Year 1973 for educational renewal sites. Added to these funds will be funds from the discretionary portion of Title III of the Elementary and

Secondary Education Act and from the Cooperative Research Act, as I stated in my letter to you of January 7. No other programs will form the basic funding of Educational Renewal Sites.

If a school district is receiving funds under another Federal program—Bilingual Education, Drug Abuse Education, Dropout Prevention, or Vocational Education Research, for example—it will be free to include such programs in the activities conducted at the Educational Renewal Site. Such a decision would be solely that of the school district receiving the funds. As the Appendix to the Budget states, "local school districts *will be able* to submit a single application for a comprehensive grant." [Emphasis added.] No school district will be *required* to do so, and no preference to these programs will be given to a district that chooses to submit a comprehensive application. All programs listed in the Appendix under the heading of "Education Renewal," except for those included in "Site personnel development," will continue to be administered as discrete entities, pursuant to the terms of their authorizing legislation. Further, several other programs included within the "Site personnel development" appropriation will also continue to be funded as discrete entities since they involve the continuation of existing OE commitments to grantees. These include the Career Opportunities and Urban Rural programs.

Since each local school district will be undertaking educational renewal in areas of its greatest need, I cannot enumerate all the activities which might be undertaken in a renewal site. However, I am enclosing a paper which discusses activities appropriate to an educational renewal site which should serve to illustrate how a sample site might work.

In a more perfect world, our use of terminology might be less confusing. However, I hope that I have been able to clarify that "educational renewal sites" are one piece of a much larger effort and are by no means equivalent either to the Educational Renewal appropriation or to the jurisdiction of the Deputy Commissioner for Renewal.

Your letter also expresses concern that the Renewal Site approach will be conducted without adequate regulations or guidelines. Let me assure you that we fully intend to develop regulations and guidelines for this approach, reflecting the various provisions of the three underlying legislative authorities, before the Renewal Site program is begun in Fiscal Year 1973. I agree with you that local educational agencies seeking Federal assistance for educational renewal sites must have comprehensive guidelines in order to enable them to prepare their applications and conduct their activities according to the law and Congressional intent.

I would like to reiterate that the Office of Education is *not* establishing a new program called "educational renewal sites." The renewal site approach is a *process*, not a *program*. We are asking States and local school districts if they would wish to use funds authorized under existing programs in accordance with the purposes of that legislation, but concentrated in some small number of schools within a school district, through a step-by-step process of assessing needs, determining programs to meet those needs, and involving the parents, teachers, and community in the process. The renewal site approach is intended to be a more effective way of using resources, not a new program.

Finally, your letter inquires about the final disposition of the bilingual education program. The Bilingual Education Program will be elevated to the status of a Division. This will be the first time that the program has achieved Division status since its enactment. I would like to assure you that its integrity will be preserved in the new organizational structure. Indeed, the change should enhance the program's stature in the country, reflecting the high priority the Office of Education places on bilingual education.

I hope that this letter has been responsive to your concerns about our plans for Educational Renewal. I feel that it is important to maintain a dialogue about our plans, as they develop. If you have any further concerns or questions, please feel free to call on me.

Sincerely,

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

CURRENT LOCATION OF ACTIVITIES INCLUDED IN EDUCATIONAL APPROPRIATION

Part D, EPDA, Deputy Comm. for Renewal.

Bilingual Education, Deputy Comm. for Renewal.

Dropout Prevention, Deputy Comm. for Renewal.

Personnel Development, Deputy Comm. for Renewal.

Follow Through, Deputy Comm. for School Systems.

Educational Technology, Deputy Comm. for Renewal.

Drug Abuse Education, Deputy Comm. for Renewal.

Right to Read, Exec. Deputy Commissioner.

Career Education Model, Deputy Comm. for Renewal.

Environmental Education, Deputy Comm. for Renewal.

Library Demonstrations, Deputy Comm. for Higher Educ.

Other Priority Programs, Deputy Comm. for Renewal.

Data Systems Improvement, Deputy Comm. for Renewal.

Product Identification and Dissemination, Deputy Comm. for Renewal.

Planning and Evaluation, Deputy Comm. for Management.

THE EUCATIONAL RENEWAL SITE

A BRIEF DESCRIPTION

This a brief description, for illustrative purposes, of an Educational Renewal Site under the proposed renewal strategy of the Office of Education. It has three sections: (1) a description of the organization of the Education Renewal Site, (2) a description of possible functional and program components and activities at the Site, and (3) a statement about the process of renewal.

ORGANIZATION

The Educational Renewal Site will normally be selected as a grantee by the Office of Education from among nominations made by its State Education Agency, and will be comprised of a cluster of schools (elementary, junior and senior high) varying in number from approximately 8 to 20 according to the characteristics of the communities served. It could be a portion of a large urban school district, an entire rural town, or several rural villages combined. The number of pupils involved could vary similarly. In order to merit selection the Site will have to meet certain criteria of need, readiness, low-income, etc., established by the Office of Education and the State education agencies in accordance with enabling legislation.

The Site will have an Educational Renewal Council which shall provide project direction, including needs assessment, planning, and project implementation and evaluation, within the framework of existing State and local school board regulations. The Council will be created by the local school board, and will be representative of the school community, including, for example, the staff of participating schools and universities, parents of the community served by the participating schools and other appropriate segments of the school district. Final authority and responsiiblity for the operation of the project funded rests with the local school board.

FUNCTIONAL ELEMENTS

Fundamental to the Site's activities and effectiveness will be a comprehensive assessment of the needs of students and the educational personnel that serve them, a determination of available resources and priorities—local, State, and Federal—and the development of a comprehensive plan to meet those needs.

As determined by the local assessment of need, there may be a center at the Site serving as a primary resource for educational personnel in the Site schools. In a location separate from the schools, but within or near the Site, it could serve as a mobilization point for technical assistance, training and retraining, evaluation expertise, dissemination of information about products of research and development, and other resources needed to meet the needs of the schools. In any case, the center would be administered by the Site director under the Educational Renewal Site Council.

The kinds of activities at an Educational Renewal Site will be determined by its assessment and continuous reassessment of need, and by its Educational Renewal Site Council's growing awareness of the reasons their schools are not fully effective. The Council will have access to extensive resources for orienting itself to educational issues.

Program components for pupils and appropriate training for teachers and others may vary greatly from Site to Site. The Educational Renewal Site Council may make use of colleges and universities to help with training, which will usually be conducted in the Site schools. The Educational Renewal Site Council may also call upon business, industry and other community agencies for help. The Site schools may be utilized as preservice training centers for prospective teachers and paraprofessionals. All Office of Education renewal site funds will be used for developmental purposes rather than to increase permanent per pupil expenditures. OE renewal funds will be phased out after a period of approximately five years, as negotiated with the school board. Among others, these program components might be supported:

Orientation of parents to the 24-hour nature of education, and the extension of the schooling process to the homes.

Maintaining 10-hour daily open schools as learning and social centers for parents and pupils alike.

Extensive use of parents as visitors and paraprofessionals in the schools.

Emphasis on reading: high school pupils teaching elementary school pupils, etc.

Capability for meeting needs of "exceptional" children, particularly those who have learning disabilities.

THE PROCESS OF RENEWAL

Renewal is viewed as a continuous self-sustaining process of educational change and decision-making to cope with unsatisfactory as well as constantly changing conditions in the schools. Its ultimate objective is to provide in the Educational Renewal Site schools—and later spread throughout each State—education which is responsive to the needs of the pupils and which reflects the concerns of their parents. It should improve significantly the school performance of those children.

What goes on at an Educational Renewal Site will be different from what has been done heretofore with Office of Education monies, for these reasons:

By concentrating Federal, State, local and private resources, it will simplify the process and lessen duplication and fragmentation of efforts.

By involving the States at every point in the process, the likelihood of combining other resources with those available from the Of-

fice for Development and the likelihood of spreading renewal throughout the State are greatly increased.

By restricting the effort to a limited number of schools in a large urban district, for example, and by utilizing an Educational Renewal Site Council which strongly represents that particular area, it will be possible to build and increase the sense of community at the Educational Renewal Site and draw on the parents, and others for their share of the task of educating their children.

U.S. SENATE,
Washington, D.C., January 27, 1972.

Hon. SIDNEY P. MARLAND, JR.,
U.S. Commissioner of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. COMMISSIONER: Thank you for your letter of January 7 relating to education renewal sites. I am most appreciative of the dialogue which we have been able to create on this subject. I had hoped that we could have resolved the problems raised by the education renewal site program by communications between the Office of Education and the Education Subcommittee. However, your letter of the 7th, and more importantly, the recently submitted budget raise further questions which work against the resolution of the issues.

In your letter dated January 7, you have indicated a scaled-down proposal. However, that letter does not deal with the final disposition of the bilingual education program, nor with the fundamental question of activities for which Federal funds will be spent. The submitted budget lists certain programs under "education renewal" about which no mention has previously been made. In addition, the appropriateness of initiating a program without legislation or regulations or guidelines is subject to questions of a scope which I, as Chairman of the Education Subcommittee, cannot pass upon without consultation with my fellow Senators and with our colleagues in the House of Representatives.

Therefore, I would hope that you would defer any further action in implementing this proposal until such time as this confusion may be properly disposed of. My staff informs me that the Department has indicated a desire to circulate your letter dated January 7 as evidence of a resolution of any differences which may have arisen. You may circulate that letter with this response. However, I would think that it would be appropriate to include as well all previous letters and communications on the subject in order that further confusion may be avoided.

Thank you very much for your consideration.

Ever sincerely,

CLAIBORNE PELL.

MAJOR RENEWAL PROGRAM STRATEGY*

The Office of Education has launched a new strategy for educational reform which rests upon two cornerstones—a reform philosophy which addresses problems rather than mounts programs and a management rationale which eliminates duplication and fragmentation.

1. The goals:

The three primary goals of this strategy are:

1. To significantly reduce or eliminate the present gaps in achievement that exist between school children in low-income and rural communities and those in more affluent communities.

2. To demonstrate a process of educational change and decisionmaking which creates a self-sustaining reform mechanism throughout the educational system.

3. To establish an educational communication system that provides rapid linkage between students with educational needs and policymakers, service agencies, and research institutions that serve education.

To reach these goals, the objectives for the immediate years are:

1. To focus the major resources of Office of Education discretionary programs in a coordinated, comprehensive, and concentrated fashion in those communities where the educational needs are the greatest.

2. To accelerate the installation and maintenance of promising educational products and practices in school through a new network of educational extension agents.

2. History:

This renewal strategy is not an abrupt shift in direction; it is rather a logical development based on recent experiences of the Bureau of Educational Personnel Development and other Office of Education Programs such as the Career Opportunities Program, Urban/Rural School Development Program, and Training of Teacher Trainers (TTT) as a result of their deep involvement in low-income communities, have clearly demonstrated some of the complexities of educational problems: the gap between educational needs and the delivery of services; the inadequacy of the single-focused, isolated program approach; the inability of temporary programs directed from the national level to effect permanent and systematic change. These two programs have attempted to meet the problems of their constituencies by increasing the length of service time and the level of funding. But, of themselves, such programs do not have the resources necessary for lasting and meaningful change.

Simultaneously, several Federal efforts, such as TREND and Model Cities, have tried to address the problems of change and reform through packaging specific community needs. Both the successes and the failures of these efforts contribute to a body of knowledge and experience which can be built upon at this time.

Finally, this strategy for renewal occurs at a time when the probability for success is as high as it has ever been. Education faces a serious crisis of financing and credibility. Institutions and administrators resistant to change in the past are now forced to examine new methods and new alternatives of education. It is the intent of this strategy to lend as much assistance as is possible to resolving this crisis in those areas where the problems are most severe.

Before adopting the present strategy, serious consideration was given to the experience of previous efforts at educational reform. This analysis of the Ford Foundation's efforts, those of the Office of Education and others has revealed several key factors which have led to the failure of those efforts to institute any widespread educational reform. The present renewal strategy attempts to take each of these factors into account and to avoid repeating the same mistakes.

COMPREHENSIVENESS

Most reform efforts in the past have been too narrowly based to affect the educational system within which they took place. A typical project would be an innovative method of teaching reading to elementary school children in a single classroom in each of several schools. This may have improved the ability of those children to read, but there was no follow-up in other classes nor were other teachers and administrators of the system involved in any meaningful way.

The renewal strategy is designed to institute innovation and reform in context; in context with the whole range of educational needs within a system and in context with the resources and experience of the teachers, students and community. This accomplishes two things. It first of all insures that the children will be receiving programs that are built into a total plan which does not stop and start in isolated classrooms or in isolated curricula. Secondly, it involves all the key people who make up the educational decision-making process for that system. The reforms and innovations that are instituted will be instituted for a reason—to assist in the improvement of the educational environment for the children, and everyone will be represented in the process of identifying problems and selecting methods for solving them.

RELEVANCE

Previous reform efforts have been characterized by their focus on an innovator (such as Ford) or an innovation (computer-assisted instruction) rather than a problem (an escalating drop-out rate within a school system). Exciting new programs have been introduced from the top down into a system. Supported by external funds, they have accomplished little more than temporary readjustments—unrelated to the total systematic characteristics of a particular system. When the outside support was withdrawn, the innovative program normally disappeared.

The renewal effort will address this failing by bringing innovations into a system only in response to needs clearly articulated by that system. Innovation thus becomes identified with a process geared toward solving a problem. An innovation is more likely to be accepted and continued if it is part of a coherent problem-solving process than if it is perceived as being the "special program" of the Office of Education.

COORDINATION

Too often in the past, reform efforts have occurred with little or no interaction or coordination with other reform efforts. Not only have States, Ford, Carnegie, GE, and others carried out unrelated reform programs, but within the Federal government innovations, demonstrations, and reform efforts have been fragmented. This methodology, or lack of it, leads to redundancy, overlap and repetition, wasting time and effort, and accomplishing little.

Starting at home, the renewal strategy attempts to insure closer coordination of the reform efforts through the consolidation of most of the Office's discretionary programs to be managed and administered by the Deputy Commissioner for Development according to this strategy. Furthermore, the renewal process will identify and coordinate with other innovative programs to make this an incremental and supportive effort rather than a redundant one. Finally, when the Office of Education extends assistance to disadvantaged children it can now do so with a more effective mechanism designed to bring the best available assistance from all of its resources.

CONCENTRATION

Given the complexity of the renewal task at any particular site, reform efforts designed to solve a single part of that problem at each of many scattered locations is not sufficient nor is it necessarily functional. Unless substantive progress is made toward improving the education of the kids for whom the legislation is really passed, there is no return on the investment being made by diverse, scattered, uncoordinated programs. Under the renewal strategy, the small amount of discretionary money available will not only be coordinated, it will be utilized in a concentrated fashion on those school systems whose children are in greatest need of improved learning opportunities. This allows the effort to be large enough and broad enough to actually make an impact. Furthermore, such concentrations will allow better, more conclusive monitoring both in terms of fiscal responsibilities and in terms of the process of educational change.

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*Paper prepared for OMB, November 1971.

FEEDBACK

Finally, reform has progressed slowly because there has not been any effective mechanism to feed the results back to the researchers and policy-makers in such a form as to be meaningful enough to act upon. The success or failure of a single project, in a single school, at a particular moment in time does not tell us very much about whether that experience could or could not be repeated in another school, at a different time and with a few variations. Most reform efforts have given us data regarding an isolated reform attempt—this strategy will provide us documentation about the process of reform and about the mobilizing of resources to bring systemic change geared toward solving educational problems.

This renewal strategy and organization is designed to provide the action linkage between Revenue Sharing and the National Institute of Education. Fully developed, it is that mechanism that can deliver, in a responsive, effective manner, the products and practices developed in NIE in a way that institutionalizes a process within the educational framework and accelerates the delivery of those products to the places they are most needed. The money distributed by Revenue Sharing will only be effective in terms of resolving the educational needs of children if there is an effective method of bringing better practices into the classroom. NIE can develop these, OE, through the renewal effort, can get them installed.

3. Process:

There are 2 critical new concepts in this strategy as it is manifested operationally: the Renewal Sites (plus Educational Resource Center-Teacher Centers), the Education Extension Agent. Each is new, but has resulted from a long gestation period, and each contributes to the overall strategy.

THE RENEWAL SITE

The renewal site will be primary focus of the renewal strategy. As such it will be the grantee for a single comprehensive five-year grant based upon a plan designed to meet that site's educational priorities. A "site" would be a part of a local school system that would typically average 10 schools (K–12), and about 5,000 children and might be a total system or a part of a system.

The process of selecting the site is part of the strategy in that it involves and articulation by the Regions and the States of those systems within their jurisdiction most in need of assistance. Having identified them, a planning grant is used to produce an up-to-date, comprehensive educational needs assessment for the site. Again, this design impacts the strategy for it requires two major inputs:

1. An identification of all resources presently available to that site and what they are being used for.

2. The equal participation of teachers, community, university and administrators in the articulation of the needs.

The first step will produce a clear picture of that system's resources and needs as well as the beginning (or continuation) of a participatory dialogue among those elements who in fact make up the decision-making process for that system.

The second step is the designing of a five-year plan addressed to meeting the needs that have been identified. With State and Federal help this plan will be substantive in nature and designed in terms of problems to be solved. The dollars to meet the needs of the plan will be supplemented by a five-year phased input of approximately $3 million of "glue" money. Discretionary support will be totally phased out after the fifth year leaving the site to continue funding the process from its other resources.

The plan will form the basis for a single grant from OE. The money, materials, technical assistance, training, etc., will be drawn from merged programs at the Federal level. This administrative step, previously necessary at the local level for comprehensive funding, will not be accomplished administratively in OE, relieving the field of that impossible task (only one school district, Louisville, has ever been able to begin to wade through the morass of Program by Program guidelines, requirements, funding cycles, etc., on its own).

Having had its plan accepted, the site's first responsibility is to fund an Educational Resources Center (Teacher Center) for the purpose of coordinating the input of materials, assistance, training, ideas, etc., from OE and from others. Each site must have such a Center. This will be a place outside of the schools and will be the point of contact between and among teachers, administrators, consultants, information, materials, etc. Here, depending upon the need structure, will reside one or more experts representing Right to Read, Bilingual Education, Staff Development, etc., as well as an Educational Extension Agent. Administered by a small staff, it will provide space and facilities for training, lectures, information retrieval, etc. As the five-year plan progresses, the Center will increase its store of resources and its ability to identify various forms of community resources available to assist the site in its problems.

What is it, then, we have bought at a site of about 10 schools serving 5,000 disadvantaged youngsters for $3 million after 5 years?

1. For those children, a significant increase in the average achievement and a significant increase in their attitudinal response toward education and school.

2. For those children, a significant decrease in any previous achievement gap between them and surrounding middle-class schools.

3. For those children and teachers, substantial involvement with some of the newest and most promising educational innovations.

4. For those teachers and that system, a new process for addressing themselves and their resources to their educational needs.

5. For that community, a new sense of confidence regarding their schools and their ability to assist in the educational process.

6. For that local system and that State, a five-year involvement in a process designed to better manage their resources in response to educational needs.

7. For the Federal Government, incremental data and analysis of the process and prospects of educational reform.

4. The Educational Extension Agent:

The Educational Extension Agent is a concept derived from the present understanding of innovation and reform. Experience has demonstrated that unless a responsible individual has personal knowledge of or contact with an innovation, there is little probability that he will be motivated to adopt that innovation. The written word is not a strong enough catalyst to achieve widespread adoption of an innovation, regardless of the strength of the words. Previous OE efforts at dissemination of education products and practices known to be superior to existing prevalent methods, have been ineffective because of reliance on the printed word, a film strip, a print-out, etc. The Education Extension Agent is designed to be the missing link. Housed at a Teacher Center in a Renewal Site, he will cover other schools in the area on a face-to-face basis. He will listen to problems and will perform two-way translation services between the constituent and the information base. He can discuss innovations on a personal level, can generate interest, and most importantly, can follow-up on that interest by supplying materials, experts, etc., to the interested party.

Finally, he can provide feedback on obstacles and aids to adoption and those contribute to a better understanding of that process.

At the outset, this extension agent will be funded by the Federal Government in order that his value can be proven to the systems he serves and to allow sufficient testing of the basic models regarding type of candidate, reporting and control procedures and territory size. It is anticipated that the agents would eventually be supported by one-third Federal money, one-third State and one-third local. This is consistent with the long-standing Agricultural model and appears reasonable at this time. The number of agents cannot yet be absolutely defined due to the many variables which must be analyzed but we expect to have at least one per renewal site (State and local). We would also expect to continue a one-third funding role beyond the time of renewal site activities.

The concepts embodied in the renewal strategy are not yet fully field-tested. Various aspects of the various elements within the plan will require careful evaluation and adjustment before absolute judgment can be made about them. At this point in time, they reflect an intention to use our resources, our experience and our knowledge in the most effective manner possible in order to improve the educational opportunities for disadvantaged children.

FY 1972 will be devoted toward the work and planning necessary to enter FY 1973 with as sound a process as is possible. That work has begun both in terms of the conceptual aspects of the strategy as well as the operational mechanics of grants consolidation, site selection procedures, guideline development, etc. By the end of FY 1973, we intend to have begun this process in at least 200 sites by building upon the programs that are already operational in them.

STATE OF CALIFORNIA,
DEPARTMENT OF EDUCATION,
Sacramento, Calif., December 23, 1971.

The Honorable ALAN CRANSTON,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: At its meeting on December 21, 1971, the California Educational Innovation Advisory Commission, ESEA Title III, unanimously approved the attached resolution and instructed me to forward a copy to you.

In essence the Commission urges maintenance of the integrity of the Title III funding in support of a separate and identifiable program for the promotion of innovation in education.

We respectfully request careful consideration of our position on this issue.

Sincerely,

LLOYD N. MORRISETT,
Chairman, Educational Innovation Advisory Commission, Title III, ESEA.

Attachment.

STATE OF CALIFORNIA,
DEPARTMENT OF EDUCATION,
Sacramento, Calif., December 12, 1971.

RESOLUTION

On October 14, 1971, the U.S. Commissioner of Education announced his intention to transfer his ESEA Title III 15 percent discretionary funds from the Bureau of Elementary and Secondary Education to the new Office for Development. The effective date of this transaction was set in the Commissioner's bulletin as October 27, 1971.

The effect of this action is the reallocation of the Commissioner's 15 percent of the ESEA Title III appropriations to a new and separate agency different from the bureau responsible for over-all management of the Title III program.

The California Educational Innovation Advisory Commission vigorously opposes the transfer of ESEA Title III funds to the U.S.

O.E. Office of Development for the following reasons:

1. The reassignment of a portion of Title III funds to the Office of Development violates the intent and language of the Elementary and Secondary Education Act of 1965 as amended.

2. The action by-passes the Congress by rerouting funds appropriated for other purposes. The Office of Education plan to set up and fund an Office of Development should have been presented to Congress through regular legislative channels. It should be established only after favorable action of Congress in respect to principle and funding. Any administrative action of this nature that by-passes Congress is contrary to the public interest.

3. The action will weaken the Title III program by siphoning off funds for other purposes.

4. It fragments control and will predictably result in a loss of coordination of the Title III effort.

5. It effectively eliminates local participation in the design, development, and operation of innovative ESEA Title III projects funded by the Commissioner's 15 percent of the appropriations.

6. The effectiveness of the state and national Advisory Councils has been seriously eroded by the failure of the U.S. Office of Education to involve these agencies in the planning, funding, and establishment of the Office of Development.

For the foregoing reasons, the California Educational Innovation Advisory Commission recommends that the Commissioner of Education rescind his order transferring ESEA Title III funds to the Office of Development. It further orders that copies of this resolution be forwarded to the Commissioner, to the Secretary of Health, Education and Welfare, to the chairmen of the House and Senate Committees on Education, and to the members of the California Congressional delegation.

DECEMBER 15, 1971.

HON. ALAN CRANSTON,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: In 1967 the legislature enacted into law what was to become a milestone in American educational history—the Bilingual Education Act, Title VII, ESEA. This act would provide communities across the country the opportunity to receive education while they learned their second language, English. Monies have just begun to be allocated to school districts across the nation to implement the noble goal of bilingual bicultural education in an effort to preserve the many national tongues spoken in the United States. Language as a national resource has only just begun to be tapped.

Will the efforts and aspirations of hundreds of educators, legislators and other interested citizens be drained and weakened by a new consolidation plan entitled "Renewal Centers"? The program under consideration at present and headed by Dr. Don Davies proposes to consolidate all discretionary funds under one department and would include Title III, Title VII, Title VIII, and NDEA. This program is presently only in a planning phase and dissemination about it has just begun as Dr. Davies and his staff meet with Project Directors across the country.

It is my contention that this consolidation plan for Renewal Centers provides no guarantees for the preservation of Title VII funding. Unfortunately, bilingual education does not head the priorities lists of many people's books. The Bilingual Education Act was passed through a long fight involving years of hard work on the part of key legislators and educators. When all of these funds are lumped together into one basket, would it not stand to reason, that monies formerly allocated to bilingual education might be diffused into other less necessary programs which do not specifically implement a bilingual-bicultural approach? Holding a specific title certainly does not guarantee appropriation of funds for that program, but it does provide a designated program to be implemented. Specific objectives have been required of bilingual programs under Title VII and it has been one of the most heavily evaluated programs in governmental history. To amalgamate it, without any indication of what is going to happen to bilingual education, is unreasonable.

A plan for consolidation in itself is not at fault. Certainly, one sees reasons for attempts to reduce governmental bureaucracy. The idea of training centers for teachers functioning as integral parts of these "Renewal Centers" is sound. My question is: what are the guarantees that these Renewal Centers will be focused for the most part around bilingual bicultural education?

For those of us who are intimately involved in bilingual education, there is the danger that we may well lose to bureaucratic expediency, the dream of educating our youth in two languages.

This dream is not just the dream of project directors but of many citizens as well. It is most urgent that all of us including the bilingual offices at the state level throughout the nation, become actively involved in this planning phase and that we as a group to work together to seek the answers to these basic questions which may have such a great impact on the future of bilingual education. Certainly where a state office of bilingual education exists, these offices should be empowered with appropriate funding to make the state organization an effective cooperating agency with the USOE for the implementation of bilingual education programs. As a group, I do not think our opinions have been solicited or our involvement been achieved. Indeed, so vague is the Renewal Center plan, we all may well be caught by surprise when it is implemented while we are caught unaware.

Since you represent people who are concerned about bilingual education, I think this plan should be carefully investigated to assure all involved that planning will be done with state and local agencies and that in the event Title VII is amalgamated, explicit assurances will be made to determine extent of funding for bilingual education.

As a concerned educator, I urge you to seek out information about the proposed "Renewal Centers" as it is quite possible that a rose by any other name may not smell as sweet and indeed that as time goes by bilingual education may be plucked out of the educational bouquet altogether. It is my humble opinion that Title VII as a unique national program should remain an entity unto itself with specific designated funding so that monies are not diffused into other categories that masquerate as bilingual-bicultural education.

Yours sincerely,

FRANCES VARGAS,
Bilingual Program Director,
Del Valle I.S.D.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Washington, D.C., February 25, 1972.

HON. ALAN CRANSTON,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: Your office made an inquiry about the NSBA's position with respect to the new Office of Education concept of Education Renewal Centers.

We applaud the idea that local school districts would be given the opportunity to develop their own training and retraining programs in such a way that it is responsive to the needs of the community. All too often in the past, teachers and administrative staff attended classes or seminars in a university setting miles away both in a physical sense and a philosophical sense. Our support of the concept, however, is not without some real and strong concerns. They are as follows:

1. We view with alarm any effort which would subvert the operation of valuable ongoing programs. The President's budget request for 1973 indicates the Bilingual Program will be placed under the renewal concept. This raises questions that perhaps some of our minorities, especially the Spanish speaking children, may end up losing both their identity and special funding. We have similar concerns with respect to the Dropout Prevention Program and the operation of the Teacher Corps.

2. In a similar vein, we are concerned that OE effort is but another fanfare at the national level which will raise expectations and not succeed in developing solutions to educational problems. It is evident that there is very little if any new money in the renewal program, but it is being funded out of existing monies. That being the case, a local school district would find itself just switching between programs (i.e., existing ones to renewal with no new money).

3. Federal legislation on education is not a minuet. While form is important one must look to the substance. Therefore, the federal government should not be able to proceed in an indirect fashion in a manner which has been forbidden directly. With this preamble, may I turn to Title III of the Elementary and Secondary Education Act. In 1965, the Elementary and Secondary Education Act was enacted with five basic titles. Title III authorized federal support for supplementary centers and services. Educational renewal centers could easily fit into the definition of an eligible application under the original Title III. In 1965, Title III was administered exclusively and directly by the U.S. Commissioner of Education—a concept which was justified in part on the basis that state departments of education had not been strengthened enough to operate this highly innovative concept. However, this procedure raised many problems with respect to our cherished concepts of federalism and local control of education because it set up a direct Washington-to-local school district link. In 1967, the law was changed wherein 85 percent of the money would be administered directly through state plans with 15 percent reserved to the Commissioner of Education. It now appears that the Office of Education may be trying to accomplish indirectly through its renewal concept that which the Congress of the U.S. forbade in 1967.

The link to Title III is becoming more clear because we have already received information from school districts that they will be asked to put a part of their Title III monies as a condition for receiving a renewal site grant.

We view the general Educations Provisions Act, Section 422 (i.e., the prohibition against federal control of education) more than a mere boiler plate, and are concerned that the Office of Education may be trying to control the administration of education at the local level through its renewal centers and renewal agents which it intends to send into the field.

4. Our worries with respect to federal control and inadequate funding are also in part accentuated by the fact that we have not seen new official rules, regulations, etc. published in the Federal Register as required by the Pucinski amendment in P.L. 91-230. A full disclosure by the Office of Education of its specific desires would, I am sure, greatly resolve some of our anxieties.

We hope that the renewal concept can be made viable and ask that you try to assure that this concept is not pushed at the expense of on-going programs or our cherished concept of local control of education which President Nixon strongly defended in his State of the Union Address.

Sincerely,

AUGUST W. STEINHILBER,
Director, Federal and Congressional Relations.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senator from California (Mr. TUNNEY), be added as a cosponsor of the amendment.

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

Mr. CRANSTON. I understand that the Senator from Colorado (Mr. DOMINICK), the ranking minority member of the Education Subcommittee, is presently reading the text of the amendment off the floor. He may have some comments to make. Meanwhile, I am delighted to see that the distinguished chairman of the subcommittee (Mr. PELL), who has handled this bill on the floor so magnificently over such a long period of time, is on his feet seeking recognition.

Mr. PELL. I thank the Senator from California.

Mr. President, I commend the senior Senator from California for bringing this amendment before the Senate. As chairman of the Subcommittee on Education I have been most concerned about the Office of Education's plan to establish so-called education renewal sites—entities not authorized by statute.

The staff of the Subcommittee on Education has at my direction been investigating this subject since last July when rumors began to circulate about a "National Educational Renewal Centers" program. Indeed, both the Committee on Labor and Public Welfare and the House Committee on Education and Labor in their reports on the respective higher education bills were concerned enough about Office of Education activities that they expressed reservations about the legal authority of the Office of Education to conduct "National Educational Renewal Centers."

In spite of the reservations expressed in the two committee reports, the Commissioner of Education continued his plans to begin an educational renewal program and on October 14, 1971, the Office of Education was administratively reorganized to reflect the renewal concept. This reorganization was carried out without consultation with either the House or Senate committees having jurisdiction over the Office of Education, as has been the case in the past. As the result of this action on the part of the Office of Education, I made an inquiry as to the statutory authority of the Commissioner's proposal and ask unanimous consent that my letter of November 3, 1971, be inserted in the RECORD at this point.

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

NOVEMBER 3, 1971.

Hon. SIDNEY P. MARLAND,
U.S. Commissioner of Education, Office of Education, Department of Health, Education and Welfare, Washington, D.C.

DEAR MR. COMMISSIONER: The tentative plans of the Office of Education to consolidate certain authorized programs into the so-called NERC proposal has generated much concern throughout the nation and in my own State of Rhode Island.

I understand that you have spoken with the staff of the Subcommittee on Education of the Senate Committee on Labor and Public Welfare. I appreciate your doing so; however, needless to say, consultation does not indicate approval. I would urge you to very seriously consider the steps you may plan to take: first, from the legal question as the whether you have the statutory authority to consolidate the present programs; and, second, the impact of such consolidation upon the successful projects now being carried on in the field. I would appreciate your views on this matter.

Enclosed are two telegrams on this NERC proposal which I have received from individuals in my State.

Ever sincerely,

CLAIBORNE PELL,
Subcommittee on Education.

Mr. PELL. On November 19, 1971, the Commissioner of Education replied, requesting our indulgence for a short period of time before responding to my inquiry of November 3, 1971. I ask unanimous consent that the letter of the Commissioner of Education, dated November 19, 1971, be inserted in the RECORD at this point.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., November 19, 1971.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: Thank you for your letter of November 3 requesting information on our plans to consolidate some of the programs which we administer.

I would appreciate your indulgence for a short period of time before I respond to your specific questions on this matter. The matters discussed in your letter are complex, and I have asked appropriate staff members to provide information to be embodied in our reply.

You will be hearing from me in the near future.

Sincerely,

S. P. MARLAND, JR,
U.S. Commissioner of Education.

Mr. PELL. On December 3, 1971, the Commissioner responded to my inquiry as to the statutory authority of the Office of Education to carry out the renewal program. By this time the name of the project had been changed to "Education Renewal Sites." In his letter of December 3, 1971, the Commissioner of Education gave a simplistic explanation of his plans on this matter and assured me that there was no "legal infirmity" to the basic theory underlying the renewal-sites concept and stating that all of the matters relating to the programs he sought to consolidate would be administered consistent with legislative intent. I ask unanimous consent that the Commissioner's letter of December 3, 1971, be inserted in the RECORD at this point.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION,
Washington, December 3, 1971.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: This is in further response to your recent letter requesting information on the legality and impact on present Office of Education (OE) programs of my plans to reform the administration of certain OE programs. We are replying separately to concerns expressed in copies of telegrams attached to your letter pertaining to the transfer of functions within the Office of Education involving the ESEA Title II program.

I believe my specific plans can best be understood in the context of my view of the role of the Office of Education. It is my firm conviction that the fundamental purpose of OE is to assist the school systems of this country to improve the educational achievement of the students who attend them. The Office of Education must be an active participant in the continuing process of educational reform and change that is required to achieve this goal. To assure that OE will be of significant help to local school systems, I have been developing a general reform and renewal strategy for the Office. That strategy, which has been enthusiastically endorsed by Secretary Richardson, will require changes in the administration of some OE programs. All changes will be consistent with existing education legislation and will enable the Office to carry out the programs authorized by the Congress in a much more effective manner.

The major component of my renewal strategy is something that we have termed "Educational Renewal Sites." We intend this new administrative procedure (which will become operational in Fiscal Year 1973) to be the key element in our effort to make the Office of Education a forceful and effective advocate of renewal and reform in American education.

Simply stated, the renewal site strategy is as follows. Several existing Office of Education elementary and secondary project grant programs will be administratively coordinated in the future. The funds from these programs will continue to be available to local school districts. Some number of schools from within each district that is a successful applicant under this approach will be selected as an "educational renewal site" and the Federal funds will be concentrated in the "site." The specific OE programs that will be administered under this new approach are: (a) Bilingual education programs (Title VII of the Elementary and Secondary Education Act); (b) the Dropout Prevention Program (Section 807 of Title VIII of ESSA); (c) the 15 percent of the Title III ESEA Program which is for special programs and projects (Section 306 of Title III of the Elementary and Secondary Education Act); and (d) Part D of the Education Professions Development Act (Title V of the Higher Education Act).

To receive funds under this arrangement, a school district, in addition to meeting the normal requirements for the separate programs, will agree to: Involve all the appropriate members of the local community (teachers, administrators, parents, students, community groups, etc.) in the educational efforts at the renewal site; make an assessment of all the educational needs of those schools which will comprise the renewal site; and develop a comprehensive program designed to meet and overcome the problems discovered in the needs assessment.

Federal funds from the programs noted above will enable the schools comprising the site to develop the overall strategy, hire outside consultants, obtain the necessary materials and prepare teachers to use whatever techniques are needed to carry out the comprehensive educational program that has been developed for the site. These funds will be in addition to, and will not replace, the funds received by the district from State and local taxes, and from other Federal grant programs (e.g., impacted areas). Our objective is to enable school districts to use these major sources of funds in a more effective way under the impetus of the renewal site strategy. Such coordinated Federal funding will, we believe, encourage comprehensive planning and integrated programs on the local level.

The single most compelling reason for the development of this particular strategy is the assistance it will give to local school systems in their attempts to serve the edu-

cational needs of their students. This new approach will, we hope, lead to a measurable improvement over time in the educational achievement of students in the sites. In addition, it can instill in local schools an appreciation of the necessity for a continuous *process* of reform and give them the capacity to engage in self-evaluation and productive change even after the termination of Federal support.

In response to the legitimate concerns of school administrators over myriad and complicated Federal grants procedures, the renewal site strategy is designed to simplify such procedures at the local level. School districts which seek Federal funds for activities authorized under the above-referred to statutes will be able to submit a single application form. Such application will be reviewed against eligibility criteria which will, to the greatest extent consistent with pertinent enabling statutes, be integrated into a single regulation. Although some of the details of operational procedure have not yet been finally determined, I have listed in an enclosure to this letter some basic decisions respecting the manner in which specific aspects of existing legislation relating to such matters as advisory councils, accounting procedures, etc. will be handled. As you will note, all such matters will be administered consistently with legislative intent.

Some specific concerns have been expressed about the future disposition of programs authorized by the Education Professions Development Act (EPDA). As noted above, the EPDA programs affected by the educational renewal site strategy will be those authorized by Part D of Title V of the Higher Education Act. Any other parts of that Title for which funds are appropriated by the Congress, e.g., the Teacher Corps, will continue to be administered as separate programs.

The renewal site strategy has been reviewed by HEW's Office of General Counsel, which has advised that it finds no legal infirmity in the basic concept underlying this approach. As we formulate the procedural details of this program, we shall be working in cooperation with the Office of General Counsel to assure that (1) rules of eligibility for program grants under the pertinent appropriations will be consistent with standards of eligibility in the corresponding enabling statutes and (2) sufficient accounting procedures on the part of the grantee and the Office of Education will be followed to ensure that the purposes for which funds were appropriated and granted are satisfied by the grantees' expenditures.

The coordination of the programs affected by the renewal site strategy will be implemented within the Office by having them administered by a single unit reporting to the Deputy Commissioner for Development. These programs (Bilingual Education, Dropout Prevention, fifteen percent of Title III ESEA, and Part D of EPDA) will be administered by the new unit which we have named the National Center for the Improvement of Educational Systems. This unit will provide organizational coherence for the educational renewal site strategy.

Everything that I have done thus far as Commissioner of Education, and everything that I propose to do in the future, has one major goal—to assure that the Office of Education can effectively aid the school systems of our country to increase the educational achievement of children. I intend to make the Office an energetic agent of renewal and reform in education at all levels consistent with our statutory mission. The changes in OE practices and procedures that I have discussed in this letter are essential components of my renewal strategy.

I earnestly request your understanding of and support for these changes in OE so that our mutual desire to improve the education of all our children can be made a reality.

Sincerely,

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

EDUCATIONAL RENEWAL SITES

1. *Existing Programs and Projects.*—The Office of Education has made some moral commitments to school districts under existing legislation to fund certain programs (e.g., Career Opportunities Program and Urban/Rural Program under EPDA) for several years. These commitments are subject to the usual understanding that Congress must appropriate sufficient funds for such programs each year and that the local school district must continue to carry out the program according to the legislative intent.

All such commitments will be honored. School districts to which the Office has made such a commitment of funds extending through and beyond Fiscal Year 1973 will have two opinions: (1) they may continue existing projects as part of the more comprehensive renewal site approach; or (2) they may continue these existing projects as separate programs and not have become part of the new site approach. In no instance will there be any arbitrary termination of an existing project.

2. *Funding Authorizations.*—All funds appropriated for the separate OE programs that will be administered as part of the educational renewal site strategy will be spent for the purposes for which they were appropriated. Thus, for example, whatever amount of money is appropriated by the Congress for the Bilingual Education programs authorized by Title VII of the Elementary and Secondary Education Act will be spent for such programs.

3. *State Educational Agencies.*—Under existing legislation, State educational agencies have a variety of roles to play in the programs to be administered under the educational renewal site strategy.

Under the Bilingual Education Act (Title VII of ESEA) and Title III (i.e., the fifteen percent administered by the Commissioner under Section 306 of ESEA) applications cannot be approved by the Commissioner unless they have been submitted to the appropriate State educational agency for comments and recommendations.

Dropout Prevention project must be approved by the appropriate State educational agency (Section 807 of ESEA).

Part D of EPDA requires consultation with State educational agencies to satisfy the State agency that the program or project will be coordinated with programs carried on under Part B of EPDA (see Section 531 (a)).

Accordingly, State educational agencies will be requested, in all instances, for their nominations for educational renewal sites and for their comments and recommendations on the programs of possible sites. Since the ultimate responsibility for approving sites and programs rests with the Commissioner of Education, it is possible that some sites, in unusual circumstances, may be selected which have not been nominated by a State agency. Even in those circumstances, however, the projects will be subject to State educational agency comment or approval wherever the applicable statute requires such comment or approval.

4. Accounting for Funds—Existing legislation requires such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant. This requirement will be met in at least two ways:

1. OE will keep track of what amount of funds from each categorical program go to each renewal site. In a hypothetical case, a $100,000 grant to an LEA might consist of $25,000 from funds appropriated for Bilingual Education, $25,000 from section 306 of Title III funds, $25,000 from Dropout Prevention funds, and $25,000 from Part D of EPDA funds. This breakdown, of course, would depend upon the nature of the funded activities, as determined by OE.

2. Each site will have to adhere to customary Federal accounting procedures. Specific items of expenditures will be attributed to funds coming from specific categorical programs.

5. Regulations and Guidelines—The regulations and guidelines for the several programs to be administered under the educational renewal site strategy will be combined into a single set. The unified regulations and guidelines will contain all the specific requirements that the separate authorizing acts mandate, e.g., that Federal funds supplement, and not supplant, State and local funds (Section 304(a)(3) of Title III of ESEA); that programs be of a size and scope that will make a substantial step toward achieving the purposes of the legislation (Section 705(a)(3) of Title VII of ESEA); that effective procedures be adopted for evaluating the effectiveness of programs (Section 807(b)(3) of Title VIII of ESEA); etc.

6. Reports and Evaluations—All educational renewal sites will have to meet current legislative requirements for annual reports. All will be subject to an evaluation of results. But grantees will submit a single report (not four or five separate ones on each categorical program) and a single evaluation of the site's comprehensive program.

7. Advisory Council—Existing legislation provides for the following Advisory Councils in connection with the programs involved in the renewal site strategy.

A National Advisory Council on Supplementary Centers and Services (Section 309 of Title III of ESEA).

An Advisory Committee on the Education of Bilingual Children (Section 708 of Title VII of ESEA).

A National Advisory Council on Education Professions Development (Section 502 of Title V of the Higher Education Act).

All these Councils will be expected to give advice on the general renewal site strategy and the relation of their particular programs to it. All will continue to fulfill any other statutory obligation, e.g., the Title III Council submits an annual report to the President and the Congress, the Bilingual Council develops criteria for the approval of applications, etc.

8. Eligible Applicants—A variety of agencies are now eligible for Federal funds under the programs involved in the educational renewal site strategy: local educational agencies (all programs); institutions of higher education which may apply jointly with a local educational agency under the Bilingual Education Act; institutions of higher education and State educational agencies under Part D of EPDA; nonprofit institutions or organizations of Indian tribes under Section 706(a) of the Bilingual Education Act; and the Secretary of the Interior for Indian schools under Section 706(b) of the Bilingual Education Act.

All these agencies will continue to be eligible to apply for funds under the educational renewal site strategy. Although priority will be given to applications reflecting the renewal site approach, some applicants unable to meet the comprehensive requirements of this approach will also receive assistance.

Mr. PELL. On December 10, 1971, the Commissioner, at his request, came to see me in order to discuss the educational renewal site proposal. At that time I told him that I had no authority to approve or disapprove of what he was doing unofficially; that the only way the Congress could act was by law, and that if the Office of Education wished to continue with the education renewal site program, the Commissioner should perhaps submit legislation to the Congress. I also promised the Commissioner that I would give the Office of Education a fair hearing to any legislative proposal submitted on this subject. During the course of that meet-

ing I indicated to the Commissioner that I was not speaking against the concept of "renewal," but that I did question the method by which the program was being established. Indeed, I indicated that certain statutory authority could perhaps presently be utilized for a limited pilot-type program. At this meeting the Commissioner delivered a letter explaining how the reorganization had affected library and educational technology programs. I ask unanimous consent that at this point in the RECORD there be inserted the Commissioner's letter of December 9, 1971.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., December 9, 1971.

HON. CLAIBORNE PELL,
Chairman, Subcommittee on Education, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further response to your recent letter enclosing copies of telegrams you have received pertaining to the transfer of functions within the Office of Education involving the ESEA Title II program.

In order to bring about the most effective coordination of the various education programs which deal with libraries and the training of librarians, the Office of Education is creating a Bureau of Libraries which will bring together the Office's activities relating to this effort. Included in the Bureau will be those programs authorized by the Library Services and Construction Act (which services public libraries), Title II of the Higher Education Act (dealing with college library resources and library training), Title II of the Elementary and Secondary Education Act (dealing with libraries at elementary and secondary education levels), and the Library Research Program conducted under the authority of the Cooperative Research Act.

This realignment of the library services will centralize in one organization responsibility for library programs which serve all clientele levels—elementary and secondary, higher education, and the general public. This realignment will have the effect of strengthening the professional relations among the various library groups and agencies and will bring the library programs of the schools into closer contact with the public libraries. Thus, without in any way diminishing existing channels of coordination with the curriculum of the schools, the reorganization will facilitate new types of coordination at the local level between school and public libraries, including the introduction of new forms of media and learning resources for all school children. This realignment is consistent with the mandate in the Library Services and Construction Act to coordinate "school, public, academic, and special libraries and special information centers for improved services of a supplementary nature to the special clientele served by each type of library or center." It does not in any way preclude the use by libraries of educational technologies appropriate to the programs administered by the Bureau.

Under these circumstances and since what is involved is simply a restructuring of administrative functions within the Office of Education, we think that these actions are well within the authority of the Office of Education, and have so been advised by counsel. Grantees and applicants under these programs will continue to be funded on the same bases and will be subject to the same procedural and substantive requirements, as set forth in existing statutes, regulations, and guidelines.

The educational technology portion of the former Bureau of Libraries and Educational Technology, which deals primarily with educational broadcasting, is being assigned to the Deputy Commissioner for Development as part of our emphasis upon educational renewal. I am enclosing for your information tables detailing the programs to be transferred to the proposed Bureau of Libraries and those which will become part of the National Center for Educational Technology, together with appropriate budget information.

I am confident that the new Bureau of Libraries will give a vigorous response to the national needs of our school and public libraries and that this move will strengthen our library programs. I would be most happy to discuss the matter further with you at your pleasure.

With best regards,
Sincerely,

S. P. MARLAND, JR.,
U.S. Commissioner of Education.

PROPOSED BUREAU OF LIBRARIES

	Fiscal year appropriations (in thousands)			
	1969	1970	1971	1972
Public libraries	$40,709	$40,709	$40,709	$49,209
Services:				
Grants (LSCA I)	35,000	35,000	35,000	46,568
Interlibrary (LSCA II)	2,281	2,281	2,281	2,641
State institutional (LSCA IV-A)	2,094	2,094	2,094	(2)
Handicapped (LSCA IV-B)	1,334	1,334	1,334	(2)
Construction	9,185	9,185	7,092	9,500
College library resources (HEA II-A)	25,000	20,750	9,900	11,000
Librarian training (HEA II-B)	8,250	6,833	3,900	2,000
Planning and evaluation		89	400	400
School libraries (ESEA II)	50,000	50,000	80,000	[3] 90,000
Library research (cooperative research)	(1)	2,171	2,171	2,750
Total	133,144	129,737	144,172	164,859

[1] Included in general education under cooperative research.
[2] Consolidated into public library services (LSCA title I.)
[3] Would be transferred from the Bureau of Elementary and Secondary Education.

PROPOSED NATIONAL CENTER FOR EDUCATIONAL TECHNOLOGY

Program (fiscal year 1972)	Authorization	Funds
Improvement and expansion of educational TV and radio facilities.	Public Broadcasting Act, as amended, title I.	$13,000,000
Media specialist training	Pt. D, EPDA	1,800,000
Childrens Television Workshop (CTW):		
(a) Sesame Street ($5,000,000).	"Cooperative Research Act," Pt, IV ESEA.	7,000,000
(b) Electric Company ($2,000,000).		
Total		21,800,000

In 1970, the Office of Education implemented a reorganization plan to consolidate library and education technology activities within a Bureau of Libraries and Educational Technology under EPDA. The combining of these two groups was done in the belief that it would be more efficient to administer both of the educational resources programs as one, so that State and local agencies could interface with just one administrative arm. Although there was initial opposition to this combination, based on the belief that each group would be eclipsed by the other, the marriage of the two has worked out rather well.

This year, in formulating plans for a reorganization to strengthen OE's ability to effect a renewal strategy, it was decided to split off the Educational Technology section and put it under the proposed Deputy Commissioner for Renewal. This change is needed because technology will play a vital role in implementing many facets of the renewal strategy. Shifting the Educational Technology section to the Deputy Commissioner for Renewal will, in effect, raise it one level in the OE organizational structure.

At the same time, OE is also going to coordinate and consolidate its library activities further. In a new Bureau of Libraries, it will be possible to bring about more effective coordination of the various education programs which deal with libraries and the training of librarians.

Included in the consolidation will be those programs authorized by Library Services and Construction Act (which services public libraries), Title II of the Higher Education Act (dealing with college library resources and library training), Title II of the Elementary and Secondary Education Act (dealing with libraries at elementary and secondary education levels) and the Library Research Program which is conducted under the Cooperative Research Act.

This realignment of the library services will centralize in one organization responsibility for library programs which serve all clientele levels—elementary, secondary, higher education, and the general public. This realignment will have the effect of strengthening the professional relations among the various library groups and agencies and will bring the library programs of the schools into closer contact with the public libraries. Thus, without, in any way diminishing existing channels of coordination with the curriculum of the schools, the consolidation will facilitate new types of coordination at the local level between school and public libraries, including the introduction of new forms of media and learning resources for all schoolchildren. This consolidation is completely consistent with the mandate in the LSCA to coordinate "school, public, academic, and special libraries and special information centers for improved services of a supplementary nature to the special clientele served by each type of library or center."

Mr. PELL. On December 13, 1971, I wrote the Commissioner in order to clarify our conversation of December 10, 1971. In that letter I pointed out that to include the bilingual education program and the dropout prevention program in the renewal program would be contrary to the intent of Congress. I ask unanimous consent that my letter of December 13, 1971, be inserted in the RECORD at this point.

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

U.S. SENATE, COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., December 13, 1971.

HON. SIDNEY P. MARLAND, JR.,
U.S. Commissioner of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. COMMISSIONER: I would like to clarify the situation with respect to our conversation on education renewal sites which took place last Friday, December 10, in my office.

I have asked staff to review the authorizing legislation involved with your proposal on renewal sites. At this time, as we understand present law, authorizations which

can be used for renewal sites are the Cooperative Research Act, the Federal portion of title III of the Elementary and Secondary Education Act of 1965, and part D of the Education Professions Development Act. To some extent, the authority for the Dropout Prevention Program can be used. However, the legislative history for the Dropout Prevention Program indicates that only a relatively small number of projects in areas of outstanding need in which there are high concentrations of school dropouts may be funded. It was thought in 1967 that this program would be limited to eight or ten projects each year. Any attempt to spread the dropout prevention money to the extent necessary to fund more than twelve projects would certainly be beyond the intent of the Congress.

As I view the Bilingual Education Program, to subsume its appropriations for education renewal sites would definitely be to divert the program from its primary purpose under the law.

During our conversation, I suggest that you might wish to experiment with twelve projects using the "free money" under the three authorities where the renewal site concept is permissible. Counsel informs me that the conferees on S. 659 could possibly inhibit some of this "free money" authority for future fiscal years. At the same time, if Senators are inclined to offer amendments to S. 659, the result may be that you would no longer have the authority to conduct experiments such as we discussed.

In order to prevent such a situation from arising inadvertently, I would be inclined to exercise my prerogative as Chairman of the Subcommittee on Education, and put forward an amendment which would satisfy the concerns of those Senators, clarify the law with respect to consolidation of programs, and explicitly authorize funds for experimentation of the type you would like to conduct. Such an amendment may also serve to prevent further amendments in the House, where I understand opposition to the renewal site proposal may be stronger than it is in the Senate.

At any rate, I believe that the decision must be made on the merits rather than by poorly considered amendments which do not deal with the merits of your proposal. I would say that any proposition involving the number of sites you propose, however, would constitute more than an experiment. I know you stated that a small number of sites would not be sufficient to have an impact on the country as a whole. In my opinion, I would question whether an experimental program ought to have an impact on the country as a whole, until it has been proven by experimentation.

It is unfortunate that the education renewal site proposal has been caught up in such great confusion. However, I am of the opinion that the confusion could have been avoided if the proposal had been advanced as a legislative proposal rather than as an administrative reorganization proposal. Hopefully, this confusion has not brought the situation beyond control, and we can cooperate in getting authority to experiment, even though it is not of the scope you would like.

Ever sincerely,

CLAIBORNE PELL.

P.S. I have received your letter of Dec. 9 concerning school nutrition and health services. I want to thank you for consideration of this matter. Please be assured that I appreciate mutual cooperation with you on matters of concern to us both.

Mr. PELL. On December 13 the Commissioner of Education wrote me a letter in which he enclosed two items designed to further illustrate the renewal ideas of the Office of Education. One of these items was a copy of the publication called "Education U.S.A." in which the statement was made that the approval of the renewal site strategy was being sought. This furthered my conviction that the Commissioner of Education, by informal conversations with me, was seeking official approval of the Congress. I then decided that the best thing to do was to ask the Commissioner of Education to defer any further action on the renewal site strategy until the Congress had had time to review the situation. I ask unanimous consent that the Commissioner's letter and material of December 13, 1971, be inserted at this point in the RECORD, and that my response of December 20, 1971, also be inserted at this point.

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

THE U.S. COMMISSIONER OF EDUCATION,
Washington, D.C., December 13, 1971.

HON. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: Enclosed are two items that may not have come to your attention. They have to do with further illumination of our renewal idea as discussed with you last Friday.

I appreciate the time and thought that you gave to our discussion and felt that both of us came closer to an understanding of each other's respective positions.

I continue to feel strongly that if we are really going to be very effective in this Office, something akin to the renewal concept must be launched. I believe that this can be done in such a way to insure the integrity and preservation of key legislative authorities being considered for inclusion in the renewal design. We are seriously mindful of your counsel in any steps that we may ultimately take.

Sincerely,

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

RENEWAL PROGRAM AIMED AT 10,000 SCHOOLS

Sweeping changes in 10,000 schools with 5.5 million disadvantaged children—this is the 14-year goal of U.S. Commissioner of Education Sidney P. Marland's new "educational renewal" plan. Marland spelled out details of the program at the annual meeting last week of the Council of Chief State School Officers (CCSSO) in Louisville, Ky. Plainly eliciting support and cooperation from the 37 assembled "chiefs," Marland said his plan "could, over time, amount to probably the most significant change in the style and character of the U.S. Office of Education (USOE) since its beginning." He also predicted that it would end the "generally disappointing record of federal research and development efforts." APPROVAL OF THE STRATEGY IS NOW BEING SOUGHT FROM CONGRESS.

"Our intention," Marland said, "is to assist a limited number of schools in installing totally new programs involving all aspects of the school." The new emphasis is on "all." Efforts at innovation in the past, he said, "have been isolated, noncomprehensive, aimed at improving only one aspect of a school." Each program will be funded for a five-year period, "assuring the experiments a solid chance to become successfully launched and, after the initial five-year period, to fly on their own with combined state and local assistance." Marland says he hopes the evident success of each project, as it is established and begins to function, will prompt the state school superintendents to spread the lessons quickly to other schools.

Other highlights of the plan: the state chiefs will "nominate" districts for participation; final selection will be made by USOE in cooperation with the states; all projects must have large concentrations of disadvantaged children; two-thirds of the schools will be in urban areas and one-third in rural areas; each state will be assured at least one renewal project in the first year of the program; a district's proposal to be a renewal project can be submitted in a single application. Marland said "we will be open to any proposal that makes sound educational sense and ask only that proposals conform to three criteria: evidence of state and local commitment, such as a willingness to undertake sweeping renewal or change and to increase, or at least maintain, current spending in the target schools; comprehensiveness, involving all aspects of affected schools; program objectives stated in measurable terms, such as raising average student achievement by a definite percentage over that to be expected in a normal school year."

Marland said the program would begin in 1973–74 at 200 "sites" (each site will average 10 schools and could be either a school district or a subdistrict within a larger district). The first year's effort, involving 1 million children, would be financed by $150 million gathered in one package from most of USOE's discretionary or uncommitted funds. It would then expand with 100 additional sites each year. At its peak in 1977, the program would be funded at $350 million per year to operate 600 sites. A total of 1,000 sites will have been involved when the program is completed in 1986. The entire program is being developed by USOE in cooperation with a special CCSSO task force headed by John W. Porter, Michigan state superintendent. Porter, an enthusiastic supporter of the plan, wants the states to play a major role in the new effort. Most "chiefs" were neither hostile nor enthusiastic. They seemed to be saying: "We'll believe it when we see it."

AN INTERIM ACCOUNTING[1]

(By S. P. Marland, Jr.)

H. M. Tomlinson, the English novelist, authored a comment on the pitfalls of oratory that every public speaker should paste in his hat. "How many grave speeches," Homlinson write, "which have surprised, shocked, and directed the Nation, have been made by Great Men too soon after a noble dinner, words winged by the press without an accompanying and explanatory wine list."

A sobering thought, to be sure, and one that compels me to spend my time with you this morning not in grave oratory about future achievements, but in discussing promises I have already made as Commissioner, and accounting for such progress in their fulfillment as I can claim. It is, after all, rather early in the day for futuristic scenarios. As Tomlinson suggests, they tend to go down better in a convivial, postprandial atmosphere. In specific terms, I would like to offer you this morning an interim accounting on progress to date in reaching a goal of considerable significance to us in the O.E. and to you in the States—that of developing and implementing a truly effective program of educational research and development in our time, and our accompanying concept for an educational renewal strategy.

I use the word *interim* because our plans cannot be considered as cast in bronze. Certainly, we are still deeply engaged in the complex business of winning approval for the scheme we have proposed for reordering and redirecting a good share of our discretionary funds, a plan that could, over time,

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[1] Before the Annual Meeting of the Chief State School Officers, Executive Motor Hotel, Louisville, Kentucky, Tuesday, November 16, 1971, 9:00 a.m.

amount to probably the most significant change in the style and character of O.E. since its beginnings. We have found ourselves doing a lot of explaining to the White House, to HEW, to education officials, and organizations, and most particularly to the men and women on Capitol Hill. The congress is naturally concerned that we in the Bureaucracy carry out rather than skirt the intent of educational research and development legislation. As I shall explain in a moment, our plan, I am personally convinced, would carry out that intent with far greater precision and effectiveness in serving you and the schools than he present arangement under which the Office has been dispensing developmental funds, an arrangement which has left a clear field for improvement.

But whatever organizational headaches are involved for us in the Office of Education in putting the renewal program together are a small price to pay for the results we envision. During the time—nearly a year now—that I have been in Washington, I have found that assuming certain institutional disorder and pain at our level may result in a relief of disorder and pain at yours—and correspondingly favorable results for the school children of this country. Avoiding simple expediency and administrative calm and reaching out for good ideas, informed veteran opinions—indeed, every piece of intelligent advice that we can lay our hands on—tends to keep our Washington pot boiling. It is in this context that I have listened closely to wise and able old—and young—hands in assessing our research and development history.

If you seek to pinpoint the reason for the generally disappointing results of the Federal R&D effort in education to date, if you search for explanations as to why more than $1 billion in Federal research and development expenditures have produced so little in the way of tangible results in our schools, then I believe you will begin to understand the nature of our quest and to begin to catch the spirit of our present thrust for change.

Up to now we have not been willing to go fast enough or far enough in introducing validated new processes in our educational system. Nor have we had a sufficiently respectable or dependable or systematic resource for *performing* research and development and then, following its validation, delivering its products to you for installation and advancement. We have sprinkled our R&D dollars like seeds, hopefully but thinly, enthusiastically but improvidently, not so much working systematically for a new order of educational efficiency as wishing one might suddenly burst into luxuriant blossom from the seed we've scattered. And, as you might expect, it hasn't happened.

Virtually all of our research and development activities fall, in one way or another, in our modest discretionary budget, whether specifically in the National Center for Educational Research and Development, or less directly in the Bureau of Educational Personnel Development, Experimental Schools, the Right To Read, Bilingual Education, our 15-percent setaside under Title III of the Elementary and Secondary Education Act, or whatever. As I said to you at the AASA meeting in Atlantic City last February, our intention at that time was to stop short, to clamp down on expenditure of all such discretionary funds not already firmly committed, to think through the reasons for the failure of generalized innovation in the 1960's. Above all, our intention was to commit no more dollars to nontargeted R&D no matter how appealing the proposals and to spend only when convinced that such expenditures would produce effective change in the classroom.

In the days since Atlantic City we have developed a renewal strategy to accomplish that broad objective. We have responded to the President's call for educational reform through a strategy that reflects not simply the experience and convictions of those of us within O.E. or within HEW, but that embodies the wisdom and interests of the States and localities, of public officials and private persons, of individuals and groups such as yours. And I would acknowledge at this point our profound indebtedness to the advice and counsel provided by a task force from the Chiefs chaired by Superintendent John Porter of Michigan, individuals who have been close to this issue. The quality and the volume of the assistance we have received from this group in this extremely important undertaking are to me the most persuasive guarantors of its success. We cannot in our field of work brew schemes in dark secrecy and then spring them upon 16,000 school systems and two million teachers and expect anything good to happen. It simply will not. Indeed, as I said moments ago, we will continue to solicit your reactions to our plans as I discuss them and as Don Davies and his staff explain them to you in still greater detail. And we gratefully intend to go on meeting with Superintendent Porter and his committee as the development of this strategy moves forward.

The essence of our approach to educational renewal is best stated in one word—*concentration*. We are taking our many discretionary parts, as distinct from formula programs, and putting them together in what I hope will be a critical mass of intelligent power. Efforts at innovation in the past have been isolated, noncomprehensive, aimed at improving only one aspect of a school, such as teacher-training, curriculum, or class organization. Though such experiments often had a temporary success, the greater weight of traditional practice snuffed out piecemeal change as time went on. Our intention now is to assist a limited number of school systems in installing total new programs involving *all* aspects of the school, its staff, and its clientele, employing the most responsive and the most effective techniques that can be devised for each individual system. We will fund each of these sites for a five-year period, assuring the experiments a solid chance to become successfully launched and, after the initial five-year period, to fly on their own with combined State and local assistance. As each site is established and begins to function, we hope its evident success will prompt you as the chief education executive in each State to spread its effect quickly to other sites.

The renewal effort will impact directly on the lives of five and one-half million of the most deprived—and therefore the most educationally resistant—children in the United States over the next 14 years, with built-in performance goals for each child. The national objective of serving the educationally disadvantaged remains the overriding goal of this action. The success that we hope to achieve with the five and one-half million can then be extended throughout the country, generating a body of knowledge and understanding that can be applied to an infinitely broader number of youngsters for an infinite number of days and years to come.

In addition to sharpening our focus through concentration on fewer school systems and fewer children, we are also concentrating our discretionary funds, which have been spread all over the Office of Education's operating bureaus, into a single operating division under the direction of the Deputy Commissioner for Development, Don Davies. With a few deliberate exceptions, the other divisions of O.E. have assigned their discretionary dollars to Don's office. Consequently we have a comparatively impressive war chest which—presuming we win the approval of Congress for our strategy—we can now focus in a unified comprehensive attack on major educational problems.

No longer will it be necessary for the State or local school superintendent to deal with the infinite array of documents and the numerous individual program managers in each area of interest in O.E.—whether dropout prevention, Title III of the Elementary and Secondary Act, education professions development, bilingual education, or other concerns. No longer will it be necessary to fill out individual forms for each program, work out complicated relationships with unrelated and randomly located staff, attempt to coordinate differing funding cycles, and be responsible for an endless series of separate evaluative reports, year after year.

No longer, in sum, will it be necessary to do what the school superintendent of this very city, Louisville, Kentucky—Dr. Newman Walker—was forced to do early in 1970 as he and his assistants sought help from Washington in solving school problems as severe as those of almost any city in the Nation. But it was the very success of Dr. Walker and his chairman of school operations, Dr. Frank Yeager, in overcoming our seemingly necessary bureaucratic obstacles that brought us to the point of doing away with them altogether. Louisville's achievement in establishing a prototype site-concentration technique convinced us in the Office of Education that the renewal strategy we were contemplating could work as well as we expected and that it could work for *all* State education agencies and local education agencies. In Louisville it *is* working and I recommend that any of you interested in obtaining first-hand information on the method confer with Dr. Walker and visit his target schools.

Dr. Walker came back from Washington with a coordinated package of no less than 18 separate Federal education programs with which he has begun to turn his entire school system around. Funds made available through the package totaled $4.6 million for last year and $5.3 million this year. With the exception of Title I formula grant funds under the Elementary and Secondary Education Act, all are discretionary programs. Louisville thereby became the Nation's first city to tap so many separately funded and administered Federal education programs and to use the grants in a consolidated attack on its educational problems. The remarkable story of Dr. Walker's journey through the labyrinth of grantsmanship at 400 Maryland Avenue is published in the December issue of the very excellent magazine of the Office of Education, *American Education*. I recommend it as an account of a very enterprising team of individuals in what is generally and wrongly regarded as the stodgy learning industry, and also a brilliant example of what we believe our renewal strategy can accomplish in approximately 200 renewal sites in 1973–74, the initial year of operation. I think it is important to add that, contrary to the unflattering stereotype, lively and imaginative bureaucrats at 400 Maryland Avenue have had a large hand in putting this package together. It is to their everlasting credit that they are ready to sweep aside the comfortable and familiar routines of program management in its numerous and job-secure parts, and grow with the task themselves.

Each site will have an average of 10 schools, all of them in areas where there are large concentrations of disadvantaged children. About two-thirds of these schools will be in urban areas, the other third in rural. A needs assessment—developed not by us in Washington, but by the education officials, teachers, students, parents, and residents in the communities themselves—will be the basis for the package of programs funded by O. E. In other words, we will *ask* the communities to tell us what they need, rather than us telling them, the usual configuration up till now. Further, the States and the communities will have selected *themselves* for this action. We will share in the final determination of what shall be a site, but first the site community will have invited our engagement.

We will be open to any proposal that makes sound educational sense and ask only

that proposals conform to three criteria: First, evidence of State and local commitment, such as a willingness to undertake sweeping renewal or change and to increase or at least maintain levels of current spending in the target schools; second, comprehensiveness, involving all aspects of the affected schools; third, program objectives stated in precise measurable terms—such as raising average student achievement by a definite percentage over that to be expected in a normal schoolyear, or decreasing the gap in achievement between disadvantaged and middleclass in the same district by a stated percentage.

Presuming that a community's needs assessment and its proposed solutions meet these broad requirements, the proposal can be submitted in a single application, no matter how many components it includes. Local research, teacher-training, development of paraprofessional aides, audio-visual materials, medical and dental examinations, family involvement, curriculum and organizational change—all can be lumped together in one document.

I want particularly to point to the substantial part that your State departments will play in this renewal plan, a marked departure from the present procedure in which the principal exchange in between Washington and the grantee, with the State having a very peripheral involvement. The States, to begin with, will identify the renewal sites. While the procedure isn't as yet wholly worked out, I would guess that we will invite each of the Chiefs to nominate districts within their jurisdictions that seem to combine both need and strong willingness and potential for solving their problems. We could, I would guess, count on receiving 500 or 600 nominees for the initial 200 awards, with the final selections a matter of close examination and negotiation between your offices and mine. While the extremely deprived areas that we are aiming at are obviously not distributed equally throughout the country, each State will be assured of at least one renewal site in the first year and very likely several more before the program closes out in 1986.

The State department will also house at least half the total number of "educational renewal extension agents." The function of these persons, who will be key figures in the renewal strategy, is based on a borrowed concept, the very successful system of agricultural extension agents who carried to the farmers information on government-developed agricultural research and development, those techniques that helped to revolutionize farming in this country starting early in this century. The educational extension agents, operating either from the State Department or from Teacher Centers located at each renewal site, would tie practitioners to Federal, State, and local researchers in what we hope will be a most productive partnership. The agents would not be there to tell the teachers what to do, but to ask them what help they need, what sort of ideas do they want to explore, what kinds of problems they are running into, what we have in our Federal resources that they might not know about.

This information would be channeled back to Washington where it could be determined what resources were available to help each individual case and how the experience could tie in with target tasks in research and development in the newly created National Institute of Education. Just as his agricultural counterpart showed the American farmer of a half-century ago how to rotate crops, contour-plow, and employ proper fertilizers to achieve greater yields, the educational agents will work with the teachers to help them achieve greater classroom yield—how to break through the reading problem, how to overcome learning difficulties of racial and ethnic minorities, how to start a boy or girl on a course leading to personal fulfillment and career success. These are the everyday, down-to-earth problems that any program of educational reform worthy of the name must address and solve.

What I have attempted to describe to you this morning is a new structure for the Office of Education, growing out of the vast new powers of the National Institute of Education, the implicit prestige of the kind of quality work that will be done there, and from a new determination within the Office of Education itself to get the new products of educational research to the teachers. This is not merely a passing project of the Federal Government—it is a new dimension of educational leadership and service—on call to all who need help.

That, in roughest outline, is our plan for educational renewal. You cannot call it revolutionary, and perhaps that is just as well. I would prefer calling it systematic myself, for I would guess that in the long history of man, sound systems have accomplished far more than revolutions. This will not be hit-or-miss, and it will not be scattershot, but a careful, concentrated, and responsive approach to devising reasonable, workable, permanent solutions to the toughest educational problems we face today. It responds to the President's mandate, as noted earlier; it responds to the Secretary's insistence that all HEW research and development be translated into action—or else; and I hope that it responds to the compact between each of you and me that we increase swiftly the effective teaching and learning of the poor and the minorities.

One more modest accounting of progress before I close. You will recall that at our meeting in June I laid out in a very preliminary way our concept of an integrated system of educational statistics for Federal, State, local, and institutional planning and management. We called the proposed system *Common Core of Data for the 70's*. The idea was to provide current, reliable data for the entire educational structure, whether local, State, or Federal, (including our very important client, Congress), with the cost to be shared by all three.

I am happy to report that the concept is moving ahead. CCD–70 has begun to take shape, having, I can predict with some optimism, successfully negotiated the Fiscal Year 1973 budget review in the Office of Education and in HEW and, hopefully, in the Office of Management and Budget. While we can anticipate only modest amounts of money for planning purposes in the current fiscal year, we look to significant funding in FY '73. At the very least we expect to be able to fund three States on a demonstration basis, and hopefully a number more. The purpose would be to build within each demonstration State an information-collection system that would be completely responsive to the needs at the State level as well as totally articulated with a national system.

A number of the Chiefs have written me or Dorothy Gilford expressing their interest in becoming an early part of CCD–70. We appreciate that expression of faith and we look forward as you do to the creation of an information system that will finally link all States and the O.E. in a constructive partnership in the unification, production, and employment of relevant educational statistics. I believe that in the decades ahead the crucial substance of education will stand so high among our public values and concerns that this instrument will be a least as significant a force for public policy decisions as the Bureau of Labor Statistics.

These are small benchmarks of advancement that I have come to tell you about this morning, these efforts to strengthen and redirect our research and development effort and our data gathering procedures. Our renewal program is estimated to entail expenditures of a little more than $150 million in the first year of operation, a trifle more than three percent of the total O. E. budget. Obviously this is nothing upon which to mount grandiose rhetoric, the sort of overpromising that has produced a boomerang of public disenchantment too often in our profession. I get the impression that the public is not as tired of the rising cost of education as of the rising rhetoric.

And yet I am pleased to be able to report to you that we have made these steps forward. Because when you consider the others that we are taking, I believe that substantial forward movement is evident. I am speaking of the National Institute of Education which has been approved by both houses of Congress, and the career education theme which has received enthusiastic acceptance nationally, following your reassuring endorsement six months ago, and from my individuals and groups both in and out of the education profession. And I would say that there is much more activity underway—at all levels of governmental and private endeavor—that argues impressively for progress and accomplishment.

I believe that my perhaps naively optimistic statements, made early in the game, have turned out to be as on-target as I could have hoped. In those statements I expressed total faith that the leaders—the good men and women of education—particularly the professionals who are working in the Office of Education and in the State departments of education—can advance our profession swiftly in a nondefensive spirit of reform and regain the high faith of the people. Naively optimistic? Perhaps, but it's beginning to happen.

U.S. SENATE,
Washington, D.C., December 20, 1971.

Hon. SIDNEY P. MARLAND, Jr.,
U.S. Commissioner of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. COMMISSIONER: Thank you for your letter of December 13, in which you enclosed your speech on "Interim Accounting" before the Annual Meeting of the Chief State School Officers on November 16.

I find the speech helpful in trying to figure out what is to be done in an education renewal site. I am hopeful that you will provide me with further information which will indicate the types of activities for which you propose to expend Federal funds.

However, your letter raises a question in my mind about our conversation on Friday, December 10. As I understood our discussion, you were proposing that the various authorities in present law be used to experiment with education renewal sites, and that legislation authorizing the program be brought out after you had had an opportunity to see how these experiments worked out. From the materials you enclosed, I fail to find an indication that your proposal is experimental, or that you envision legislative authority for the program. As I stated in our meeting, I find your proposal for establishing renewal sites very interesting, and, as I stated in my letter of December 13, I believe the proposal should be considered by the Congress on its merits. But I cannot commit the Committee on Labor and Public Welfare or the Congress to favorable consideration of any legislative proposal.

In addition, I believe that I have a responsibility to prevent the Congress from being presented with a "fait accompli" which would tend to force favorable consideration of legislation. It is my belief that if you proceed with the education renewal site program until 1973 or 1974 and then ask for legislation ratifying the program, the Congress will be placed in the awkward position of deciding whether to continue the program, when it ought to be in the position of deciding whether the pro-

gram ought to be begun. In 1973 the persons responsible for education in the executive branch and the legislative branch of the Government may be entirely different from those now responsible. If I am not Chairman of the Subcommittee on Education in 1973, and if I permit the education renewal site program to be begun, I would be in effect committing my successor to a course of action which was never properly considered by the Subcommittee on Education, where hearings and deliberations by the Subcommittee are considered the normal procedure for initiating an educational program.

Under present circumstances, I would like to consult with my fellow members of the Education Subcommittee on this matter. It may be that they would wish a public hearing. I would also like the advice of the education community. It may also be that the Subcommittee would like the advice of the General Accounting Office on the legal implications of the matter.

It appears that we can not have these consultations until the Congress returns in January. Therefore, I would hope that further proceedings by the Office of Education on the education renewal site proposal are delayed until the Subcommittee on Education has had an opportunity to consider this matter. I would also hope that we could maintain our communications until that time.

Ever sincerely,

CLAIBORNE PELL,
Chairman, Subcommittee on Education.

Mr. PELL. On January 7, 1972 the Commissioner of Education wrote to me stating that the Office of Education was scaling down its plans for education renewal sites and that the bilingual education program and the dropout prevention program would not be included in the education renewal site concept. The Commissioner of Education specifically stated that only about 20 to 30 renewal sites would be made fully operational. I ask unanimous consent that the Commissioner's letter of January 7, 1972, be inserted in the RECORD at this point.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., January 7, 1972.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further response to your letters of November 3 and December 13 and 20 and our conversation of December 10 concerning the plans of the Office of Education to reform the administration of certain discretionary programs through the establishment of Educational Renewal Sites. I believe we are very close to agreement on this subject, and that it is only necessary to clarify a few basic points.

One issue is fundamental in our concept of the educational renewal site—it must be responsive to the needs and desires of States and local school districts. No district would be required to administer educational programs under the renewal site concept. Participation would be entirely voluntary and would be undertaken in consultation with the States as well as the applicant districts.

As we discussed in our December 10 meeting, the Office of Education intends to implement this strategy on a limited, pilot basis. We would hope to provide planning funds for the development of possible renewal sites in all States that wish to participate, beginning in Fiscal Year 1973. However, our current estimate is that only about 20–30 pilot local educational renewal sites would actually be fully operational by the end of that fiscal year.

As suggested in your letter of December 13, we have reconsidered the legislative authorities under which educational renewal would be carried out. It is our present intention to utilize appropriations under the Commissioner's discretionary program of Title III of the Elementary and Secondary Education Act, Part D of the Education Professions Development Act (Title V of the Higher Education Act of 1965), and the Cooperative Research Act. Of course, school districts receiving funds under other Federal programs would be free to carry out the purposes of those programs in the context of the educational renewal site approach.

I would like to reemphasize the important place this approach has in my plans to invigorate the Office of Education and make it a useful instrument of reform in American education. I am pleased that you share my commitment to innovation and change in education. You may be assured that we will keep you and your Committee fully informed of our progress in developing and perfecting the renewal approach.

Sincerely,

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

Mr. PELL. About the middle of January, the staff of Senator JOSEPH M. MONTOYA made available to my office a letter from the Commissioner of Education which was not consistent with the Commissioner of Education's letter to me of January 7, 1972, as it related to bilingual education. I became further concerned. For it appeared that the Commissioner of Education was not taking my suggestion that further action on renewal site programs be deferred. Furthermore, when the budget for fiscal year 1973 was submitted, the Appendix to the Budget, page 443, proposed an education renewal program to be acted on by the Appropriations Committee which was entirely inconsistent with that outlined for me by the Commissioner of Education.

The continued investigation by the staff of the Subcommittee on Education revealed that the Commissioner's subordinates were explaining the renewal site project in a manner inconsistent with the Commissioner's letter to me of January 7, 1972. A telegram dated January 21, 1972, from Dr. Don Davies, Acting Deputy Commissioner for Development of the Office of Education, and Dr. William Smith, Acting Associate Commissioner for Educational Personnel Development of the Office of Education, informed State educational agencies that there would be about 60 educational renewal sites rather than 20 to 30, as the Commissioner of Education stated. On January 21, at a meeting with representatives of the Council of Great Cities Schools, representatives of the Commissioner of Education indicated that both bilingual education and dropout prevention would be included in the renewal sites project. On that same day, January 21, 1972, the Office of Education set as the final application date of renewal sites, February 14, 1972. These events of January 21, 1972, contradicted three important points of the Commissioner of Education's letter of January 7, 1972 to me: First, the number of sites; second, the inclusion of bilingual education and dropout prevention programs; and third, and most importantly, the Commissioner of Education's statement that the Office of Education would follow congressional intent. On this latter point, by setting closing dates of applications, the Office of Education violated those provisions of title III of the Elementary and Secondary Education Act which specify that application dates be set by regulations published in the Federal Register. Also involved was a violation of section 421 of the General Education Provisions Act, which requires that all regulations be published in the Federal Register 30 days prior to their effective date.

On January 27, 1972, I again wrote the Commissioner of Education asking him to defer further action on the renewal site project, and I ask unanimous consent that my letter of January 27, 1972, be inserted in the RECORD at this point.

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

U.S. SENATE,
Washington, D.C., January 27, 1972.

Hon. SIDNEY P. MARLAND, Jr.,
U.S. Commissioner of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. COMMISSIONER: Thank you for your letter of January 7 relating to education renewal sites. I am most appreciative of the dialogue which we have been able to create on this subject. I had hoped that we could have resolved the problems raised by the education renewal site program by communications between the Office of Education and the Education Subcommittee. However, your letter of the 7th, and more importantly, the recently submitted budget raise further questions which work again the resolution of the issues.

In your letter dated January 7, you have indicated a scaled-down proposal. However, that letter does not deal with the final disposition of the bilingual education program, nor with the fundamental question of activities for which Federal funds will be spent. The submitted budget lists certain programs under "education renewal" about which no mention has previously been made. In addition, the appropriateness of initiating a program without legislation or regulations or guidelines is subject to questions of a scope which I, as Chairman of the Education Subcommittee, cannot pass upon without consultation with my fellow Senators and with our colleagues in the House of Representatives.

Therefore, I would hope that you would defer any further action in implementing this proposal until such time as this confusion may be properly disposed of. My staff informs me that the Department has indicated a desire to circulate your letter dated January 7 as evidence of a resolution of any differences which may have arisen. You may circulate that letter with this response. However, I would think that it would be appropriate to include as well all previous letters and communications on the subject in order that further confusion may be avoided.

Ever sincerely,

CLAIBORNE PELL.

Mr. PELL. The Commissioner responded on February 10, 1972, with a further explanation of what was intended, but gave no indication of plans to defer further action. I ask unanimous consent that the Commissioner's letter of February 10, 1972, be inserted in the RECORD at this point.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 10, 1972.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR PELL: Thank you for your letter of January 27 expressing your concern with the plans of the Office of Education for carrying out an educational renewal strategy, as reflected in our prior correspondence and in the President's Budget request for Fiscal Year 1973.

I agree that it is highly unfortunate that confusion continues concerning our renewal plans. Perhaps much of the confusion arises because the Office of Education has used the term "renewal" to refer to several different things. The term has been used in at least four different contexts:

1. *The effort I am making to instill in all appropriate OE activities a sense of the need actively to assist local schools to serve their students in a more effective manner.* In this sense, the term can encompass everything the Office does.

2. *The Educational Renewal appropriation.* As you know, for purposes of budget presentation, the Office of Education's programs are grouped in several appropriations. One of these appropriations for Fiscal Year 1973 is called "Educational Renewal." This appropriation contains most of the Office's discretionary programs at the elementary and secondary level—only a limited number of which would be involved in Educational Renewal Sites. Our earlier discussions concerning renewal have been limited to our plans for such sites.

Most of the programs included in the "Educational Renewal" appropriation are *not* a part of the "educational renewal site" approach. They are administered by various Deputy Commissioners. The appropriation also includes for Fiscal Year 1972 some programs which we propose would be administered by the National Institute of Education, if Congress should create that agency. For your information, I am enclosing a list of all programs included under the "Educational Renewal" appropriation and their placement within the Office.

3. *The Deputy Commissioner for Renewal.* One of my Deputies, Don Davies, has this title. He is responsible for the administration of several OE programs, such as the statistics program, educational technology (e.g. Sesame Street), and other programs, which are unrelated to educational renewal site activities. He also administers those programs which will form the basis for educational renewal sites.

4. *Educational Renewal Sites.* As noted in my earlier letters, the educational renewal site concept is a new approach to using some of the funds authorized under existing legislation. The Appendix to the Budget shows an item for "Site personnel development," drawing funds from Part D of the Education Professions Development Act. Some of these funds may be used in Fiscal Year 1973 for educational renewal sites. Added to these funds will be funds from the discretionary portion of Title III of the Elementary and Secondary Education Act and from the Cooperative Research Act, as I stated in my letter to you of January 7. No other program will form the basic funding of Educational Renewal Sites.

If a school district is receiving funds under another Federal program—Bilingual Education, Drug Abuse Education, Dropout Prevention, or Vocational Education Research, for example—it will be free to include such programs in the activities conducted at the Educational Renewal Site. Such a decision would be solely that of the school district receiving the funds. As the Appendix to the Budget states, "local school districts *will be able* to submit a single application for a comprehensive grant." [Emphasis added.] No school district will be *required* to do so, and no preference in these programs will be given to a district that chooses to submit a comprehensive application. All programs listed in the Appendix under the heading of "Educational Renewal," except for those included in "Site personnel development," will continue to be administered as discrete entities, pursuant to the terms of their authorizing legislation. Further, several other programs included within the "Site personnel development" appropriation will also continue to be funded as discrete entities, since they involve the continuation of existing OE commitments to grantees. These include the Career Opportunities and Urban Rural programs.

Since each local school district will be undertaking educational renewal in areas of its greatest need, I cannot enumerate all the activities which might be undertaken in a renewal site. However, I am enclosing a paper which discusses activities appropriate to an educational renewal site which should serve to illustrate how a simple site might work.

In a more perfect world, our use of terminology might be less confusing. However, I hope that I have been able to clarify that "educational renewal sites" are one piece of a much larger effort and are by no means equivalent either to the Educational Renewal appropriation or to the jurisdiction of the Deputy Commissioner for Renewal.

Your letter also expresses concern that the Renewal Site approach will be conducted without adequate regulations or guidelines. Let me assure you that we fully intend to develop regulations and guidelines for this approach, reflecting the various provisions of the three underlying legislative authorities, before the Renewal Site program is begun in Fiscal Year 1973. I agree with you that local educational agencies seeking Federal assistance for educational renewal sites must have comprehensive guidelines in order to enable them to prepare their applications and conduct their activities according to the law and Congressional intent.

I would like to reiterate that the Office of Education is *not* establishing a new program called "educational renewal sites." The renewal site approach is a *process*, not a *program*. We are asking States and local school districts if they would wish to use funds authorized under existing programs in accordance with the purposes of that legislation, but concentrated in some small number of schools within a school district, through a step-by-step process of assessing needs, determining programs to meet those needs, and involving the parents, teachers, and community in the process. The renewal site approach is intended to be a more effective way of using resources, not a new program.

Finally, your letter inquires about the final disposition of the bilingual education program. The Bilingual Education Program will be elevated to the status of a Division. This will be the first time that the program has achieved Division status since its enactment. I would like to assure you that its integrity will be preserved in the new organizational structure. Indeed, the change should enhance the program's stature in the country, reflecting the high priority the Office of Education places on bilingual education.

I hope that this letter has been responsive to your concerns about our plans for Educational Renewal. I feel that it is important to maintain a dialogue about our plans, as they develop. If you have any further concerns or questions, please feel free to call on me.

Sincerely,

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

CURRENT LOCATION OF ACTIVITIES INCLUDED IN EDUCATIONAL RENEWAL APPROPRIATION

Part D, EPDA, Deputy Comm. for Renewal.

Bilingual Education, Deputy Comm. for Renewal.

Dropout Prevention, Deputy Comm. for Renewal.

Personnel Development, Deputy Comm. for Renewal.

Follow Through, Deputy Comm. for School Systems.

Educational Technology, Deputy Comm. for Renewal.

Drug Abuse Education, Deputy Comm. for Renewal.

Right to Read, Exec. Deputy Commissioner.

Career Education Model, Deputy Comm. for Renewal.

Environmental Education, Deputy Comm. for Renewal.

Library Demonstrations, Deputy Comm. for Higher Educ.

Other Priority Programs, Deputy Comm. for Renewal.

Data Systems Improvement, Deputy Comm. for Renewal.

Product Identification and Dissemination, Deputy Comm. for Renewal.

Planning and Evaluation, Deputy Comm. for Management.

THE EDUCATIONAL RENEWAL SITE—A BRIEF DESCRIPTION

This is a brief description, for illustrative purposes, of an Educational Renewal Site under the proposed renewal strategy of the Office of Education. It has three sections: (1) a description of the organization of the Educational Renewal Site, (2) a description of possible functional and program components and activities at the Site, and (3) a statement about the process of renewal.

ORGANIZATION

The Educational Renewal Site will normally be selected as a grantee by the Office of Education from among nominations made by its State Education Agency, and will be comprised of a cluster of schools (elementary, junior and senior high) varying in number from approximately 8 to 20 according to the characteristics of the communities served. It could be a portion of a large urban school district, an entire rural town, or several rural villages combined. The number of pupils involved could vary similarly. In order to merit selection the Site will have to meet certain criteria of need, readiness, low-income, etc., established by the Office of Education and the State education agencies in accordance with enabling legislation.

The Site will have an Educational Renewal Council which shall provide project direction, including needs assessment, planning, and project implementation and evaluation, within the framework of existing State and local school board regulations. The Council will be created by the local school board, and will be representative of the school community, including, for example, the staff of participating schools and universities, parents of the community served by the participating schools and other appropriate segments of the school district. Final authority and responsibility for the operation of the project funded rests with the local school board.

FUNCTIONAL ELEMENTS

Fundamental to the Site's activities and effectiveness will be a comprehensive assessment of the needs of students and the educational personnel that serve them, a determination of available resources—and priorities—local, State, and Federal—and the development of a comprehensive plan to meet those needs.

As determined by the local assessment of need, there may be a center at the Site serving as a primary resource for educational personnel in the Site schools. In a location separate from the schools, but within or near the Site, it could serve as a mobilization point for technical assistance, training and retraining, evaluation expertise, dissemina-

tion of information about products of research and development, and other resources needed to meet the needs of the schools. In any case, the center would be administered by the Site director under the Educational Renewal Site Council.

The kinds of activities at an Educational Renewal Site will be determined by its assessment and continuous reassessment of need, and by its Educational Renewal Site Council's growing awareness of the reasons their schools are not fully effective. The Council will have access to extensive resources for orienting itself to educational issues.

Program components for pupils and appropriate training for teachers and others may vary greatly from Site to Site. The Educational Renewal Site Council may make use of colleges and universities to help with training, which will usually be conducted in the Site schools. The Educational Renewal Site Council may also call upon business, industry and other community agencies for help. The Site schools may be utilized as preservice training centers for prospective teachers and paraprofessionals. All Office of Education renewal site funds will be used for developmental purposes rather than to increase permanent per pupil expenditures. OE renewal funds will be phased out after a period of approximately five years, as negotiated with the school board. Among others, these program components might be supported:

Orientation of parents to the 24-hour nature of education, and the extension of the schooling process to the homes.

Maintaining 10-hour daily open schools as learning and social centers for parents and pupils alike.

Extensive use of parents as visitors and paraprofessionals in the schools.

Emphasis on reading: high school pupils teaching elementary school pupils, etc.

Capability for meeting needs of "exceptional" children, particularly those who have learning disabilities.

THE PROCESS OF RENEWAL

Renewal is viewed as a continuous self-sustaining process of educational change and decision-making to cope with unsatisfactory as well as constantly changing conditions in the schools. Its ultimate objective is to provide in the Educational Renewal Site schools—and later spread throughout each State—education which is responsive to the needs of the pupils and which reflects the concerns of their parents. It should improve significantly the school performance of those children.

What goes on at an Educational Renewal Site will be different from what has been done heretofore with Office of Education monies, for these reasons:

By concentrating Federal, State, local and private resources, it will simplify the process and lessen duplication and fragmentation of efforts.

By involving the States at every point in the process, the likelihood of combining other resources with those available from the Office for Development and the likelihood of spreading renewal throughout the State are greatly increased.

By restricting the effort to a limited number of schools in a large urban district, for example, and by utilizing an Educational Renewal Site Council which strongly represents that particular area, it will be possible to build and increase the sense of community at the Educational Renewal Site and draw on the parents, and others for their share of the task of educating their children.

Mr. PELL. Mr. President, I have done everything possible in my capacity as chairman of the Subcommittee on Education to handle this situation without legislation. However, the activities of the Office of Education, giving one impression to me, another to Senator MONTOYA, a third to school officials indicates that legislation on this subject may be necessary. Generally, I am opposed to legislation of the type the Senator from California is proposing, because I think these things are best handled by negotiation between honorable men. This is an exceptional situation and, therefore, I would recommend to the Senate that the amendment of the senior Senator from California (Mr. CRANSTON) be accepted. I might add that if I were not floor manager of this bill, I would be tempted to offer the amendment of the Senator from California. I would hope that if the Senate accepts this amendment, the Commissioner of Education would be prompted to take the concern of the Congress a little more seriously, and that the officials in the Office of Education have some regard for the intent of the Congress when it enacted a program. It is possible that between now and when the conferees on this bill make a decision on the Cranston amendment, some sort of agreement can be reached about the future of the Office of Education with regard to education renewal sites. Nevertheless, in order to insure that present programs are administered as the Congress intended, I recommend adoption of the Cranston amendment.

The PRESIDING OFFICER. Does the Senator from Colorado wish to be recognized?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMINICK. I yield myself 10 minutes.

Mr. President, this amendment comes as a surprise to me. Without intending to attack either the amendment or the Senator from California, I wish he had consulted me, as the ranking member of the Education Subcommittee, prior to offering it. I do know that he had a discussion with the Secretary and that the Secretary, on being informed of certain situations, indicated that if they could arrive at an agreement by letter, the Senator from California, as I understand it, would not push it in conference and that we would be able to move forward on that basis.

Since that time, however, a reading of the amendment, which was printed sometime last week—I believe last Wednesday—so far as the printer is concerned, but never submitted, indicates that there is a good deal more in it than had been anticipated either by the staff or by the Secretary. This makes it very difficult.

Perhaps what I should do is to start in a somewhat different way. This all arose, as I understand it, because the Commissioner of Education and the Secretary of HEW decided that the programs which have been put into effect up to date under title I and under many other titles simply did not pinpoint enough funds in the schools which had educational quality not as good as other schools in order to bring those inferior schools up to the level of the better ones. So that they started considering a program called Renewal, under which they would mobilize the resources of HEW which are available to them in a discretionary way and then pinpoint a fairly substantial sum of money into certain preselected school areas as pilot programs, to see whether this infusion of technical assistance, training programs, new funding, and a variety of other efforts would upgrade the quality of that school.

I discussed this at some length with Commissioner Marland several weeks ago. At that time, he indicated that some people, including Senator CRANSTON, had expressed concern because they were afraid that money which otherwise would go into specific contractual programs, such as bilingual education and others, would be funneled out of those programs into the so-called renewal concept and thereby not be promoted to the degree that they felt they should be.

There was consideration of having committee hearings to determine whether we ought to authorize the renewal program. Obviously, no committee hearings were called, and no committee discussion has taken place of this particular series of programs up to this date.

This amendment, which deals with this matter—I hope the Senator from California will correct me if I am wrong—not only refers to the renewal program and is designed, as I understand it, to authorize such a program, but also, for the first time, in a legislative way, adds on a total Bureau of Elementary and Secondary Education. Not only does it do that, but also, it goes so far as to specify what the compensation shall be of each person within the administrative function of the Bureau. Up to date, this obviously has not been considered by the Committee on Post Office and Civil Service.

Second, what it does is to decrease vastly the flexibility within the Office of Education.

I say to the Senator from California that I do not think there would be any particular difficulty in our being able to arrive at an agreement, provided that the section dealing with the Bureau of Elementary and Secondary Education was deleted from this program.

I am concerned that if it is not, we will have a really difficult problem in trying to put it into effect and thereby arouse the hackles, if we may say so, of most of the administrators of HEW; so that, if adopted, when we got to conference, we would find the whole group alined against the entire amendment.

It seems to me that this is not going to accomplish the objective the Senator from California is seeking, which is to strengthen bilingual education wherever possible.

As the Senator from California may or may not recall, I happened to be a co-

sponsor of this particular bilingual study program and effort program for schools with the former Senator from Texas, Mr. Yarborough, when it was first introduced. I have worked at it very hard. We have need for it in my State. In fact, the whole of the Southwest States need it, as well as California. It is one of the questions I brought up when I discussed this with Commissioner Marland. He said that obviously wherever the pilot program would authorize this or would indicate its need, we are going to be using bilingual education as part of the program for renewal because what we are looking for is quality. In the particular pilot project we are talking about, we want to increase the quality of education which is not only available but which is absorbed by the students.

Let us take as an example a school with a large number of minorities—Puerto Ricans—in New York—using bilingual education there, or going to California where there are a larger number of Spanish-speaking students, as we will be using the bilingual education system there as well, and I have been supporting it all the way through. But I do not see why, in the interest of having to do something of that kind in an effort to support them, we have to set up a whole new administrative agency within the HEW by legislation, trying to show them what the administrative format should be from committee. It does not make much sense to me.

I would say, therefore, while we are trying to get further word from downtown as to what their position is, that this would be more easily worked out if the Senator from California would simply delete what is now designated as either (b) or (c), starting on page 6 of the printed version of his proposed amendment.

Mr. President, I reserve the remainder of my time.

Mr. CRANSTON. Mr. President, I well understand and am thoroughly acquainted with the deep interest of the Senator from Colorado in bilingual education. I know of his commitment to and his actions on behalf of that program. We share that interest. We have worked on behalf of that program. We share that interest. We have worked closely together on many matters. The only reason the Senator from Colorado was not consulted on this particular matter was that the Senator from New York (Mr. JAVITS), the ranking majority member of the full committee, was carrying the burden for the minority on the bill. We had fully briefed his staff on it. Senator JAVITS was represented by the minority staff director of the committee in the meeting with Secretary Richardson this morning. I am convinced at this point that the only way we can ensure that bilingual education achieves the status and impetus it deserves is by statute—by doing what we propose to do in the pending amendment.

Actually, there are other new bureaus in the bill, some of them, I believe, with the Senator's active support, such as the Occupational Educational Bureau and the Indian Education Bureau. Actually, the Bureau of Elementary and Secondary Education is already in existence. This simply legislates it as it now is and includes bilingual education within it.

I fully understand the desire of the Secretary not to have these matters determined legislatively and I would totally agree with his desire to do it otherwise, if we could achieve it otherwise.

As I stated in my opening remarks, when the Senator from Colorado was unavoidably absent from the floor, we agreed this morning that if we could reach full agreement on how to proceed to meet the administration's objections, and also the objections stated by many Members of the Senate, and if the assurances we receive from the Secretary satisfy the objections of the Senators expressly interested in this matter to their satisfaction, I would not press in conference the proposed amendment.

Mr. DOMINICK. I am sorry I did not hear what the Senator said.

Mr. CRANSTON. Basically, to restate part of what I just said, the only way to give bilingual education sufficient status and priority by statute, to do what is done here. The bill contains some new bureaus that are in it, as I understand it, with the Senator's active support, such as the Occupational Educational Bureau and the Indian Education Bureau. The Bureau of Elementary and Secondary Education is already in existence. The amendment is not creating a brand new bureau, but is providing a firm statutory footing for the bilingual program under it.

At the meeting this morning with the Secretary, we agreed that if we could come to an understanding on how to meet his desires, and also to meet the concerns of Senators expressly concerned about this matter, and if the assurances were satisfactory to those Senators who have expressed concern over this matter, I would not press this amendment in conference. I believe it would then be possible to drop the amendment and achieve what all of us would like to achieve without statutory action.

The principal issue is, as the Senator well knows—and I specifically note that this is one of his deep concerns—to retain congressional prerogative and insure that congressional policy is followed, particularly in the use of money after authorization actions are taken by the authorizing committee. It is very plain that despite perhaps the best of intentions, that has not been the case in matters we are here concerned with.

There have been conflicting and very confusing actions taken and statements made by people at the various HEW levels. We have been trying for the past few months to work this out, without legislative action. But we found it impossible to do that until matters were precipitated by the suggestion that I introduce this amendment which, perhaps, may give us the opportunity to resolve the matter without final legislative action. But the legislative problem, as the Senator from Colorado knows, is that we have gotten down to the point today where either we had to take this action or no action would be taken at all, since this will very likely be the final day on any amendments, other than busing, to this bill.

So we have little choice. The situation we face today is really one precipitated by actions of the excutive branch which were contrary to the intent of Congress.

Mr. DOMINICK. Mr. President, I yield myself another 5 minutes, if the Senator is through.

Mr. CRANSTON. Yes, I have finished my comments.

Mr. DOMINICK. Mr. President, it is my understanding that we are going to have a debate with the Senator from Arkansas (Mr. FULBRIGHT) tomorrow on my own foreign service scholarship program and that is all we will be doing tomorrow, other than on the busing, I suspect, although I do not know whether, under the unanimous-consent agreement, we are barred from any other kind of amendments.

Mr. PELL. Mr. President, may I state to the Senator that my recollection of the unanimous-consent agreement is that four Senators are protected. However, other amendments to the bill will lie after we dispose of amendments to title IX.

Mr. DOMINICK. A parliamentary inquiry, Mr. President. I understand that the distinguished Senator from Tennessee (Mr. BAKER) reserves the right to amend any other section.

Mr. PELL. That right was given to him.

Mr. BAKER. Mr. President——

The PRESIDING OFFICER (Mr. MCINTYRE). The last part of the agreement reads as follows:

Provided further that nothing shall foreclose amendments to any section of the committee substitute at any time on or after Tuesday, and that a motion to table shall be applicable to all amendments.

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

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. Mr. President, that would indicate that after Tuesday we could offer amendments to any other section in the bill in any form we wanted. Is that correct?

The PRESIDING OFFICER. If the Senator involved obtains the floor and is recognized for that purpose, the Senator from Colorado is correct.

Mr. PELL. Mr. President, as the manager of the bill, that was my understanding of the agreement we reached. The agreement reached was that there were four Senators with specific proposals that were being protected, with the final vote on Wednesday, at 2 o'clock.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Mr. President, is the parliamentary situation such that no so-called busing amendments will be considered on today and that on tomorrow and Wednesday, prior to 2 o'clock and final passage, according to the previous order, busing and similar amendments

will be considered, except that Senators BAKER, CHILES, GAMBRELL, and FULBRIGHT are accorded the specific opportunity, notwithstanding that we may not have disposed of section 901, to offer other amendments to other sections of the bill as amended.

The PRESIDING OFFICER. The Senator from Tennessee is correct.

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

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Mr. President, is it correct that no other Senators except those named may offer an amendment, other than to section 901, after noon on Tuesday and prior to final passage?

Mr. DOMINICK. Mr. President, I ask unanimous consent that the time for parliamentary inquiries may not be considered within the time limitation established on this amendment.

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

The clerk will read the agreement.

The assistant legislative clerk read as follows:

Ordered, That further action on all the pending amendments to sec. 901 of the committee substitute for S. 659 be deferred until Tuesday, Feb. 29, 1972.

Ordered further, That on Monday, Feb. 28, 1972, during the further consideration of S. 659, only amendments not dealing with the desegregation of schools or the transportation of pupils to schools on the basis of race, religion, color or national origin will be in order and that time on such amendments to any section of the committee substitute will be limited to 60 minutes to be equally divided and controlled as provided in the agreement of Feb. 22, 1972, on S. 659.

Provided further, That the Senators from Tennessee (Mr. Baker), from Arkansas (Mr. Fulbright), from Florida (Mr. Chiles), and from Georgia (Mr. Gambrell) shall have the opportunity on or after Tuesday to offer an amendment on any matter to any section of the committee substitute with the time on the Fulbright amendment to be limited to 2 hours, and on the Chiles, Gambrell and Baker amendments to 40 minutes each to be equally divided and controlled under the same conditions as prescribed in the agreement of February 22. Debate on all other amendments on Tuesday and Wednesday to the committee substitute shall be limited to 30 minutes each with the time to be equally divided and controlled as prescribed in the agreement of February 22; and provided further that nothing shall foreclose amendments to any section of the committee substitute at any time on or after Tuesday, and that a motion to table shall be applicable to all amendments.

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

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Mr. President, after hearing the unanimous-consent agreement read, I frankly was not aware of the last sentence that was just read, to the effect that nothing in this order would prevent the offering of amendments to any other section of the committee substitute.

In that view, is it accurate to say that beginning at Tuesday noon, only the four Senators mentioned, but also any other Senator can offer an amendment to any section of the committee substitute, notwithstanding its contents and regardless of whether or not the Senate has disposed of section 901 or not.

The PRESIDING OFFICER. It is the understanding of the Chair that the pending amendments to section 901 would have to be disposed of beginning at noon on Tuesday, after which any other amendments would be in order.

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

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Mr. President, to make sure that I clearly understand the distinction between the rights of the four Senators named and the rights of any Senators not named in the unanimous-consent agreement, beginning at Tuesday, at any time within this period, regardless of whether or not section 901 has been disposed of or not, those four Senators named may offer amendments to other sections of the bill.

The PRESIDING OFFICER. The Chair understands that beginning at 12 o'clock on Tuesday, we will begin to dispose of the amendments that are pending to section 901. After they are disposed of, we come back to the four Senators whose time is guaranteed as stated in the unanimous-consent agreement; and then the committee substitute will be open to amendments generally and the time limitation is 30 minutes each.

Mr. BAKER. Mr. President, to make sure that I fully understand that particular portion of the order to which I thought I had agreed, I propound this parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Mr. President, is it the parliamentary situation that beginning at noon on Tuesday, we will consider amendments to section 901?

The PRESIDING OFFICER. The Senator is correct; that is when we begin voting on them if they have not been disposed of at that time.

Mr. BAKER. Controlled time against the amendments will start running at 12 o'clock Tuesday.

The PRESIDING OFFICER. I read further from the agreement:

Provided further, That at 12 o'clock noon on Tuesday, Feb. 29, 1972, if the pending Allen amendment and all other amendments now pending thereto and to sec. 901 have not been disposed of, the Senate shall proceed to vote on these amendments without any other intervening perfecting or substitute amendments to the Allen amendment or the language to be striken out thereby; and that just prior to the final vote on the disposition of sec. 901, further debate for a period of 30 minutes shall be available, with the time to be equally divided and controlled as prescribed in the agreement of February 22.

Mr. BAKER. Mr. President, is it the ruling of the Chair that no amendments to section 901 are in order after Tuesday?

The PRESIDING OFFICER. They are not in order until the amendments pending have been disposed of.

Mr. BAKER. But they are in order after that time.

The PRESIDING OFFICER. That inquiry is impossible to answer at this time. That depends on what disposition is made of the pending amendments.

Mr. BAKER. Mr. President. I have one last parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Mr. President, is it the ruling of the Chair that section 901 perforce must be disposed of finally after the last vote is taken on any pending amendment to section 901 as it now exists?

The PRESIDING OFFICER. The Senator will have to restate that inquiry for the Parliamentarian.

Mr. BAKER. Mr. President, as basis for the parliamentary inquiry is that if it is the ruling of the Chair that we will have final disposition of section 901 by a series of votes to pending amendments beginning at noon on Tuesday, is it the further ruling of the Chair that no other amendments are in order, or in the alternative is it the ruling of the Chair that we will proceed to final disposition of section 901 as soon as the pending amendments are disposed of beginning at noon on Tuesday?

The PRESIDING OFFICER. Not necessarily. We have to dispose of the amendments that I mentioned in the agreement beginning at 12 o'clock; then, after they have been disposed of the question of another amendment would depend on what action had been taken by the Senate on the four pending amendments.

Mr. BAKER. The point being, if that is the case, if it is possible there are other amendments to section 901, we revert to the question: Are any other amendments to other sections of the bill available to other Members of the Senate except the four Senators named in the order, prior to disposition of section 901?

The PRESIDING OFFICER. It depends greatly on what develops from the four amendments we will be disposing of. Amendments to other parts of the committee amendment would be in order.

Mr. PELL. Would it not depend on whether or not the four amendments and the work on section 901 had been completed? If it had been completed we could move on; if it had not been completed other amendments could not be introduced to the bill. The four amendments have to be disposed of first.

The PRESIDING OFFICER. Depending on the amendment offered.

Who yields time?

Mr. BAKER. Mr. President, one further parliamentary inquiry before controlled time begins again.

Referring to the order, which I read to be that the four Senators named shall have the opportunity on or after Wednesday to offer an amendment to sections other than section 901, is there any jeopardy to the right of those four Senators to offer amendments to sections other than section 901 if we have not completed disposition of section 901 prior to any time before final action on Wednesday?

The PRESIDING OFFICER. It is my understanding that these four amend-

ments do not go necessarily to section 901.

Mr. BAKER. They may be taken up on either Tuesday or Wednesday?

The PRESIDING OFFICER. That is correct.

Mr. DOMINICK. Mr. President, a further parliamentary inquiry before we yield time. It is my understanding from reading this agreement—and I must say I am somewhat confused with regard to it—and I invite the attention of the Senator from Tennessee to this proposal—that if the amendments of the Senator from Tennessee (Mr. BAKER) and others dealing with section 901 have not been disposed of by noon tomorrow we start voting. Is that correct?

The PRESIDING OFFICER. We will start to vote on the pending amendments to section 901 at 12 o'clock noon.

Mr. DOMINICK. Going back to controlled time, I hope everyone is as clear on this matter as I am. That means I do not know what is going on. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I ask the attention and consideration of the Senator from California and the Senator from Rhode Island in connection with certain specific provisions which are in this amendment.

As I understand it, the amendment states that the sums appropriated, the amounts available, shall not exceed $25 million.

Mr. CRANSTON. Where is the Senator reading?

Mr. DOMINICK. I am reading from page 2.

Mr. CRANSTON. I thank the Senator.

Mr. DOMINICK. Then, I go further down, to (c)(1)(A) where it states:

> Except in the case of a law which (i) authorizes appropriations for carrying out, or controls the administration of, an applicable program or (ii) is enacted in express limitation of the provisions of this paragraph, no provision of any law shall be construed to authorize the consolidation of any applicable program with any other program.

Then, the amendment goes on and there is a definition of consolidation which results in the "comingling of funds."

I gather what the Senator is saying in this amendment, and I am asking for guidance, is that they cannot tax x dollars from one program and x dollars from another program and lump it in and call it the renewal program; that what has to be done is to set up a whole set of new administrative people and take that money and say, "Very well. That is bilingual, this is special quality education, and then still another is for teacher training, another going into community homes," so that you have technicians and supervisors in every program instead of putting it together into a package and going to a school to do some good with it. That bothers me very much.

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

Mr. DOMINICK. I invite, on the Senator's time, any reply he wishes to give.

Mr. CRANSTON. The problem which gave us concern was with respect to certain funds being transferred to the proposed education renewal sites. Adequate money has not been appropriated for programs we funded, such as Upward Bound, bilingual Talent Search, and special services for the disadvantaged, and we wish to make plain that there should be hearings and discussions, knowledge of what is being done, and an opportunity for the Congress to agree or disagree.

If the Senator will turn to page 7 of the amendment and look at paragraph (C)(i) and then clauses (I), (II), and (III) below, there is a provision stating that notwithstanding the paragraph to which the Senator has referred, there is authority to use funds available for the purposes identified as education renewal sites, which deals with the problem the Senator raised.

Mr. DOMINICK. I understand it deals only in part. It authorizes the use of funds from title I and title V of the General Education Provisions Act. I am not sure what that is. I think it is general training and technical assistance. Is that correct?

Mr. CRANSTON. And research.

Mr. DOMINICK. So the Senator is saying they cannot put in any money from a bilingual fund or other funds which are available specifically. In other words, a certain amount for these programs has been reserved, and it states they cannot put those funds in for the purpose of renewal unless they are called by their own names and have their own technicians running around the school.

Mr. CRANSTON. For them to do that would be inconsistent with the legislation we have enacted.

Mr. DOMINICK. No; I understand our legislation provides if we authorize and appropriate funds for bilingual education and use it for that purpose it will help education. They are still using that to help the education of people who cannot speak English. I do not see anything wrong with that.

Mr. CRANSTON. We have no assurance under the new procedure that that will happen. We have evidence in California that it is not happennig.

Mr. DOMINICK. We do not have a renewal program going yet. We are trying to get started. We have had tentative probes, but we have not really put it together.

Mr. CRANSTON. They have already announced applications for this and the guidelines they have given out do not cover the point the Senator and I seem to agree should be covered.

Mr. DOMINICK. I only agree this should be put in a package. If it is not we will have so many administrative oversights it will be an unfeasible program to start with. There will be more supervisors to start with and it will be like the poverty program where 75 percent goes to supervisors and 25 percent does any good for the people who need it.

Mr. CRANSTON. The procedure we are discussing would not preclude packaging. What we want is adequate assurance that there will be accountability legally for whatever is done with the funds, if they decide to proceed in these new directions, and we have not been given such assurances.

Mr. DOMINICK. It would seem to me, without trying to create more of an argument than we have already had, that any program that is going on this way is either going to be beneficial to the students in the area or is not going to be beneficial to the students in the area. If it is beneficial to all of them, for which an easy accounting can be taken, I do not care whether the money comes from the President's emergency fund, the bilingual fund, or anything else, because the purpose that the Senator and I both are trying to work toward is improving the quality of education. We are not going to get it, it seems to me, by simply setting up a bureaucratic structure which requires accounting and channeling funds through certain levels in order to determine whether those funds are to be used at all. That is what the whole problem with the program is.

Mr. PELL. Mr. President, on the time of the Senator from California (Mr. CRANSTON), let me say I share the concern of the Senator from Colorado, not being one who in the committee always favors this categorial approach. I favor a degree of amalgamation, although not to the extent he would like. But in this particular case there has been considerable upheaval and concern in the local communities which have seen signs that certain programs are having their emphasis changed, perhaps one portion of the program phased out and another portion increased.

Those of us who are particularly interested in the bilingual program, as I am in my own State, want to be sure that the same amount of money is spent and the same emphasis is continued.

My hunch would be, as I said in my statement, that if the amendment is accepted and the administration can assure the conferees, by the time of the conference, that all is in order and that the will of the Congress is being carried out, I then would not be a bit surprised if this amendment were dropped in conference.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum, the time for which I ask be equally divided.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMINICK. Mr. President, I ask at this time how much time is left to either side.

The PRESIDING OFFICER. The proponent has 12 minutes; and the opponent has 3 minutes.

Mr. DOMINICK. The opponent being me. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. PELL. At the moment.

Mr. DOMINICK. I hope it has more support.

I would hope that if time for a quorum call is to be taken out of my time, more time will be taken out of the proponents' time than mine.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I have no objection to four-fifths of the time coming from my time, if the clerk can keep track of that.

I suggest the absence of a quorum, and ask unanimous consent that four-fifths of the time be charged to the proponents and one-fifth to the opponents.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. PELL. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Washington (Mr. MAGNUSON) on the pending amendment.

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

STATEMENT BY SENATOR MAGNUSON

As Chairman of the Senate Labor-HEW Appropriations Subcommittee, I must say that this proposed amendment establishing a statutory base with its own funding authority may go a long way toward solving some of the problems we have with the education renewal plan as presently proposed.

There is no doubt in my mind that the education renewal idea is a good one, and that it deserves our support. The main objection I have had is that the money presently will have to be withdrawn from existing discretionary programs in a way that could work to the disadvantage of many schools and school districts.

As I understand the Administration's proposal, this would mean that in my state of Washington we might, or we might not, be allocated one of the renewal sites which are proposed for the coming fiscal year. The fact is that elementary and secondary school districts throughout Washington and other states could lose the discretionary money which they are now receiving under various programs, such as Upward Bound, bilingual education, dropout prevention and Follow Through. These and other discretionary programs have been carefully designed by the Congress to meet particular needs which exist in schools throughout the states. To have the available funds withdrawn and concentrated in just a few school districts is not, it seems to me, necessarily in the best interests of the schools when viewed as a whole.

In this year when we are faced with proposals in the Administration's budget which would eliminate or reduce funds for several of the programs which provide benefits to schools and colleges generally, such as Title III of NDEA, the impacted areas program and Title VI of HEA, it seems to me that it would be especially unfortunate to withdraw the discretionary funds from their present recipients who are having such a tough struggle at the local level, so as to concentrate them in a very few sites. I feel that it will be far better to establish a statutory base for the program and then have the Administration ask for the necessary funding to do this new job properly. If my Subcommittee receives such a request, I know it will receive as sympathetic a hearing as may be possible.

For these reasons, Mr. President, I support the amendment and urge its passage.

Mr. PELL. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from New Mexico (Mr. MONTOYA) on the pending amendment.

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

STATEMENT BY SENATOR MONTOYA

I rise today in support of the Amendment to the Higher Education Act offered by the Distinguished Senator from California, Mr. Cranston, which I am pleased to join in sponsoring.

As an original sponsor of Bilingual Education, I have long been concerned with the method of implementation of this program by the Office of Education. My immediate concern, Mr. Chairman, is that funds allocated for Title VII are not being used for purposes for which they were designed.

It has come to the attention of myself and other members of this body that not all the funds specifically earmarked for Bilingual Education have been utilized for that purpose. No specific proof exists of the truth of these allegations. It is enough that apprehentions have been created, as to the eventual fate of Bilingual Education funds. It is imperative that we guarantee that no diversion of these funds is made. This is the goal that Senator Cranston and myself have pursued.

In order of preserve the integrity of Bilingual Education, he and I believe that it must be given divisional status.

I am aware, Mr. President, of the tentative agreement reached by Secretary Richardson and Senator Cranston to the effect that if an understanding is reached by the Office of Education and Senator Cranston which satisfies the concern over Bilingual Education, then the Amendment would not be pursued in a House and Senate Conference on this measure.

I fully concur in this agreement, and I am hopeful that Bilingual Education can be protected without legislative action. It must be made clear to the Office of Education, Mr. President, that unless legislative mandates relating to education are strictly followed, I will not hesitate to use the legislative machinery to ensure strict adherence to Congressional authority.

I urge the adoption of the Amendment offered by the Senator from California.

Mr. CRANSTON. I yield back the remainder of my time.

Mr. PELL. I yield the time in opposition to the Senator from Colorado.

Mr. DOMINICK. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. MCINTYRE). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from California (Mr. CRANSTON).

The amendment was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 960. An act to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona;

S. 2896. An act to amend chapter 83 of title 5, United States Code, relating to adopted child;

H.R. 2714. An act for the relief of Mrs. Kayo N. Carvell;

H.R. 2792. An act for the relief of Juanita Savedia Varela;

H.R. 3093. An act for the relief of Mrs. Crescencia Lyra Serna and her minor children, Maria Minde Fe Serna, Sally Garoza Serna, Gonzalo Garoza Serna, and James Garoza Serna;

H.R. 4319. An act for the relief of Josephine Dumpit;

H.R. 5179. An act for the relief of Soo Yong Kwak;

H.R. 6506. An act for the relief of Mrs. Hind Nicholas Chaber, Georgette Hanna Chaber, Jeanette Hanna Chaber, and Violette Hanna Chaber;

H.R. 6912. An act for the relief of William Lucas (also known as Vasilios Loukatis);

H.R. 7316. An act for the relief of Mrs. Norma McLeish;

H.R. 8540. An act for the relief of Eleonora G. Mpolakis;

H.R. 8699. An act to provide an Administrative Assistant to the Chief Justice of the United States;

H.R. 9180. An act to provide for the temporary assignment of a United States magistrate from one judicial district to another;

H.R. 11738. An act to amend title 10, United States Code, to authorize the Secretary of Defense to lend certain equipment and to provide transportation and other services to the Boy Scouts of America in connection with Boy Scout Jamborees, and for other purposes; and

S.J. Res. 189. Joint resolution 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 national day of prayer for these Americans.

The message informed the Senate that, pursuant to the provisions of section 194, title 14, United States Code, the chairman of the Committee on Merchant Marine and Fisheries and appointed Mr. CLARK, Mr. LENNON, and Mr. GROVER, and members of the Board of Visitors to the U.S. Coast Guard Academy, and Mr. GARMATZ, ex officio member.

The message also informed the Senate that, pursuant to the provisions of Public Law 301, 78th Congress, the chairman of the Committee on Merchant Marine and Fisheries had appointed Mr. DOWNING, Mr. MURPHY of New York, and Mr. MOSHER, as members of the Board of Visitors to the U.S. Merchant Marine Academy, and Mr. GARMATZ, ex officio member.

EDUCATION AMENDMENTS OF 1972

The Senate continued with the consideration of the House amendment to S. 659, a bill to amend the Higher Education Act of 1965, the Vocational Educational Act of 1963, and related acts, and for other purposes.

The PRESIDING OFFICER. Who yields time?

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

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

AMENDMENT NO. 946

Mr. CHILES. Mr. President, I call up my amendment No. 946.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill add the following new title:

TITLE X—ELEMENTARY AND SECONDARY EDUCATION PRIZE SCHOOL PROGRAM

SHORT TITLE

SEC. 1001. This Act may be cited as the "Elementary and Secondary Education Prize School Act of 1972".

STATEMENT OF PURPOSE

SEC. 1002. It is the purpose of this title to strengthen the concept of the neighborhood school through a program of financial assistance for use in meeting the special needs of educationally disadvantaged children in such schools and for establishing such schools as educational and cultural centers for a better community.

DURATION OF ASSISTANCE

SEC. 1003. The Commission shall, in accordance with the provisions of this Act, make payments to State educational agencies for grants to local educational agencies for the period beginning July 1, 1972, and ending June 30, 1976.

BASIC GRANTS AMOUNT AND ELIGIBILITY

SEC. 1004. (a) There is authorized to be appropriated for each fiscal year for the purpose of this subsection an amount equal to not more than 3 per centum of the amount appropriated for such year for payments to States under section 1008, other than payments under such section to jurisdictions excluded from the term "State", by this subsection. The Commissioner shall allot the amount appropriate pursuant to this subsection among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective need for such payments. The grants to which a local educational agency shall be eligible to receive pursuant to this subsection shall be allotted as the Commissioner determines will best carry out the purposes of this Act

(b) (1) In any case in which the Commissioner determines that satisfactory data are available, the maximum grant which a local educational agency shall be eligible to receive under this Act for any fiscal year shall be an amount equal to the Federal percentage (established pursuant to subsection (d)) multiplied by the average per pupil expenditure in that State or, if greater in the United States, and multiplied by the number of children enrolled in the neighborhood schools of such agency who are age five to seventeen years, inclusive.

(2) In any other case, the maximum grant for any other local educational agency in a State shall be determined on the basis of the aggregate maximum amount of such grant for all such agencies in any county in which the school district in which the particular agency is located which aggregate maximum amount shall be equal to the Federal percentage of such per pupil expenditure multiplied by the number of children enrolled in such neighborhood schools and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria of the Commissioner.

(c) For the purpose of this subsection, the term "neighborhood schools" means any public elementary or secondary school in which—

(1) not less than 75 per centum of the children enrolled in such school are assigned to that school on the basis of residence within a specified geographic area which that school serves and not more than 25 per centum are assigned to such school on the basis of voluntary request by the parents or guardian of such children or by reason of an order of a court of competent jurisdiction; and

(2) (A) not less than 40 per centum of the children enrolled in such school are (i) in families having an annual income of less than the low-income factor, (ii) in families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, or (iii) living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted for the purpose of a grant to a State agency, or being supported in foster homes with public funds; or

(B) not less than 40 per centum of the children enrolled in such school are members of a minority group.

(d) For the purpose of this section, the "Federal percentage" is 65 per centum and the "low-income factor" is $4,000 for the fiscal year ending June 30, 1973, and shall be increased by the Commissioner to an amount in excess of $4,000, reflecting an increase in the cost of living factor as determined by the Commissioner after consulting with the Secretary of Labor.

(e) For the purposes of this section, the Commissioner shall determine the number of children aged five to seventeen, inclusive, of families having an annual income of less than the low-income factor (as established pursuant to subsection (d)) on the basis of the most recent satisfactory data available from the Department of Commerce. At any time such data for a county are available in the Department of Commerce, such data shall be used in making calculations under this section. The Secretary of Health, Education, and Welfare shall determine the number of children of such ages from families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of January of the preceding fiscal year, or to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination. When requested by the Commissioner, the Secretary of Commerce shall make a special estimate of the number of children of such ages who are from families having an annual income less than the low-income factor in each county or school district, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) to the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(f) For the purpose of this section, "the average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made (or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available), of all local educational agencies in the States, or in the United States (which for the purposes of this subsection means the fifty States and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

(g) For the purpose of this section, the term "State" does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

USES OF FUNDS

SEC. 1008. Funds available for grants under this title shall be used only in neighborhood schools for programs and projects designed to meet the special educational needs of educationally deprived children and new or innovative school and community educational and recreational programs designed to strengthen community involvement in a more effective use of the neighborhood schools including—

(1) remedial and other services to meet the special needs of children attending the neighborhood schools, but especially the educationally disadvantaged children;

(2) the provision for additional professional or other staff personnel with a special emphasis on recruiting parents and other local community members to assist in achieving the educational goals of such schools;

(3) comprehensive guidance, counseling, and other personal services for educationally disadvantaged children;

(4) development and employment of new instructional techniques which appear likely to succeed in meeting the needs of such children;

(5) career education programs using neighborhood people both in and outside the school whenever found in the interest of the educational goals of such schools;

(6) innovative school-community educational and recreational programs designed to stimulate further community interest and involvement with the education process;

(7) provision for using the school for instructional purposes, including special tutoring for remedial students, after normal school hours, and for furnishing such professional and other community staff as will contribute to the success of such an effort;

(8) provisions for professional staff home consultations with the parents and students, where feasible and desirable;

(9) special administrative activities such as rescheduling teachers or students, and furnishing information on programs of such schools to parents and other members of the community served by that school; and

(10) appropriate planning and evaluation programs.

APPLICATIONS

SEC. 1006. (a) A local educational agency may receive grants under this title for any fiscal year only upon application approved by the appropriate State educational agency, upon its determination consistent with such basic criteria as the Commissioner may establish—

(1) that programs and activities for which assistance is sought will be administered by

or under the direct supervision of the applicant;

(2) that such assistance will be expended only in neighborhood schools and described with particularity the programs and activities for which such assistance is sought;

(3) that policies and procedures will be established to assure the Federal funds made available under this Act for any fiscal year (A) will not be commingled with State funds, and (B) will be so used as to supplement and, to the extent practical, increase the level of funds that would in the absence of such Federal funds, be available for the purposes described in section 1005, and in no case supplant such funds;

(4) that effective procedures will be adopted for evaluating at least annually the effectiveness of programs and activities assisted under this Act;

(5) that fiscal control and fund accounting procedures will be established as may be necessary to assure proper disbursal of, and accounting for, Federal funds paid to the applicant under this title;

(6) reasonable reports will be furnished in such form and containing such information as the Commissioner may reasonably require and such records will be kept and access furnished thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) The State educational agency shall not finally disapprove, in whole or in part, any application for funds under this title without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing.

ASSURANCES FROM THE STATE

SEC. 1007. (a) Any State desiring to participate under this Act shall submit through the State educational agency to the Commissioner an application, in such detail and accompanied by such information as the Commissioner deems necessary, which provides satisfactory assurance—

(1) that payments under this title will be used only for programs and activities in neighborhood schools which have been approved by the State educational agency pursuant to section 1006 and which meet the applicable requirements of that section and that such agency will, in all other respects, comply with the provisions of this Act;

(2) that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this title; and

(3) that the State educational agency will make to the Commissioner (A) periodic reports (including the results of objective measurements required by section 6(a)(4) evaluating the effectiveness of payments under this title and of particular programs assisted under it, and (B) such other reports as may be reasonably necessary to enable the Commissioner to perform his duties under this Act (including such reports as he may require to determine the amounts which the local educational agencies of that State are eligible to receive for any fiscal year), and assurance that such agency will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) The Commissioner shall approve an application which meets the requirements specified in subsection (a), and he shall not finally disapprove an application except after reasonable notice and opportunity for a hearing to the State educational agency.

PAYMENTS

SEC. 1008. (a)(1) The Commissioner shall, subject to the provisions of section 9, pay to each State, in advance or otherwise, the amount which that State and the local educational agencies of that State are eligible to receive under this title. Such payment shall take into account the extent, if any, to which any previous payment to such State educational agency under this title (whether or not in the same fiscal year) was greater or less than the amount which should have been paid to that agency.

(2) From the funds paid to it pursuant to paragraph (1), each State educational agency shall distribute to each local educational agency of that State which has submitted an application approved pursuant to section 1006 the amount for which such application has been approved, except that this amount shall not exceed the maximum amount determined for that agency pursuant to section 1004.

(b) The Commissioner is authorized to pay to each State amounts equal to the amounts expended by it for the proper and efficient performance of its duties under this title (including technical assistance for the measurements and evaluations), except that the total of such payments in any fiscal year shall not exceed—

(1) 1 per centum of the total maximum grants for State and local educational agencies of the State as determined for that year; or

(2) $150,000 or $25,000 in the case of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

whichever is the greater.

(c)(1) No payments shall be made under this title for any fiscal year to a State which has taken into consideration payments under this Act in determining the eligibility of any local educational agency in the State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding final year.

ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

SEC. 1009. If the sums appropriated for any fiscal year for making payments provided in this title are not sufficient to pay in full the total amount which all local educational agencies are eligible to receive under this title for such year, allocations shall be made to local agencies on the basis of computations in accordance with section 4(b) as ratably reduced. In case additional funds become available for making payments under this title for that year, such reduced amounts shall be increased on the same basis that they were reduced. In order to permit the most effective use of all appropriations made to carry out this title, the Commissioner may set dates by which (1) State educational agencies must certify him the amounts for which the applications of educational agencies have been or will be approved by the State. If the maximum grant a local educational agency would receive (after any ratable reduction which may have been required under the first sentence of this section) is more than an amount which the State educational agency prescribed by the Commissioner, such Agency will use, the excess amount shall be made available first to educational agencies in that State. Determinations of the educational agencies to which such excess amounts shall be made available shall be made by the State educational agency in furtherance of the purposes of this title in accordance with criteria prescribed by the Commissioner which are designed to assure that such excess amounts will be made available to other eligible educational agencies with the greatest need. In the event excess amounts remain after carrying out the preceding two sentences of this section, such excess amounts shall be distributed among the other States as the Commissioner shall prescribe for use by local educational agencies in such States for the purposes of this Act in such manner as the respective State educational agencies shall prescribe.

WITHHOLDING

SEC. 1010. Whenever the Commissioner, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this title; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision,

the Commission shall notify such recipient of his findings and no further payments may be made to such recipient by the Commissioner until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Commissioner may authorize the continuance of payments with respect to any programs or activities pursuant to this title which are being carried out by such recipient and which are not involved in the noncompliance.

JUDICIAL REVIEW

SEC. 1011. (a) If any State or local educational agency is dissatisfied with the Commissioner's final action with respect to the approval of its application submitted under section 1007, or with his final action under section 1010, such State or local educational agency may within sixty days after notice of such action file with the United States court of appeals for the circuit for which such agency is located a petition for review of that action. A copy of that petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner shall file promptly in the court the record of proceedings on which he based his action, as provided for in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

PROHIBITIONS AND LIMITATIONS

SEC. 1012. (a) Nothing contained in this title shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

(b) Nothing contained in this title shall be construed to authorize the making of any payment under this title for the construction of facilities as a place of worship or religious instruction.

ADMINISTRATION

SEC. 1013. (a) The Commissioner may delegate any of his functions under this title, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the provisions of this title, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

DEFINITIONS

SEC. 1014. As used in this title—

(1) the term "Commissioner" means the Commissioner of Education;

(2) the term "elementary school" means a day or residential school which provides elementary education, as determined under State law;

(3) the term "free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State;

(4) the term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school;

(5) the term "secondary school" means a day or residential school which provides secondary education, as determined under State law;

(6) the term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(7) the term "The State Education Agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law;

(8) the term "minority group" means persons who are Negro, American Indian, Spanish surnamed American, Portuguese, or Oriental; and

(9) the term "Spanish surnamed American" means persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestor.

The PRESIDING OFFICER. How much time does the Senator from Florida yield?

Mr. CHILES. Such time as I need to explain the amendment.

Mr. President, amendment No. 946 would provide an amendment to the substitute to provide for moneys to be given to disadvantaged schools.

Presently, many disadvantaged schools have been closed because that was the simplest remedy that school boards could find, once they got into busing, and where it became necessary, where we had an all-black school. Rather than try to bus any white children into that all-black school, in most instances, the school boards found that it was more expedient to close that school and bus all those children out of that school.

Now that Congress is facing up to the issue of busing and is trying to determine to what extent we are going to have busing, it appears that we are not going to have the amount of busing and the kinds of busing that heretofore was going on. So, we are going to have many neighborhoods that are deprived of schools, and the neighborhoods that are deprived of schools are universally the disadvantaged neighborhoods.

This amendment would attempt to provide that there could be a school in a disadvantaged neighborhood and it could be a prize school. In the old days where we had our separate but supposedly equal system, we had a dual system, but it was not equal. It was never equal, and all the deprived schools certainly were inferior schools. This would provide the impetus and make the funds available to make a prize school.

Again, in the disadvantaged neighborhoods, when we close that school, we not only close the seat of learning; we also close, in many instances, the community center, the only focal place in that neighborhood which was a gathering place and which could be a center. Amendment No. 946 provides that this not only could be used for a superior school but also could provide recreational equipment and other equipment and facilities that would allow this to be a place of pride in the neighborhood.

The amendment provides that in those areas in which 75 percent of the children from the neighborhood are attending the schools and in which the parents of 40 percent of those children earn less than $4,000 a year, the neighborhood would qualify for these extra funds. The extra funds would allow the Federal Government to provide up to 65 percent of the average cost per pupil or of the national or State average cost per pupil, whichever was higher, as an input into those schools, which would provide the impetus; and then through the Commissioner of Education, programs could be designed to require a lower pupil-to-teacher ratio, with vocational technical equipment to be provided, the best teachers could be hired, and more money would be available for the pay of teachers—all of the things that could help disadvantaged pupils and providing a superior facility for the neighborhood in which it would go.

I think, as many of us approach the situation of busing, while many of us feel that mandatory, forced busing is not the answer, quality education is the answer. This would provide a method and a means whereby the disadvantaged pupil could obtain a quality education.

Mr. PELL. Mr. President, I first saw the Senator's amendment on Friday last and have spoken to him about it very briefly. As I understand it, the amendment would establish special funding for schools teaching a large portion of disadvantaged children. Their education is a very real problem all over the country not only in the Senator's own State but in many other States. I congratulate the Senator from Florida for bringing before the Senate this worthwhile concept. However, the problem is part of a larger one, that of elementary and secondary school financing, one which the subcommittee is studying at this time.

Adoption of this amendment without hearings would, I believe, not be wise, especially when one thinks of the amount involved—over $4 billion, I believe, would be authorized. It is for a good purpose, for the education of our children, but I think an amendment containing this large amount of money should be considered by the Senate only after committee hearings. It should not be accepted from the floor. For these reasons, much as I commend the Senator for his initiative, I intend to recommend to my colleagues that they not accept it at this time.

Mr. CHILES. Mr. President, will the Senator from Rhode Island yield?

Mr. PELL. I yield.

Mr. CHILES. I appreciate the Senator's remarks in regard to the effect and the thrust of the amendment. I understand that the pending bill deals with subject matter which is higher education. The distinguished Senator from Rhode Island realizes that while that is the purport of the subject matter of the bill, it has now been opened up considerably beyond the subject of higher education.

Mr. PELL. Yes. I would agree with the Senator. His amendment is absolutely germane to the bill.

Mr. CHILES. We are not dealing expressly with secondary education when we raise the subject matter of busing and transportation. I wonder whether the Senator from Rhode Island would agree with the Senator from Florida that I think it is timely and important that in this bill and in the subject matter we are dealing with on busing, we also express ourselves that we intend to have quality education, that we are not trying to step backwards, and that we should continue to keep our eye on whether we are providing a quality education.

Mr. PELL. That is correct. We had many hearings in committee on the $1,350,000,000 emergency school aid bill, to try to help desegregated schools. Busing now is being considered, which is really extraneous to this subject. The busing amendments I feel, personally, are not germane to the bill, although the Senator's is. But the busing amendments do not involve the expenditure of such a large sum of money as is contained in the Senator's amendment. It is in view of the amount of money involved, that I cannot support the amendment, noble as its objective is.

Mr. CHILES. I appreciate the Senator's comments in regard to a portion of the bill that deals with the emergency funds and the extra funds for desegregation that appears to be the impetus on which we have been trying to federally fund these areas. It is the opinion of the Senator from Florida that in addition to funding for that purpose, it certainly is germane and we certainly should provide funds for the disadvantaged schools. We do not want every child who lives in a disadvantaged neighborhood to have to

be transported or to leave his neighborhood in order to obtain a quality education.

Mr. PELL. May I make myself clear, that the amendment is germane and there is no criticism of it in that regard. I am saying that the reason I could not accept it is that we have not had hearings on it, and the amount of money involved is so large.

I am willing to yield back the remainder of my time.

Mr. CHILES. Mr. President, I think the distinguished junior Senator from South Carolina (Mr. HOLLINGS) desires some time so, Mr. President, at this time, I ask unanimous consent that there be a quorum call with the time to be equally divided between both sides.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CHILES. Mr. President, upon the introduction of my amendment in the form of a bill, I received several communiques, one of which came from the Tampa Black Caucus, which is a steering committee of the black leadership in the city of Tampa, Fla., in which they informed me that the members of the steering committee of the Black Caucus had read about the bill I had introduced calling for direct aid to disadvantaged schools.

The Black Caucus is committed to fighting to achieve excellent schools and excellence in education. They supported this legislation and stated it would help in the situation in Tampa, Fla., in which both of the high schools in the black community had been closed. And they had been working for a long period of time trying to see that those schools were reopened. They wanted them reopened on a quality basis. That would be exactly what could be achieved if legislation such as the amendment I have offered could be agreed to.

Mr. President, I ask unanimous consent that a copy of the letter from the Black Caucus, together with an article entitled "Black Caucus Organized To Fight School Integration Plan," published in the Florida Sentinel-Bulletin on August 3, 1971, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CHILES. Mr. President, the amendment that we are dealing with would provide for moneys to be provided for disadvantaged schools and those schools in which 40 percent of the pupils attending were members of families with an income of $4,000 or less and where 75 percent of the pupils attending the school came from the neighborhood itself. They would be able to get additional funds.

Mr. President, at this time I modify my amendment on page 5, line 1, to strike this figure 65 and insert in lieu thereof the figure 20.

The PRESIDING OFFICER. The amendment is so modified.

Mr. CHILES. Mr. President, if the Senator from Rhode Island would listen at this point, with the modification of the amendment, the funds that would be required for all of these schools subject to receiving additional funds and being in the neighborhood, if all of those funds were used, would be cut to approximately $1.7 billion, rather than approximately $5 billion. A little over $1.5 billion would be required. However, by pumping these funds into the schools, we would provide an impetus whereby we would be saying to the citizens, "We want quality education to be provided in all neighborhoods. We do not want to just close down all ghetto schools and provide that those children must be transported out of their neighborhoods and not be allowed to go to the schools in their neighborhoods."

But we will be saying, "We want to have quality education where every child who comes from a deprived neighborhood or has been in a deprived school in the past can take advantage of it."

We would aid that school, because we would provide funds for the best teachers, the best recreational equipment, and the best kind of things that could possibly be provided for the training necessary to help those children catch up. And they would be able to catch up in the area in which they live without being denied that right and being forced to be transported to other areas.

Mr. President, I reserve the remainder of my time.

EXHIBIT 1

TAMPA BLACK CAUCUS,
Tampa, Fla., September 23, 1971.

HON. LAWTON CHILES,
Federal Office Building,
Lakeland, Fla.

SENATOR CHILES: The members of the Steering Committee of the Tampa Black Caucus (see enclosed information) read in the newspapers recently where you were introducing a bill in the Senate calling for direct federal financial aid to "ghetto" schools.

The Black Caucus is committed to fighting to achieve excellent schools within the Black community. We recognize the need for quality education if our people are going to achieve orderly progress in this society. Such progress, most of us believe, is not taking place at the present time, and will not begin to take place until we gain quality, adequately-financed schools imparting a quality and relevant education to our young people, and to our community as a whole.

We believe that your bill involves an approach which is absolutely necessary if inadequacies in "ghetto" schools are ever going to be corrected. The Tampa Black Caucus strongly supports such a measure as you have proposed, and offer you our active backing in getting one passed.

We look forward to discussing this matter with you further and in person.

Sincerely,

TAMPA BLACK CAUCUS,
OTHA L. FAVORS, Jr.,
Acting Chairman.

Miss Gloria Murphy, Acting Secretary; Moses Mackey, Acting Treasurer; Ernest Spivey, Commander, American Legion Post No. 167; Mrs. Bessie Murphy Spotsford, Sunlight Pallbearers No. 34, 200; Mrs. Emma Warren, Willing Workers Social Club; Miss Josephine Smith, Ricky Thomas, Michael Smith, Miss Brenda Ross, Jesse B. Hudson, Hillsborough Black Students Rights Committee; Billy Felder, Spokesman, Ye Olde Tymers, Middleton High; Mrs. Freddie Jean Cusseaux, Start Together On Progress; Mrs. Eleanor Morris, Sunlight Pallbearers No. 200; Center for a United Black Community, Charles Arline, Paul Barney, Charles Sapp, Mrs. Geraldine Hall, Sylvester, Harris, James Hargrett, Jr.; Steering Committee.

BLACK CAUCUS ORGANIZED TO FIGHT SCHOOL INTEGRATION PLAN

Sunday afternoon at Middleton High School a steering committee was organized from a cross section of the black community organizations to address itself immediately to the problem of school integration. The group unanimously selected as their primary objective the reestablishment of Middleton and Blake as high schools.

This group, in an attempt to cement total community support, met for several hours with Mr. C. Clyde Andrews, pioneer community leader and president of the Florida Sentinel Bulletin. Mr. Andrews pledged total support to the group and its efforts.

This group plans massive, community mobilization efforts to achieve their objective. Protest meetings will be held in various sections of the community in order to gain support for mass demonstrations prior to school board meetings. An audience with the school board will be sought. The committee, in an attempt to solicit the support of 10,000 concerned citizens to demonstrate from the black community, will make every effort to contact all clubs, social organizations, churches, civic and community organizations and interested citizens. The committee is meeting daily in an effort to achieve its goal.

Speakers at the meeting held Sunday were Mrs. Mary Alice Dorsett, representing Task Force For Community Development; Rev. W. F. Tanner, representing the Ministers' Alliance; Connie Tucker, JOMO of St. Petersburg; Atty. James Sanderlin, representing NAACP Legal Defense Fund of St. Petersburg; and Ernest Spivey, American Legion Post 167.

Those meeting with Mr. Andrews Monday morning concerning the effort to stop the closing of Middleton, Blake and other black schools were Rudolph Harris, teacher, Hillsboro County; Mrs. Emma Warren, Willing Workers Social Club; Omali Lumumba, Center For United Black Community; Mr. Spivey, Miss Josephine Smith, Black Students Rights Committee; Mrs. Eleanor Morris, Sunlight Pallbearers No. 200; Mrs. Bessie Mae Murphy and Mrs. Gloria Murphy, Sunlight Pallbearers No. 34; Mrs. Bessie Murphy, representing Sunlight Pallbearers Nos. 34 and 200; Rufus Cromoty, Ye Old Tymers. Other members of the temporary steering committee who were not present at Monday morning meeting are Mrs. Dorsett, Mrs. Freddie Jean Cusseaux, representing Tampa Chapter STOP and Harold Reddick, Tampa Chapter NAACP.

Mr. Andrews in pledging his support expressed strong feelings relative to the concept of integration which always place Black students in a minority, such as the 80 per cent white and 20 per cent black in ALL schools. He feels that this percentage can be reversed in compact black residential areas.

Mr. PELL. Mr. President, I appreciate the good will of the Senator from Florida in reducing the amount to 20 percent. He would reduce the cost to approximately $1.5 billion. However, that is still a good deal of money.

Mr. President, I do not believe we can accept the amendment in this way without study and without hearings. Accordingly, I must continue to say that in my own view we should not accept the amendment at this time.

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

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 minutes.

Mr. DOMINICK. Mr. President, the Senator from Florida has a most interesting idea. There is in the other body another interesting idea proposing that children would get x number of dollars to go anywhere they wanted, to neighborhood schools or schools across town.

I think it is an interesting idea. However, I think there are a lot of problems connected with it. I might say, in order to experiment with this type of renewal program that we were discussing before the Senator was here, in connection with the amendment of the Senator from California (Mr. CRANSTON), this renewal project was designed to proceed with an influx of money together with the technical assistance and training programs to actually improve quality education to minority schools, disadvantaged schools, wherever they may be. I hope they will use some in the rural areas, as well.

It strikes me that we can do that under the renewal concept which they are moving forward with under the programs already in existence.

I would hesitate at this point without hearings and not knowing how the program will come out to say that the answer to the problem, either in terms of busing or quality education, should be necessarily the influx of more money into just the neighborhood school concept.

I think it is a good idea and an interesting idea. However, I think it is too early to do that, if I may say so with all due respect to the Senator from Florida.

Mr. CHILES. Mr. President, I appreciate the remarks of the Senator from Colorado. I wonder if the Senator would yield for a question.

Mr. DOMINICK. I would be happy to yield to the Senator on his time.

Mr. CHILES. We are dealing with the subject of busing in the pending bill. I think it is pretty clear that some legislation in that regard is going to pass in connection with the bill, and there is, therefore, going to be some public policy enunciated by the Congress with regard to that question.

The junior Senator from Florida thinks it extremely important that when we speak to that question of busing and there is some limitation placed on the question of busing that at the same time we speak clearly and that we not go back to the old dual system in which we had separate but not equal schools, but that we speak clearly to the fact that we want quality education for all children regardless of whether they are in a deprived neighborhood or not.

I know of no amendment proposed, other than my amendment, that speaks to this question and that says that we are going to try to provide some funds for the disadvantaged schools.

I would like to have the Senator's views in that regard.

Mr. DOMINICK. Mr. President, I would say to the Senator from Florida that I can understand his concern, a concern that we all share.

I have supported the antimassive busing programs, as did the Senator. I am equally concerned that we make sure we are going forward to provide more quality education for everyone, regardless of whom it may be or where the school may be located.

We have in the higher education bill a provision for the emergency school program which does deal with schools that are under court desegregation orders. It is not as extensive as the pending proposal. However, there is some money provided to try to implement the programs and to try to provide quality education. It does not deal directly with it.

I think the Senator's idea is a good idea. However, I would hesitate to move forward until we have a good deal more experience than we have when dealing with this massive 750-odd page bill. Of course, amendments are also being added to the proposal at this time.

Mr. CHILES. Mr. President, I thank the Senator from Colorado. The junior Senator from Florida thinks that it is in order that the Senate speak to that question at the same time we are putting some limitation on busing—that we do speak clearly, and that we are not trying to step backward. I have voted for some busing amendments because I do not think compulsory busing to have a mathematical ratio is good for education. However, I do not want to speak out of one side of my mouth and say at the same time that I am going to be for a child remaining in his neighborhood area or to require that a child in a deprived area automatically have to leave his neighborhood and get on a bus rather than being placed in a school in a neighborhood where he lives.

For that reason, I think the amendment is a good amendment, and I urge that it be agreed to. I am ready to yield back my time.

Mr. PELL. I am willing to yield back the balance of my time.

Mr. CHILES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

The question is on agreeing to the amendment of the Senator from Florida. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Virginia (Mr. SPONG) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington, (Mr. MAGNUSON), the Senator from North Dakota (Mr. BURDICK), and the Senator from West Virginia (Mr. RANDOLPH) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. DOLE), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Delaware (Mr. BOGGS) and the Senator from Arizona (Mr. FANNIN) are detained on official business.

If present and voting, the Senator from New York (Mr. JAVITS) would vote "nay."

The result was announced—yeas 14, nays 65, as follows:

[Leg. No. 63]

YEAS—14

Baker	Cooper	Mansfield
Bentsen	Fong	McGee
Byrd, W. Va.	Gambrell	McIntyre
Chiles	Griffin	Weicker
Cook	Hollings	

NAYS—65

Aiken	Ervin	Percy
Allen	Goldwater	Proxmire
Allott	Gravel	Ribicoff
Anderson	Gurney	Roth
Bayh	Hansen	Saxbe
Beall	Hart	Schweiker
Bellmon	Hatfield	Scott
Bennett	Hruska	Smith
Bible	Hughes	Sparkman
Brock	Jordan, N.C.	Stafford
Brooke	Jordan, Idaho	Stennis
Buckley	Kennedy	Stevens
Byrd, Va.	Long	Stevenson
Cannon	Metcalf	Symington
Case	Miller	Taft
Cotton	Mondale	Talmadge
Cranston	Montoya	Thurmond
Curtis	Moss	Tower
Dominick	Nelson	Tunney
Eagleton	Pastore	Williams
Eastland	Pearson	Young
Ellender	Pell	

NOT VOTING—21

Boggs	Hartke	McClellan
Burdick	Humphrey	McGovern
Church	Inouye	Mundt
Dole	Jackson	Muskie
Fannin	Javits	Packwood
Fulbright	Magnuson	Randolph
Harris	Mathias	Spong

So Mr. CHILES' amendment (No. 946) was rejected.

Mr. MONDALE. Mr. President, I would like to engage in a colloquy with Senator PELL, chairman of the Education Subcommittee and floor leader on the higher education bill for the purpose of establishing some legislative history with respect to the provisions in S. 659 concerning the establishment of a National Foundation for Higher Education.

My inquiries concern the recommendations contained in the recent report of the American Association of State Colleges and Universities task force on innovations in higher education.

Generally, I would like to ask the distinguished junior Senator from Rhode Island whether the proposals contained in this task force report are consistent with the purposes of the national foundation as created in S. 659 and permissible under the provisions of this legislation.

Mr. PELL. Yes; the Senator is correct.

Mr. MONDALE. Then as I understand the chairman, it is possible under this legislation, and consistent with the intent of our bill, that regional advisory boards could be established; that emphasis on the administration of this program could be placed on institutional accountability; that funding could go through the president of the institution in addition to funding through a department, professor, or other subunit; and that block-type grants for creative institutional innovations and change would be authorized.

Mr. PELL. The Senator is correct. I would emphasize however, that the bill does not require that all funding go through the president of an institution. Clearly, funding of this nature is authorized and intended but not in an exclusive sense. The intent is to permit the foundation to fund in a variety of fashions: To presidents of institutions; to subunits; to professors, and indeed, to recipients which may not be part of a university or college.

Mr. MONDALE. Mr. President, I would like to thank the chairman for engaging in this colloquy to help clarify the intent of the Senate with respect to the National Foundation for Higher Education. I ask unanimous consent that a copy of a letter which I requested from Secretary Richardson be included at this point.

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

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 28, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: Thank you for your letter of February 1 regarding the position paper on the National Foundation prepared by Chancellor Mitau and President Spenser for the American Association of State Colleges and Universities.

Chancellor Mitau discussed with me several months ago his plans for establishing Minnesota Metropolitan State College. I thought his conception of this new institution was extraordinarily exciting. Having met him and learned what he has done, I can't think of anyone better qualified to address the issue of how the proposed National Foundation can best encourage reform and innovation in post-secondary education.

The statement of the need for and purpose of the National Foundation which is contained in the Mitau report is about the best I have read. It conforms precisely to our view that venturesome educators need a new source of risk capital, and that neither present programs nor institutional aid nor the National Institute of Education can be this source. We agree that Federal project grants for innovation, administered through a foundation-type organization, are an indispensable part of a balanced Federal role in higher education for the 1970's.

As to the specific recommendations of the report which you cited in your letter, they are all generally compatible with our view of the structure and operations of the Foundation. I am reluctant to endorse specifics at this point because I believe that the Director and the Board should have ample opportunity to consult with the Department on the modes and procedures which seem most appropriate to them. But I am pleased to state some of our current thinking pertaining to the recommendations:

Regional advisory boards. We are very concerned that the Foundation be open and responsive to all—not simply the powerful and prestigious. Regionalization of some of the Foundation's advisory functions strikes me as a very appropriate and desirable way to achieve both open access and the advantages of local contracts and local knowledge. We could establish either the precise structure recommended, or some variation of it, within the framework of the present Senate bill. I will propose to the new Director and Board that we do so.

Institutional accountability in place of Federal guidelines. This concept of how Federal controls should be exercised conforms very much to our view that the Foundation should be a responsive institution, which awards funds on the basis of the quality of ideas presented rather than pre-conceived notions of what should be done. Thus, we are planning for a mode of operation in which the Foundation Director and staff will be working within an evolving framework of priorities established by the Board and the Department rather than within the confines of narrow categorical programs. The review procedures for specific proposals, of course, will vary with the size and nature of the request. At one extreme, there might be a "small grant window" where funds would be available with an absolute minimum of review and delay. At the other extreme, a proposal for a new technologically based system for delivering educational programs might well be extensively reviewed by one or several ad hoc working teams of carefully-selected advisers.

Funds to the institution—not to the Department, Program, or professor. We, too, believe that Federal research grants to individual faculty members have weakened the cohesion of universities and frequently distorted the balance between teaching and learning. We presume that the autonomy, independence, and cohesion of institutions will be something which the Foundation Board will wish not only to protect but to encourage. However, rather than flatly ruling out grants to deans, faculty members, or students, I believe that the Board and Director would be better advised to be guided by the statement on page seven of the report that decisionmaking on campus should be a shared process. It seems to me that the Foundation could devise review procedures for proposals which would fully protect institution-wide perspectives while simultaneously offering encouragement and support to all those engaged in teaching and learning. I should also point out that the Foundation will be open to organizations beyond the campus—testing and accrediting organizations, State planning agencies, groups wishing to establish new services, etc.

Block-type grants. We are confident that the Foundation will make block-type grants in response to innovation proposals made by institutions through the office of the president. As stated earlier, however, we do not intend that this be the only function of the Foundation nor the only type of grant which will be made.

I welcome your attention to the Foundation, and hope that this response provides the kind of indication of the Department's posture which you had in mind. Please convey to Chancellor Mitau our considerable appreciation for his contribution.

With kindest regards,

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

Mr. MONDALE. Mr. President, permit me at this point to add my appreciation for the creative leadership and patience that the distinguished junior Senator from Rhode Island has provided through the long and controversial consideration of this legislation before us. As a member of the Education Subcommittee who has worked closely with him on all aspects of this bill, I would like to commend him for the way in which he has managed this measure. This is truly a landmark piece of legislation and I think all of us interested in education are grateful to Senator Pell.

VETERANS COST OF INSTRUCTION PAYMENTS: INCENTIVES TO PROMOTE GREATER GI BILL PARTICIPATION—PARTICULARLY BY DISADVANTAGED VETERANS

Mr. CRANSTON. Mr. President, in behalf of myself, the Senator from New Jersey (Mr. WILLIAMS), the Senator from West Virginia (Mr. RANDOLPH), the Senators from Minnesota (Mr. HUMPHREY and Mr. MONDALE), and the Senator from Montana (Mr. METCALF), I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be waived. I have discussed it with the distinguished ranking minority member of the Education Subcommittee (Mr. DOMINICK), and there is no objection.

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

Mr. CRANSTON's amendment is as follows:

On page 489, strike out the close quote and the last period on line 10, and insert after line 10 of the following:

"VETERANS' COST-OF-INSTRUCTION PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION

"SEC. 420. (a) (1) During the period beginning July 1, 1972 and ending June 30, 1975,

each institution of higher education shall be entitled to a payment under, and in accordance with, this section during any fiscal year, if the number of persons who are veterans receiving vocational rehabilitation under chapter 31 of title 38, United States Code, or veterans receiving educational assistance under chapter 34 of such title, and who are in attendance as undergraduate students at such institutions during any academic year, equals at last 110 per centum of the number of such recipients who were in attendance at such institutions during the preceding academic year.

"(2) During the period specified in paragraph (1), each institution which has qualified for a payment under this section for any year shall be entitled during the succeeding year, notwithstanding paragraph (1), to a payment under and in accordance with this section, if the number of persons referred to in such paragraph (1) equals at least 105 per centum of the number of such persons who were in attendance at such institutions during the preceding academic year. Each institution which is entitled to a payment for any fiscal year by reason of the preceding sentence shall be deemed, for the purposes of any such year succeeding the year for which it is so entitled, to have been entitled to a payment under paragraph (1) during the preceding fiscal year.

"(b)(1) The amount of the payment to which any institution shall be entitled under this section for any fiscal year shall be—

"(A) $300 for each person who is a veteran receiving vocational rehabilitation under chapter 31 of title 38, United States Code, or a veteran receiving educational assistance under chapter 34 of such title 38, and who is in attendance at such institution as an undergraduate student during such year; and

"(B) in addition, $150, except in the case of persons on behalf of whom the institution has received a payment in excess of $150 under section 419, for each person who has been the recipient of educational assistance under subchapter V or subchapter VI of chapter 34 of such title 38, and who is in attendance at such institution as an undergraduate student during such year.

"(2) In any case where a person on behalf of whom a payment is made under this section attends an institution on less than a full-time basis, the amount of the payment on behalf of that person shall be reduced in proportion to the degree to which that person is not attending on a full-time basis.

"(c)(1) An institution of higher education shall be eligible to receive the payments to which it is entitled under this section only if it makes application therefor to the Commissioner. An application under this section shall be submited at such time or times, in such manner, in such form, and containing such information as the Commissioner determines necessary to carry out his functions under this title, and shall—

"(A) meet the requirements set forth in clauses (A) and (B) of section 419;

"(B) set forth such plans, policies, assurances, and procedures as will insure that the applicant will make an adequate effort—

"(i) to maintain a full-time office of veterans' affairs which has responsibility for veterans' outreach, recruitment, and special education programs, including the provision of educational, vocational, and personal counseling for veterans,

"(ii) to carry out programs designed to prepare educationally disadvantaged veterans for postsecondary education (I) under subchapter V of chapter 34 of title 38, United States Code, and (II) in the case of any institution located near a military installation, under subchapter VI of such chapter 34,

"(iii) to carry out active outreach, recruiting, and counseling activities through the use of funds available under federally assisted work-study programs, and

"(iv) to carry out an active tutorial assistance program (including dissemination of information regarding such program) in order to make maximum use of the benefits available under section 1692 of such title 38.

The adequacy of efforts to meet the requirements of clause (B) in the preceding sentence shall be determined by the Commissioner in accordance with criteria established in regulations by the Commissioner after consultation with the Administrator of Veterans' Affairs.

"(2) The Commissioner shall not approve an application under this subsection unless he determines that the applicant will implement the requirements of clause (B) of paragraph (1) within the first academic year during which it receives a payment under this section.

"(d)(1) The Commissioner shall pay to each institution of higher education which has had an application approved under subsection (c) the amount to which it is entitled under this section. Payments under this subsection shall be made in not less than three installments during each academic year and shall be based on the actual number of persons on behalf of whom such payments are made in attendance at the institution at the time of the payment.

"(2) If, during any period of any fiscal year, the appropriations for making payments pursuant to this subsection are insufficient to pay the amounts to which all institutions are entitled at that time, the funds of the National Service Life Insurance Fund, created and continued under section 720 of title 38, United States Code, shall be available to make such payments. The Administrator of Veterans' Affairs and the Secretary of the Treasury shall transfer to the Commissioner from such Fund such funds as may be necessary to satisfy the entitlements which are created by this section and which are unsatisfied by appropriations for such purpose. The Commissioner shall guarantee repayment of any funds transferred to him under the preceding sentence. Such repayment shall be deposited in the National Service Life Insurance Fund, subject to the same terms and conditions as premiums deposited in the Fund. In order to enable the Commissioner to discharge his responsibilities under any guarantees issued by him under this paragraph, he shall issue to the Secretary of the Treasury notes or other obligations which shall not bear interest. The Secretary of the Treasury is authorized and directed to purchase any notes or other obligations issued under the preceding sentence.

Mr. CRANSTON. Mr. President, the amendment I offer today, with my distinguished colleagues, to S. 659, the Higher Education Amendments of 1972, would provide for cost-of-instruction grants to institutions of higher education on the basis of the number of veterans receiving GI bill educational assistance or vocational rehabilitation who are enrolled at each recipient institution. This amendment would include veterans among the "federally assisted" students whose education is encouraged by "following" Federal institutional aid which would be provided under the pending committee bill. This amendment recognizes the special readjustment problems of Vietnam era veterans—particularly the large numbers of disadvantaged veterans—and seeks to make GI bill assistance available, for far more veterans as an effective instrument of readjustment assistance.

It is distressingly clear that to date the GI bill has fallen far short of meeting the educational needs of the approximately 4 million Vietnam era veterans now in the United States. Large numbers of these veterans have suffered from a vicious cycle of disadvantagement. Unlike middle- and upper-class men, with relatively ready access to college and, until recently, deferment from the draft, the least educated men have been the most likely to enter the Armed Forces, to go into combat, and—if they return—to have the most difficulty in continuing their education and training or finding other than menial jobs.

Yet, despite a recent increase in the overall participation rate under the GI bill, the utilization of benefits has been in shockingly inverse proportion to the degree of individual need for readjustment assistance. Almost 30 percent of all Vietnam era veterans have a high school diploma or less upon discharge. However, as of February 1971, a mere 13.4 percent of the veterans with only preservice high school were enrolled in college. In contrast, 48.8 percent of those veterans with 1 to 3 years of college prior to service were reenrolled in college.

Studies by the American Association of Junior Colleges, which has played such a key role in aiding the readjustment of returning servicemen, indicate that as many as 50 percent of Vietnam era veterans require further education or training to compete realistically in the employment market. And yet, those veterans who face the least readjustment problems, those who have had preservice college, are more than three times as likely to continue their training under the GI bill than are veterans who are only high school graduates, and more than four times as likely to do so than veteran high school drop-outs.

The social and individual cost of these numbers are clearly reflected in the distressing unemployment statistics of Vietnam era veterans. The Bureau of Labor Statistics—whose figures often seem to represent a minimum rather than a maximum—estimates the unemployment rate for all veterans aged 20 to 29 at 10.1 percent, as of January 1972. This figure is significantly higher for the most recently returned veterans.

The Veterans' Administration recently contracted Louis Harris to examine the current plight of the Vietnam era veteran. The result, "A Study of the Problems Facing the Vietnam Era Veterans on Their Readjustment to Civilian Life," places this unemployment situation in a considerably more distressing light. This survey found that the total unemployment rate of Vietnam era veterans is at least 15 percent, and runs as high as 31 percent for veterans without a high school diploma. In cities such as New York, 40 percent might well be a more accurate figure.

Mr. President, who can doubt that this unemployment rate, whatever the exact figures may be, is reflected in the crime and drug abuse statistics which have had such an impact on our everyday life.

In light of the failure of the GI bill to meet the needs of very large numbers of Vietnam era veterans, I worked in 1969 and 1970 with many Members of the House and Senate, including my distinguished colleague in the House, the Honorable OLIN TEAGUE, for passage of Public Law 91–219, a bill which was accepted unanimously by both Houses and signed by the President on March 26, 1970.

Public Law 91–219 raised the level of GI bill benefits by about 35 percent, although not as high as I and many of my colleagues thought necessary. The law also created several new programs which I authored to help the majority of Vietnam veterans who are either high school dropouts or who are disadvantaged and lack the educational and job skills necessary for their advancement after their return to civilian life. Let me review several of the parts of this law:

1. PREP

Sections 1695–1697 added by the law to title 38, United States Code, were intended to help men still in the service, by enabling them to complete their high school education or to undertake deficiency, remedial, refresher, or preparatory work in order to continue their education. We conceived PREP, the "predischarge education program," as a way to help tens of thousands, perhaps hundreds of thousands of young servicemen to continue their education while they still have time, while in service, and to begin planning for their futures.

2. REMEDIAL REFRESHER COURSES

Section 1691 added by the law was an amendment to the previous law, to permit veterans to complete high school—or grammar school—and to take necessary refresher, deficiency or preparatory courses needed to prepare for a post-secondary program. They receive their GI educational assistance allowances while enrolled in such programs, but these allowances are not charged against their GI bill entitlement. Thus, after completing this secondary level or remedial work, these veterans still have a full 36 months of GI benefits to draw upon.

3. TUTORIAL ASSISTANCE

Section 1692 added by the law was intended to help veterans enrolled in college but having academic difficulties, by permitting them to draw up to $50 a month for up to 9 months for individualized tutorial assistance in their courses.

4. A MUCH GREATER EMPHASIS ON VETERANS OUTREACH

A new subchapter IV was added to chapter 3 of title 38 to insure that the Veterans' Administration would expand and improve its programs for veterans outreach, so that all returning servicemen, and especially the disadvantaged, would be fully informed of all benefits available to them. The last sentence of section 240(a) added by the law is particularly pertinent:

The Congress further declares that the outreach services authorized by this subchapter is for the purpose of charging the Veterans Administration with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such services.

Mr. President, I very much regret to report that 2 years after the President signed Public Law 21–219, the potential of these programs to answer at least partially the needs of our economically and educationally disadvantaged servicemen and veterans has been grossly underutilized.

On the one hand, as I pointed out in my floor statement of June 17, 1971, these programs have struggled along in the context of lethargy, delay, and foot-dragging by both the Veterans' Administration and the Department of Defense. I plan shortly to introduce amendments which will help to make PREP a more workable program.

I will continue to urge the Department of Defense in particular, as well as the VA and other Federal agencies, to make a greater effort to implement these programs which have been law for almost 2 years now.

On the other hand, institutions of higher learning have had neither the resources nor the incentive to actively recruit veterans, particularly those who are ill prepared to make the transition from the service to an academic setting. Unlike other Federal educational assistance programs, the GI bill pays the veteran recipient student directly and has been intended primarily as a subsistence allowance for the veteran while he is attending school.

In the absence of direct Federal institutional aid for veterans programs, colleges and universities have paid insufficient attention to the particular educational needs and frequent educational deficiencies of the Vietnam veteran.

Indeed, this situation has been aggravated by a pattern of Veterans' Administration redtape and delay in the payment of educational assistance benefits, which has frequently made veterans tardy in the payment of tuition and thus a somewhat unwelcome administrative problem for the institution. S. 740 which I introduced a year ago and which passed the Senate 18 months ago as S. 3657, would deal with this deficiency, if enacted, by providing for advance payment of GI bill benefits.

Often hindered by a lack of publicity about new programs and by the complex and restrictive regulations of the Veterans' Administration and the Department of Defense, colleges and universities have been slow in establishing programs such as those provided for in sections 1691, 1692, and 1695–1697 added to title 38 of the United States Code by Public Law 21–219.

Mr. President, the latest available figures illustrate the small number of men to whom these programs have been made available. As of June 30, 1971—the latest available figures—only 8,468 veterans were enrolled in the refresher, remedial, or other special educational assistance courses provided for by section 1691. To that date, only 51,215 veterans had received training under this section. I have requested updated figures from the Veterans' Administration but have not yet received them.

The underutilization of the PREP program has been even more pronounced and gravely disturbing to me. As of June 30, only 5,841 servicemen had been trained under that program. At that particular time a total of only 294 servicemen were receiving PREP training.

Mr. President, the same underutilization is characteristic of the tutorial assistance program which new section 1692 established. As of the last quarter of 1971, I understand of approximately 648,000 November 1971 GI college trainees that only 2,208 veterans were being paid benefits under this program. This figure includes three veterans receiving VA tutorial assistance in Rhode Island, 10 in Washington, D.C., 12 in Connecticut, 24 in all of New York State, 275 in all of California, and so on. Nationally, this is a participation rate of three-tenths of 1 percent.

The amendment I am submitting today seeks to provide institutions of higher education with the motivation and the money to recruit and to prepare veterans for post-discharge education, and to realize more fully the potential of existing programs which have been established, funded, and intended by Congress to facilitate this readjustment process.

This amendment does not simply create entitlement for colleges and universities for veterans already enrolled. It would require a continuing commitment by recipient institutions both to increase the enrollment of veterans and to establish programs suited to their immediate educational needs, programs which were enacted into law 2 years ago next month.

Under my amendment, each institution of higher education would be entitled to a Federal grant during each of fiscal years from July 1, 1972 to June 30, 1975, only if the number of undergraduate veterans who are receiving assistance under chapter 34 or 31 of title 38 and are enrolled during the first counting year exceeds the number of veterans thus enrolled during the preceding year by 10 percent. In other words, a school with 1,000 GI trainees enrolled in the school year 1971–72 would have to increase this enrollment to 1,100 during the school year 1972–73.

Any institution which has qualified for this Federal assistance entitlement for any year during the cited period would be entitled to continue to receive this aid during subsequent years, provided that the number of such veterans enrolled in that institution increased by at least 5 percent each year over the prior year's veterans enrollment.

In addition to the above criteria, this amendment conditions the entitlement to Federal institutional assistance on each applicant institution satisfying the Commissioner of Education that it has made an adequate effort—determined in accordance with its enrollment and resources—in the following areas:

First, to establish and maintain a full-time office of Veterans' Affairs, with responsibility for veterans outreach, recruitment, and special educational programs and counseling;

Second, to establish a program for post-secondary education for educationally disadvantaged veterans under subchapter V of chapter 34 of title 38, and, in the case of any institution located near a military installation, to establish a PREP program under subchapter VI of chapter 34;

Third, to carry out active outreach, recruiting, and counseling activities with funds available under federally assisted work-study programs;

Fourth, to maintain an active tutorial assistance program under section 1692 of title 38. For the second and fourth area, Federal moneys are already fully available as GI bill entitlements. For the third area, Federal work-study funds would be supplemented by the veterans work-study program proposed in my bill, S. 740. And, for the first area it would be expected that schools would use a significant part of their veterans' cost-of-instruction payments to set up and run active veterans' affairs offices.

Each applicant institution that met all these requirements in the amendment would be entitled to a Federal grant of $300 for each enrolled veteran who is receiving benefits under chapter 31 or 34 of title 38, United States Code, and, generally, to an additional grant of $150 for each veteran receiving educational assistance under either subchapter V or subchapter VI of chapter 34. This $150 would not be paid in the case of a veteran on behalf of whom the institution has already received a payment under section 419 of these amendments in excess of $150.

Mr. President, assuming that the anticipated number of veterans receiving chapter 31 and chapter 34 benefits during fiscal year 1972–73 are all enrolled at institutions of higher learning which meet the criteria of entitlement established by this amendment, the approximate cost of the Federal grants provided for by this amendment would be as follows: California institutions of higher learning would receive roughly $41,147,865; the national figure would be about $183,184,100. These estimates are derived by multiplying the number of GI bill and vocational rehabilitation college level trainees as of November 1971—647,515—plus 14,780 chapter 31 college level trainees as of April 1971—by 110 percent and again multiplying by $300 for 70 percent estimated full-time trainees and $150 for 30 percent estimated part-time trainees; for nationwide figures; and 143,218—plus 3,269 estimated chapter 31 college trainees—for California figures.

We, as a nation, are committed to equality of opportunity for all our citizens. Today, the opportunity for a college education is an essential aspect of this equality of opportunity. It is my hope that through the adoption of this amendment, the Higher Education Amendments of 1972 will make a higher education a realistic possibility for all Vietnam era and post-Korean conflict veterans, rather than the false hope that it has been to so many of these men.

In line with this goal, I was pleased to join Senator HARTKE, the distinguished chairman of the Veterans' Affairs Committee, in introducing S. 2161 during the last session. This proposed legislation provided for an increase of 27 percent in the basic rate of educational assistance payments to veterans under the GI bill and an increase of about 40 to 50 percent in the amount by which those payments are increased for dependents.

As welcome an improvement as were the GI bill increases provided for by Public Law 21–219 2 years ago over the previous, totally unrealistic rate schedule, I remain convinced that the level of GI bill benefits continues to be inadequate. Despite this rate increase of 2 years ago, the cost of a higher education continues to be prohibitive for great numbers of veterans, particularly the disadvantaged, many of whom must support a family while going to school.

I believe that the incentives which this amendment, if enacted, would provide for institutions of higher education to recruit and train veterans underlines the importance that these men receive a level of assistance which will allow them to take full advantage of available educational opportunities. I plan to continue to work closely during this session with Senator HARTKE in the Veterans' Affairs Committee to enact a very substantial increase—considerably above those increases proposed in S. 2161, which was prepared a full year ago—to make GI bill assistance generally comparable to the level of assistance provided under the World War II GI bill program.

The cost of a college education must cease to be the insurmountable obstacle that it is to so many Vietnam era veterans today. The amendment I am proposing coupled with a major GI bill assistance increase in the next few months, should remove that obstacle.

Mr. President, I ask unanimous consent that a section-by-section analysis of the amendment be set forth in the RECORD at this point.

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

ANALYSIS OF THE AMENDMENT TO PROVIDE FOR VETERAN'S COST-OF-INSTRUCTION PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION

This amendment adds a new section 420 to subpart 5 of title IV–A of the Higher Education Act of 1965, as proposed in the Committee amendment, to create entitlements for institutions of higher education at which certain recipients of veterans' benefits under title 38 of the United States Code are in attendance. Such subpart 5, in the Committee amendment, entitles institutions of higher education to cost-of-instruction allowances on the basis of the number of Basic Grant recipients, under subpart 1 of such title IV–A, who are in attendance at such institutions.

The new section 420 contains four subsections: subsection (a) creates the entitlements in institutions of higher education; subsection (b) controls the amount of the payments to which such institutions are entitled; subsection (c) sets forth the manner in which such institutions may become eligible for the payments to which they are entitled; and subsection (d) provides for making payments to institutions which have established their eligibility.

Subsection (a) of new section 420, which creates entitlements, contains two paragraphs: paragraph (1) controls the first year during which an institution receives payments under section 420, while paragraph (2) controls subsequent years during which an institution receives such payments.

Paragraph (1) of subsection (a) creates in institutions of higher education entitlements on the basis of the number of persons in attendance at such institutions who are recipients of veterans' benefits under chapters 31 (vocational rehabilitation) or 34 (educational assistance) of title 38, United States Code. The period during which such annual entitlements are created begins July 1, 1972 and ends June 30, 1975. Each institution of higher education shall be entitled to a payment under section 420 during any fiscal year, if the number of persons who are veterans receiving benefits under chapters 31 or 34 of title 38, United States Code, and who are in attendance at such institution as undergraduate students during any academic year, equals at least 110 percent of the number of such persons during the preceding academic year. In order to be qualified to be counted for computing eligibility for entitlements under paragraph (1), a veteran must be (a) receiving vocational rehabilitation under chapter 31 of title 38, United States Code, or (b) receiving educational assistance under chapter 34 of such title 38.

Paragraph (2) of subsection (a) relates to institutions of higher education which have qualified for and received payments under section 420 during the preceding year. The first sentence of such paragraph (2) provides that, prior to July 1, 1975, in the case of any institution which has qualified for, and received, a payment on the basis of an entitlement created under paragraph (1) of section 420(a), that institution shall be entitled, during succeeding fiscal years, to a payment if the number of persons receiving veterans' benefits in attendance at the institution during any academic year equals at least 105 percent of the number of such persons during the preceding year.

The second sentence of paragraph (2) of section 420(a) provides that once an institution has qualified for a payment by reason of paragraph (2), it may continue to qualify under such paragraph so long as it continuously maintains eligibility under that paragraph—that is, 5 per cent above the previous year. If during any year an institution has qualified under paragraph (2), and then during any subsequent year it fails to do so, it must, if it wishes to receive payments under section 420, reestablish its qualifications under paragraph (1) of section 420(a)—that is, a 10 per cent increase.

Subsection (b) sets the amount of payments to which institutions are entitled for any fiscal year. An institution of higher education which has qualified for a payment on the basis of subsection (a) of section 420, and which has submitted an approvable application under subsection (c), is eligible for a payment computed under subsection (b).

Paragraph (1) of new section 420(b) provides that an institution of higher education shall be entitled to a payment for any fiscal year in an amount equal to the amount determined under clause (A) of such paragraph, plus the amount determined under clause (B) of such paragraph.

Clause (A) of paragraph (1) provides that each institution shall be paid $300 for each person who—

(1) is in attendance at such institution as an undergraduate student; and

(2) is a veteran receiving vocational rehabilitation under chapter 31 of title 38, United States Code, or a veteran receiving educational assistance under chapter 34 of such title 38.

Clause (B) of such paragraph (1) provides that, except in the case of persons on behalf of whom the institution has received a payment in excess of $150 under section 419, each institution shall be paid $150 for each person who—

(1) is in attendance at such institution as an undergraduate student; and

(2) has been the recipient of educational assistance under subchapter V or VI of chapter 34 of such title 38.

Paragraph (2) of new section 420(b) relates to students counted under paragraph (1) who are not in full-time attendance at

institutions of higher education. Such paragraph (2) provides that in any case where a person on behalf of whom a payment is made under new section 420 attends an institution on less than a full-time basis, the amount of the payment on behalf of that student shall be reduced in proportion to the degree to which that person is not attending on a full-time basis.

Subsection (c) of new section 420 describes the method by which institutions become eligible for the payments to which they are entitled. The first sentence of such subsection (c) requires that an institution, in order to be eligible for the payment to which it is entitled under new section 420, must make application for such payment to the Commissioner.

The second sentence sets forth the procedure by which institutions are to make application for their entitlements. An application under section 420 shall be submitted at such time or times, in such manner, in such form, and containing such information as the Commissioner determines necessary to carry out his functions under title IV. In addition, the application is specifically directed to:

(1) meet the requirements set forth in clauses (A) and (B) of section 419;

(2) set forth such plans, policies, assurances, and procedures as will insure that the applicant will make an adequate effort—

(A) to maintain a full-time office of veterans' affairs which has responsibility for veterans' outreach, recruitment, and special education programs, including the provision of educational, vocational, and personal counseling for veterans,

(B) to carry out programs designed to prepare educationally disadvantaged veterans for postsecondary education (i) under subchapter V (pre-college preparatory and elementary and secondary training) of chapter 34 of title 38, United States Code, and (ii) in the case of any institution located near a military installation, under subchapter VI (PREP) of such chapter 34,

(C) to carry out active outreach, recruiting, and counseling activities through the use of funds available under federally assisted work-study programs, and

(D) to carry out an active tutorial assistance program (including full dissemination of information regarding such program) in order to make maximum use of the benefits available under section 1692 of such title 38.

The third sentence of such subsection (c) of new section 420 is concerned with responsibility for judgment of the adequacy of efforts to meet the requirements of clause 2 above, which relates to maintenance of effort of certain specified activities. The adequacy of such efforts is to be determined by the Commissioner, in accordance with criteria established in regulations by the Commissioner after consultation with the Administrator of Veterans' Affairs. Such regulations would take into account variations in schools' total enrollments and available resources.

Subsection (d) of new section 420 provides the method for making payments to institutions of higher education.

Paragraph (1) of such subsection (d) provides that the Commissioner shall pay to each institution of higher education which has had an application approved under subsection (c) the amount to which it is entitled under section 420. Payments under such subsection (d) must be made in installments. There must be at least three such installments during each academic year, and the amount paid in each installment must be based on the actual number of persons on behalf of whom the payment is made who are in actual attendance at the institution at the time of the payment.

Paragraph (2) of such subsection (d) makes provision for making payments when appropriations are not available for making necessary payments.

The first sentence of such paragraph (2) of new section 420(d) provides that if, during any time during any fiscal year, the funds available for making payments under subsection (d) are insufficient to make payments sufficient to satisfy all entitlements under new section 420, the funds of the National Service Life Insurance Fund, created and continued under section 720 of title 38, United States Code, shall be used to make such payments. The Administrator of Veterans' Affairs and the Secretary of the Treasury are directed, by the second sentence of such paragraph (2), to transfer to the Commissioner from that Fund such funds as may be necessary to satisfy all unsatisfied entitlements under new section 420.

The third sentence of such paragraph (2) of new section 420(d) requires the Commissioner to guarantee repayment of any funds transferred to him under the second sentence of such paragraph. Such repayments shall be deposited in the National Service Life Insurance Fund, which repayments shall be subject to the same terms and conditions as premiums deposited in that Fund.

The fourth sentence of such paragraph (2) relates to the manner in which the Commissioner guarantees repayments to the National Service Life Insurance Fund. In order to enable the Commissioner to guarantee such repayments, he must, when necessary, issue to the Secretary of the Treasury such notes or other obligations as may be necessary. Such notes and obligations shall not bear interest. Under the fifth sentence of such paragraph (2), the Secretary of the Treasury is authorized and directed to purchase any notes or other obligations issued by the Commissioner under the fourth sentence of such paragraph (2).

Mr. PELL. Mr. President, I think the amendment of the Senator from California is meritorious. It tries to make sure that those veterans who go to institutions of higher education have the same attractions going with them as do youngsters who will receive the basic educational opportunity grant—a cost of education allowance.

I should like to put one question to the Senator from California, and that is to the funding of this amendment. As I understand it, it would take more money, but that money would come out of the Veterans' Administration funds. Is that correct?

Mr. CRANSTON. Yes, initially.

Mr. PELL. In view of that, and in view of the fact that it really carries even further the intent of the Higher Education Act as we suggest it be amended in making sure that an added incentive is attached to youngsters who have been receiving Federal assistance. I recommend to Senators that the amendment be adopted.

Mr. BEALL. The ranking minority Member is absent, but he has asked me to express his agreement with this amendment. There is unanimity in the desire that we make sure that returning veterans are given the same opportunity—and perhaps better opportunity—than other youngsters in our society.

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

Mr. CRANSTON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. MONDALE. Mr. President, last Friday, by a vote of 43 to 40, the Senate temporarily adopted the so-called Griffin amendment.

First, the Griffin amendment is a blatantly unconstitutional attempt to prevent enforcement of the U.S. Constitution by U.S. courts. In the face of express rulings by a unanimous U.S. Supreme Court, the amendment tries to prohibit Federal courts from requiring any transportation as a device for achieving school desegregation. Even its principal sponsor has been reported as admitting that his amendment may be unconstitutional.

Congress cannot repeal the 14th amendment by statute. But we can cause confusion and uncertainty in 565 school districts desegregating under Federal court order. We can create still another round of angry litigation—which may drag on for years. And so we can do permanent damage to the lives of 8½ million children attending those school districts.

In addition, the amendment provides all the excuse that is needed for the Justice Department to stop trying any school desegregation cases at all.

Second, the Griffin amendment would work the effective repeal of title VI of the Civil Rights Act of 1964 by imposing similar limitations on administration of that law—in effect withdrawing the executive branch of the Federal Government from the effort to end officially imposed segregation in public schools.

Under title VI plan 2.4 million children are attending 880 school districts. Adoption of the Griffin amendment would be an open invitation for their school systems to return to segregation. Confusion and bitter feeling will erupt. And for these children, next fall may be a living hell.

And third, the Griffin amendment makes a bitter mockery of the Emergency School Aid Act, contained in the pending bill, and designed to assure that school integration moves forward in a sensible and educationally beneficial manner.

While the act would create a national policy in support of stable, quality integration, the Griffin amendment would establish a national policy of support for segregation.

While the act would move forward to help make desegregation under law educationally successful, and to encourage voluntary integration, the Griffin amendment seeks not only to halt law enforcement in its tracks, but also to roll back much desegregation which has already been accomplished.

Mr. President, the Griffin amendment not only attempts to freeze any further efforts by courts or Federal agencies to eliminate officially sponsored segregation—but it would be a plain signal for 1,500 school districts under court order and title VI plan, serving 11 million children, to undo all that has been accomplished to date.

Federal courts—and Federal agencies, which apply the standards developed by Federal courts—do not require school desegregation out of any abstract desire to improve human brotherhood, or even education. They act on the basis of hard evidence that black and other minority group children have been intentionally segregated from the remainder of the school population on the basis of race or national origin.

In the South, this was accomplished by State law—and by a decade and a half of so-called desegregation plans which accomplished desegregation for only 14 percent of black children, before the Supreme Court acted in 1968 to provide a new and tougher set of rules.

In many northern communities, segregated schools have been established by subtler but no less effective means.

In South Holland, Ill., for example, a U.S. district court found public agencies deeply involved in fostering school segregation.

Schools were located in the center rather than at the boundaries of segregated residential areas in order to achieve school segregation.

School assignment policies were adopted under which black children living nearer to white schools attended black schools, and white children living nearer to black schools attended white schools.

School buses were used to transport students out of their "neighborhoods" in order to achieve segregation.

Teachers were assigned on a racial basis.

And in Pasadena, Calif., a Federal district court found:

School zone boundaries were gerrymandered to concentrate black students in particular schools and whites in others—and transportation was provided to permit white students to avoid integration.

The size of schools was regulated to assure that integration would not take place—and portable classrooms were located at black elementary schools to prevent assignment of students to adjoining white schools.

Transfers out of neighborhood schools were permitted where the purpose was clearly to foster segregation.

The great majority of black teachers and administrators were assigned to black schools—and even substitute teachers were assigned on a racial basis.

Less well-educated, less experienced, and lower paid teachers were concentrated in black schools.

Qualified black teachers were denied advancement to administrative positions on the basis of race.

And residential segregation in Pasadena was no accident. The court found that from 1948 until 1968 virtually every Pasadena realtor refused to sell homes in white residential areas to Negroes. In fact, Pasadena realtors interpreted their code of ethics to render such sales unethical.

I could cite examples from Boston, Mass.; Ferndale and Detroit, Mich.; San Francisco, Calif.; Indianapolis, Ind., and other school districts across the Nation. Without some transportation, officially sponsored segregation in these school districts would continue.

Where students have long been assigned on the basis of race, where schools have been located and their capacities determined to serve particular racial populations, where minority parents have long been denied access to homes in white neighborhoods, the Supreme Court has held that transportation may be required to overcome the results of past discrimination.

And 40 percent of American public school students—well over half when those riding other forms of public transportation are included—are transported to school. Even in city school systems busing is common to even out pupil populations among schools as the school populations of some neighborhoods decline and those of other neighborhoods rise.

Last April, in Swann against Charlotte-Mecklenburg, the Supreme Court held, in a unanimous opinion by Chief Justice Burger, that reasonable busing may be required as one device for ending officially sponsored public school segregation. In the words of the Court:

> We find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school.

The Chief Justice observed that:

> Bus transportation has been an integral part of the public education system for years, and was perhaps the single most important factor in the transition from the one-room schoolhouse to the consolidated school.

And in reversing a North Carolina statute similar to the Griffin amendment the Court, again unanimously, held:

> We . . . conclude that an absolute prohibition against transportation of students assigned on the basis of race . . . will . . . hamper the ability of local authorities to effectively remedy Constitutional violations . . . transportation has long been an integral part of all public educational systems, and it is unlikely that a truly effective remedy could be devised without continued reliance upon it. (*North Carolina* v. *Swann* (1971).)

There can be only one reason for denying the use of so common a tool as transportation. That reason is support for segregated education.

The Griffin amendment's attempts to limit the authority of Federal courts to enter remedies required by the Constitution are clearly unconstitutional.

Sponsors of the amendment have argued, on the basis of the Supreme Court's 1869 decision in ex parte McCardle, that the amendment is a valid effort to limit the jurisdiction of the Federal courts under article III of the Constitution.

There is even some question about whether McCardle would be affirmed today—see Justice Douglas' dissent in *Glidden* v. *Zdanok* (370 U.S. 530). But at any rate the Griffin amendment is just not an effort to limit jurisdiction as that term is used in McCardle and article III.

In McCardle, Congress removed the Supreme Court's entire appellate jurisdiction over habeas corpus cases. But the Griffin amendment does not attempt to limit the power of the courts to hear a particular class of cases. Instead, the amendment attempts to limit the remedies which may be imposed once a case has been heard and a constitutional violation found.

If statutory efforts to alter constitutional rights and remedies could be made successful merely by reciting the word "jurisdiction," the Congress could overrule any court decision, and the Constitution would be just another scrap of paper. It has been clear at least since the Court decided Marbury against Madison in 1803 that this is not the case.

Nor can it be urged that the clause authorizing legislation "necessary and proper" to enforce the 14th amendment provides authority for contradicting the amendment's requirements as determined by the courts. The Supreme Court settled that issue in 1965, in deciding Katzenbach against Morgan:

> Section 5 [the necessary and proper clause of the 14th Amendment] does not grant Congress power to exercise discretion . . . in effect to dilute equal protection and due process decisions of the Court . . . Thus, for example, an enactment authorizing the States to establish racially segregated systems of education would not be—as required by Section 5—a measure to "enforce" the Equal Protection Clause since that clause by its own face prohibits such State law.

The Senate's duty is clear. Our responsibility is to support the courts and the Constitution.

Supporters of the Griffin amendment would have us believe that the Supreme Court is incapable of making responsible judgments about this issue.

I do not believe that is so. It is not Chief Justice Burger, or Justices Blackman, Rehnquist, Powell, Brennan, White, Douglas, Marshall, and Stewart who are irresponsible. It is the Senate which appears to be in danger of losing its head.

But I would also ask where the administration stands on this issue. Only months ago the administration actively supported the Emergency Aid Act now included in the pending bill—and actively helped to defeat amendments very similar to the so-called Griffin amendment. Are we to take their silence now as tacit approval of the Griffin amendment?

Tomorrow, beginning at 12 o'clock, we will begin a series of votes which will affect the lives of 11 million children, in 1,500 school districts now undergoing desegregation. Those votes may do more to teach them what this country stands for than all the American history classes they will attend.

Mr. President, in my view there is not a dime's worth of difference between the Griffin amendment and the position taken by George Wallace.

I ask the Senate to shoulder its responsibility to these children, and reject the Griffin amendment.

AMENDMENT NO. 874

Mr. BAYH. Mr. President, I call up my Amendment No. 874.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the appropriate place in the bill, insert the following new title:

TITLE X—PROHIBITION OF SEX DISCRIMINATION

SEC. 1001. (a) No person in the United States shall, on the basis of sex, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that:

(1) in regard to admissions to educational institutions, this section shall apply only to institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education;

(2) in regard to admissions to educational institutions, this section shall not apply for one year from the date of enactment, nor for six years thereafter in the case of an educational institution which has begun the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such change which is approved by the Commissioner of Education;

(3) this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization; and

(4) this section shall not apply to an educational institution whose primary purpose is the training of individuals for the military services of the United States, or the merchant marine.

(b) For purposes of this title an educational institution means any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, except that in the case of an educational institution composed of more than one school, college, or department which are administratively separate units, such term means each school, college, or department.

SEC. 1002. Each Federal department and agency which is empowered to extend Federal financial assistance to any education program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 1001 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made, and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 1003. Any department or agency action taken pursuant to section 1002 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 1002, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of title 5, United States Code, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of section 701 of that title.

SEC. 1004. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

SEC. 1005. (a) Clause (1) of section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)(1)) is amended by inserting at the end thereof the following: "(except that this clause shall not apply with respect to employees of a State, or a political subdivision thereof, employed in an educational institution)".

(b) Section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1) is amended by (1) inserting the words "educational institution," after the word "association," wherever it appears in such section, and (2) by inserting a period after "religious activities" and deleting the remainder of the sentence.

SEC. 1006. Sections 401(b), 407(a)(2), 410, and 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000c(b), 2000c–6(a)(2), 2000c–9, and 2000h–2) are each amended by inserting after "religion" the following: "sex".

SEC. 1007. The Commissioner of Education shall conduct a survey of educational institutions throughout the country in order to determine the extent to which equality of educational opportunity is being denied to citizens of the United States by reason of sex. At a date no later than December 21, 1973, the Commissioner shall submit to Congress the results of his survey along with recommendations for action to guarantee equality of opportunity in education between the sexes. Such report shall include a recommendation, made after affording interested parties an opportunity for hearings and investigation, as to the feasibility of extending the requirements of section 1001 of this title to those educational institutions which are presently exempted, in whole or in part.

SEC. 1008. Paragraphs (1), (2), (3), and (4) of subsection (a) of section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a)) are each amended by inserting immediately after "religion" the following: "sex.".

SEC. 1009. Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by inserting after the words "the provisions of sections 6" the following: "(except section 6(d) in the case of paragraph (1) of this subsection)".

SEC. 1010. (a) Paragraph (1) of subsection 3(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203 (r)(1)) is amended by deleting "an elementary or secondary school" and inserting in lieu thereof "a preschool, elementary or secondary school".

(b) Section 3(s)(4) of such Act (29 U.S.C. 203(s)(4)) is amended by deleting "an elementary or secondary school" and inserting in lieu thereof "a preschool, elementary or secondary school".

Mr. BAYH. Mr. President, the Higher Education Act which is before the Senate now is an important piece of legislation reflecting the hard work done by the Subcommittee on Education. I commend the Senator from Rhode Island (Mr. PELL), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from New York (Mr. JAVITS), for their leadership in fighting for such an innovative and necessary legislative proposal. I also appreciate the cooperation all three Senators have given me and my staff regarding this amendment to prohibit sex discrimination in education.

Mr. President, one of the great failings of the American educational system is the continuation of corrosive and unjustified discrimination against women. It is clear to me that sex discrimination reaches into all facets of education—admissions, scholarship programs, faculty hiring and promotion, professional staffing, and pay scales. Indeed, the recent "Report on Higher Education" funded by the Ford Foundation concluded,

Discrimination against women, in contrast to that against minorities, is still overt and socially acceptable within the academic community.

The only antidote is a comprehensive amendment such as the one now before the Senate.

Amendment No. 874 is broad, but basically it closes loopholes in existing legislation relating to general education programs and employment resulting from those programs. The amendment also authorizes necessary ongoing studies of sex discrimination in education. More specifically, the heart of this amendment is a provision banning sex discrimination in educational programs receiving Federal funds. The amendment would cover such crucial aspects as admissions procedures, scholarships, and faculty employment, with limited exceptions. Enforcement powers include fund termination provisions—and appropriate safeguards—parallel to those found in title VI of the 1964 Civil Rights Act. Other important provisions in the amendment would extend the equal employment opportunities provisions of title VII of the 1964 Civil Rights Act to educational institutions, and extend the Equal Pay for Equal Work Act to include executive, administrative and professional women.

To insure continued study of this problem, the Commissioner of Education will be required to conduct a thorough study of existing sex discrimination, and to make recommendations for legislative remedies, and the jurisdiction of the Commission on Civil Rights is extended to include sex discrimination. Finally, the Attorney General is authorized to sue and to intervene in certain cases of sex discrimination.

This amendment has received careful preparation based on a thorough discussion with national education groups and other interested parties. I believe it represents a completely responsible and reasonable solution to the problem of sex discrimination. Nearly all groups which have contacted me agree on the necessity for the various provisions in this amendment; in fact, most of the provisions were recommended in April 1970 by President Nixon's Task Force on Women's Rights and Responsibilities. In addition, the administration included sex discrimination provisions in its proposed Higher Education Act.

As my colleagues know, a similar amendment on the House side was the center of some controversy because many felt that the admissions policies of too many schools were covered without sufficient study and debate. Because of time pressures on the House side, long preparation was not possible. One result of the House approach is that all single-sex elementary and secondary institutions of education—both public and private—would be required to become coeducational. While this may be a desirable goal, no one even knows how many single-sex schools exist on the elementary and secondary levels or what special qualities of the schools might argue for a continued single sex status. Therefore, my amendment narrows the coverage of admissions policies somewhat—pending a thorough study by the Commissioner of Education—and makes explicit that admissions to public undergraduate institutions and to vocational and professional and graduate institutions, where the most insupportable discrimination lies, would be covered.

I urge the Senate to adopt this amendment which provides a less disruptive but equally effective remedy designed to root out, as thoroughly as possible at the present time, the social evil of sex discrimination in education.

I. SCOPE ON THE PROBLEM

It is difficult to indicate the full extent of discrimination against women today. The field of education is just one of many areas where differential treatment has been documented; but because education provides access to jobs and financial security, discrimination here is doubly destructive for women. Therefore, a strong and comprehensive measure is needed to provide women with solid legal protection from the persistent, pernicious discrimination which is serving to perpetuate second-class citizenship for American women.

The rationale for denying women an equal education is vague, but its destructive presence is all too clear. As a study by an independent task force, formed by the Ford Foundation, reported in March of 1971:

Discrimination against women, in contrast to that against minorities, is still overt and socially acceptable within the academic community.

We are all familiar with the stereotype of women as pretty things who go to college to find a husband, go on to graduate school because they want a more interesting husband, and finally marry, have children, and never work again. The desire of many schools not to waste a "man's place" on a woman stems from such stereotyped notions.

But the facts absolutely contradict these myths about the "weaker sex" and it is time to change our operating assumptions. First of all, the percentage of entering undergraduate students who graduate in 4 years is about 15 percent higher for women than for men—and their grade averages are also higher than those of men. Second, 70 percent of female college graduates do secure jobs, thus giving the lie to assumptions that they are not serious students. More than half the mothers of school age children work. At age 35, women with husbands can expect to work fully 24 years.

For those women who go on to receive graduate degrees, their work records demonstrate a clear dedication to their careers. Female Ph. D.'s rarely give up their careers; 91 percent of the women with doctorates are working today, 81 percent of them full time. Moreover, in a study of 2,000 women 10 years after they received their doctorate, 79 percent had not interrupted their careers at any time. The diligence of these women is worthy of note: By way of contrast, 10 percent more men than women had interrupted their careers within 10 years of completing the doctoral program. Furthermore, research shows that married women publish more than men.

And yet a vicious and reinforcing pattern of discrimination persists.

I ask unanimous consent that a table which appeared in the New York Times on January 10, 1972, be printed in the RECORD to indicate the continued second-class status of women in education despite a decade devoted to civil rights.

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

WOMEN AND HIGHER EDUCATION—STUDENT ENROLLMENT
(1969 STATISTICS)

Year	All institutions Total	All institutions Percent [1]	Junior colleges Total	Junior colleges Percent [1]	Graduate Total	Graduate Percent [1]
1950	727,270	32	77,599	36	65,262	[3] 27
1955	931,194	35	112,021	36	73,608	[4] 29
1960	1,339,367	37	170,325	38	97,373	[5] 28
1965	2,173,697	39	321,712	38	196,000	[2] 32
1970	3,135,000	[2] 41	593,000	40	347,000	[2] 37

[1] As a percent of total enrollment.
[2] Estimated.
[3] 1949 to 1950.
[4] November 1955.
[5] 1959 to 1960

Source: American Council on Education.

EARNED DEGREES
[In percent]

Year	All degrees Male	All degrees Female	Bachelor's Male	Bachelor's Female	Master's Male	Master's Female	Doctor's Male	Doctor's Female
1949-50	76	24	76	24	71	29	90	10
1955-56	65	35	64	36	66	34	90	10
1959-60	66	34	65	35	68	32	90	10
1965-66	62	38	60	40	66	34	88	12
1968-69	60	40	58	42	63	37	87	13

Source: American Council on Education.

[In percent]

	All institutions Male	All institutions Female	2-year college Male	2-year college Female	4-year college Male	4-year college Female	Universities Male	Universities Female
Faculty rank:								
Professor	24.5	9.4	7.1	3.6	22.0	11.2	30.1	9.9
Associate	21.9	15.7	10.1	13.4	23.3	17.1	23.8	15.1
Assistant	28.2	28.7	15.2	17.0	30.8	31.6	29.4	30.7
Instructor	16.3	34.8	38.7	45.6	15.8	29.6	11.5	35.7
Lecturer	3.3	4.6	.8	1.3	5.2	6.5	2.7	4.0
No ranks	3.4	3.3	23.1	14.6	1.4	1.4	.3	.3
Other	2.3	3.5	5.0	4.6	1.4	2.5	2.2	4.2
Basic salary:								
Below $7,000	6.2	17.0	10.9	16.6	6.0	17.8	5.3	16.2
$7,000 to $9,999	21.7	45.6	35.7	52.7	30.0	48.8	13.1	38.8
$10,000 to $11,999	20.6	17.6	22.2	15.4	24.1	15.7	17.9	20.7
$12,000 to $13,999	17.4	9.9	18.8	9.8	15.9	8.8	18.1	11.3
$14,000 to $16,999	15.5	6.1	10.5	4.6	12.5	5.5	18.6	7.4
$17,000 to $19,999	9.1	2.0	1.2	.1	6.3	1.8	12.7	3.2
$20,000 to $24,999	6.3	1.2	.4	.1	3.7	1.0	9.3	2.0
$25,000 plus	3.1	0.5	.2	.7	1.5	.6	4.9	.3

Source: American Council on Education.

Mr. BAYH. In the summer of 1970, Representative EDITH GREEN, chairman of the House Special Subcommittee on Education, held extensive hearings on discrimination in education and related areas—hereafter referred to as the 1970 hearings. Over 1,200 pages of testimony document the massive, persistent patterns of discrimination against women in the academic world. Yet despite a situation which approaches national scandal, the problem has gone unnoticed for years. Today, many would deny that it exists.

But discrimination against women in education does exist. Moreover it prospers. Alan Pifer, president of Carnegie Corporation of New York, has pointed out that women actually have lost ground in education over the years.

If we compare the participation of women in higher education today with the situation of 40 years ago we find, rather surprisingly, that it has considerably worsened. In 1930 47 percent of undergraduates, as opposed to today's 38 percent, were women; 28 percent of the doctorates were won by women as against today's 13 percent, and at many institutions, the proportion of women faculty members was higher than today.

I believe it is important to survey in some detail the scope of the problem in certain fundamental areas—hiring, scholarships, and admissions.

A. DISCRIMINATION IN HIRING AND PROMOTION OF FACULTY AND ADMINISTRATORS

Discrimination against females on faculties and in administration is well documented and widespread abuse is clear. I have been dismayed to learn of the double standard the academic community has applied to those women who

choose to make education their life work. In spite of high academic standards, a woman who has met the rigorous standards for a Ph. D. program may suddenly find that these same schools do not have sufficient confidence in their own standards to hire the graduate to teach. A recent report on Columbia University practices found that although the percentage of doctorates awarded to women rose from 13 to 24 percent between 1957 and 1968, the percent of women in tenured positions at the graduate facilities have remained constant—at slightly over 2 percent. Similar situations exist, according to testimony during the 1970 hearings, at numbers of other schools.

Although women comprised 6.9 percent of those enrolled in law school in 1969, a survey of 36 prominent law schools during 1968–70 showed that out of a total of 1,625 faculty members, only 35 or 2.1 percent were women, and 25 percent of those 36 were classified as librarians. I ask unanimous consent that a table documenting these proportions be printed at this point in the RECORD.

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

DISTRIBUTION OF WOMEN FACULTY AT LEADING AMERICAN LAW SCHOOLS

School	Number of women	Total number of faculty
Boston University	1	50
Columbia University	1	63
Cornell University	0	23
Duke University	0	19
Fordham University	0	31
Georgetown University	1	70
George Washington University	2	88
Harvard	1	82
Indiana University:		
Bloomington	1	25
Indianapolis	1	21
Loyola University (California)	1	34
Marquette University	1	21
New York University	2	140
Ohio State	1	39
Rutgers (Camden and Newark)	4	43
St. John's University	0	37
Stanford University	0	36
Temple University	1	48
University of California, Berkeley	1	45
University of Chicago	1	39
University of Connecticut	0	41
University of Florida	2	37
University of Iowa	0	34
University of Maine	0	12
University of Maryland	0	30
University of Michigan	1	62
University of Minnesota	0	38
University of Missouri:		
Columbia	1	17
Kansas	2	23
University of North Carolina	0	26
University of Oregon	0	16
University of Pennsylvania	0	38
University of Southern California	3	53
University of Texas	1	52
University of Virginia	1	52
University of Wisconsin	1	40
Wayne State	1	31
Yale	2	60
Total	35	1,625

Note: The following table is a breakdown of the number of women faculty (35) according to professional title:

Assistant or associate professor	8
Instructor or lecturer	6
Librarian or librarian-assistant professor	9
Professor	7
Research assistant professor	1
Visting associate professor	4
Total	35

Source: All of the above statistics have been compiled from the Association of American Law Schools Directory of Law Teachers, 1968–70.

Mr. BAYH. Furthermore, the rule is that once hired, women do not receive advancement as often as men. While almost half of the male teachers are given the status of full professor, only 10 percent of the women make it that far. As a result, the highest faculty ranks are weighted with men; the lowest rank with women:

[In percent]

Present rank	Men	Women
Professor	24.5	9.4
Associate professor	21.9	15.7
Assistant professor	28.2	28.7
Instructor and below	25.3	46.2

Note: From Simon & Grant's Digest of Educational Statistics, 1969.

Finally, those women who are promoted often do not receive equal pay for equal work. In 1965–66, at the instructor's level, the median annual salary of women was $410 less than that of male instructors; at the assistant professor's level it was $576 less; at the associate professor's level, $742 less; and at the level of full professorship, it was $1,119 less. "Fact Sheet on the Earnings Gap," U.S. Department of Labor, Women's Bureau, 1970. According to testimony submitted during the "1970 Hearings," the women at the University of Pittsburgh calculated that the University was saving $2,500,000 by paying women less than they would have paid men with the same qualifications.

Preference for men over women to fill administrative posts is just as clear. For instance, Dr. Peter Muirhead, Associate Commissioner of Education, testified during the "1970 Hearings" that more than two-thirds of the teachers in elementary and secondary schools are women, but they constitute only 22 percent of the elementary school principals and only 4 percent of the high school principals. According to a recent study by the National Education Association, only two women can be found among 13,000 school superintendents.

In higher education, female administrators are virtually nonexistent. Dr. Ann Scott, from the University of Buffalo, highlighted the "progressive evaporation of women as we climb the academic ladder" by pointing out that while women are only 5 percent of the full professors at that institution, they are even less—1 percent—of the top administration "1970 Hearings." Even at women's colleges there has been a decline in recent years in the number of high administrative posts held by women. And as Dr. Bernice Sandler pointed out in a recent speech, if it were not for female presidents at Catholic colleges, the number of women college presidents would be less than the number of whooping cranes.

B. DISCRIMINATION IN SCHOLARSHIPS

Although documentation of discrimination in scholarship aid is less conclusive than in other areas, a recent study by the Education Testing Service found that although men and women need equal amounts of financial aid in college, the average awards to men are $215 higher than to women. In addition, concern was expressed during the "1970 Hearings" that programs of compensatory education for disadvantaged students are often weighted toward male disadvantaged students. Of the 26 students accepted in 1968–69 for a program run by Brandeis University, all were male. Regarding graduate studies, testimony suggests that women fare slightly worse than men in receiving financial assistance. Claims have also been made that rules permitting only full-time students to receive aid discriminate against women who are going to school while running a household.

C. DISCRIMINATION IN ADMISSIONS

Of course, the area where discrimination affects the greatest number of women is in admissions—admissions to undergraduate, graduate, professional, and vocational institutions of education.

I am concerned that in 1970 the percentage of the female population enrolled in college was markedly lower than the percentage of the male population—40.5 percent of males between the ages of 18 and 21 were enrolled whereas only 28.6 percent of the females of the same age were enrolled. For the ages of 22–24 years, 20.6 percent of the males were enrolled whereas only 8.9 percent of the females were going to college. I ask unanimous consent that a more detailed table be printed at this point in the RECORD.

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

PERCENT OF THE POPULATION 16 TO 34 YEARS OLD ENROLLED IN COLLEGE, BY AGE, RACE, AND SEX: OCTOBER 1970

[Civilian noninstitutional population]

Age and sex	All races	White	Negro
Both sexes:			
16 and 17 years	3.4	3.5	2.1
18 to 21 years	34.0	35.8	20.9
18 and 19 years	37.3	39.3	21.8
20 and 21 years	30.4	31.9	19.9
22 to 24 years	14.3	15.1	7.0
25 to 29 years	7.0	7.2	3.8
30 to 34 years	3.7	3.8	2.6
Male:			
16 and 17 years	3.4	3.5	2.0
18 to 21 years	40.5	43.2	20.6
18 and 19 years	40.2	43.1	17.6
20 and 21 years	40.9	43.4	24.4
22 to 24 years	20.6	22.0	8.0
25 to 29 years	10.6	10.8	4.9
30 to 34 years	4.8	4.8	3.6
Female:			
16 to 17 years	3.4	3.4	2.3
18 to 21 years	28.6	29.5	21.1
18 and 19 years	34.6	35.7	25.4
20 and 21 years	22.3	23.0	16.3
22 to 24 years	8.9	9.2	6.2
25 to 29 years	3.7	3.8	2.8
30 to 34 years	2.6	2.3	1.7

Mr. BAYH. The reasons for disparity in enrollment are of course complex and by no means entirely due to overt discrimination. Surely some of these differences result from sex-role expectations in our society. However, there are indications that discrimination does exist at many schools. The 35 schools which are considered by one college handbook to be the most selective in the country, admitted a freshman class in 1970 which was only 29.3 percent female. This figure compares very poorly with the national admissions rate of 41 percent women. In the 25 leading graduate departments of history, rated by the American Council on Education, women comprised only 30 percent of 1970 first-year enrollees; in the 32 leading biochemistry departments, women comprise only 31 percent of 1970 first-year enrollees. I ask unanimous consent that two comparative tables be printed at this point in the RECORD.

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

UNDERGRADUATE ADMISSIONS, 1970, TO THE MOST SELECTIVE SCHOOLS [1]

School	Total	Men	Women
Amherst	319	319	
Barnard College	460		460
Brandeis University	453	248	205
Brown University	1,129	800	329
Bryn Mawr College	231		231
California Institute of Technology	220	290	30
CarletonCollege	463	249	214
Chicago Un versity	632	366	260
Columbia College	1,362	892	470
Cornell University	4,013	2,672	1,341
Dartmouth College	828	828	
Harvard	2,308	1,928	380
Harvey Mudd College	(2)		
Haverford	179	179	
Johns Hopkins	780	505	275
Massachusetts Institute of Technology	948	857	91
Middlebury College	451	270	181
Mount Holyoke College	438		538
New College	224	107	117
Pembroke College (public)	513	305	226
University of Pennsylvania	3,565	1,971	1,604
Pomona College (public)	1,083	647	436
Princeton University	980	803	177
Radcliffe College	(2)		
Reed College	342	194	148
Rice University	577	429	148
Oberlin College	680	363	317
St. John	1,870	1,198	672
Smith College	644		644
Stanford	1,395	885	510
Swathmore College	303	168	135
Vassar College	518	183	335
Wellesley College	469		469
Wesleyan University	385	276	109
Williams College	342	324	
Yale	1,248	1,019	229

	Percent of places for women	Men	Women
Total:			
Total admissions	29.3	19,193	11,281
Admissions to most selective coeducational institutions	32	18,876	8,939

[1] The standards of selectivity are a measure of the scholastic potential of the student body, an indication of the hurdles a student will face in applying for admission, and the level of intellectual competition he will meet after matriculation. (Ratings were taken from James Cass & Max Birnbaum, "Comparative Guide to American Colleges," Harper & Row, 1970-71.)
[2] Not listed.

SELECTED GRADUATE ADMISSIONS—LEADING INSTITUTIONS, BY RATED QUALITY OF GRADUATE FACULTY—GRADUATE ADMISSIONS—HISTORY

School	Total	Men	Women	Percent of places for women
Harvard [1]	[3] 41	33	8	21
Yale	38	29	9	24
California (Berkeley)	129	80	49	38
Princeton	22	19	3	14
Columbia	59	35	24	41
Stanford	23	19	4	17
Wisconsin	86	53	33	40
Chicago	67	44	23	34
Michigan	132	96	36	27
Cornell	19	12	7	37
Johns Hopkins	20	13	7	35
California (Los Angeles)	193	131	62	32
Indiana	76	46	30	40
Northwestern	8	6	2	25
Pennsylvania	13	11	2	15
North Carolina	66	39	27	41
Brandeis	26	18	8	30
Brown	12	9	3	25
Duke	48	36	12	25
Illinois	50	39	11	22
Washington (Seattle)	73	59	14	19
Minnesota	35	27	8	25
Texas	96	75	21	22
Virginia	90	60	30	33
Rochester	28	18	10	36
Total	1,450	1,007	443	30.4

GRADUATE ADMISSIONS—BIOCHEMISTRY

School	Total	Men	Women	Percent of places for women
Harvard [1]	[3] 27	26	1	4
California (Berkeley)	25	18	7	28
Stanford	6	5	1	17
Rockefeller	4	4		0
Wisconsin	29	21	8	28
Cal Tech	3	3		0
Massachusetts Institute of Technology				
Brandeis	11	8	3	27
Cornell	4	4		0
Johns Hopkins	11	5	6	54
California (Los Angeles)	11	8	3	27
Duke	13	6	7	54
California (San Diego)				
Washington (Seattle)	24	14	10	41.5
Yeshiva	1		1	100
Chicago	7	6	1	14
Illinois	24	16	8	33
Princeton	6	3	3	50
Case Western Reserve	8	4	4	50
New York University	8	4	4	50
Pennsylvania	11	7	4	36
Washington (St. Louis)	7	4	3	48
California (Davis)	20	16	4	20
Michigan	12	9	3	25
Yale				
Columbia (New York)	5	2	3	60
Purdue	44	28	16	36
Michigan State	40	26	14	35
Minnesota	16	12	4	25
Indiana [3]				
Vanderbilt	4	3	1	25
Oregon	4	3	1	25
Total	385	265	120	31

[1] The ranking of institutions was taken from "A Rating of Graduate Programs" by Kenneth D. Roose and Charles J. Anderson, American Council of Education.
[2] 1st year enrollment figures were taken from "Students Enrolled for Advanced Degrees Fall 1970," by Mary Evans Hooper, Higher Education Surveys Branch, HEW.
[3] No graduate enrollment for 1970.

Mr. BAYH. More generally, a 1970 study of 240 random schools conducted at the University of Wisconsin indicated that at lower levels of ability, applications from men are markedly preferred over identical applications from women. Dr. Peter Muirhead, of the Office of Education, testified during the "1970 Hearings" that consistently higher records of female students at undergraduate and graduate schools "suggest a tendency to require higher standards of women for admissions."

For professional schools, Dr. Francis S. Norris testified during the same hearings that although the number of women applying for admission to U.S. medical schools increased by more than 300 percent between 1929–30 and 1965–66—while male applications increased by only 29 percent—the percentage of women applicants who were accepted actually declined during the same time period. I ask unanimous consent that a table documenting this fact be printed at this point in the RECORD.

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

ACCEPTANCE DATA ON MEN AND WOMEN APPLICANTS TO U.S. MEDICAL SCHOOLS FOR SELECTED SCHOOL YEARS 1929-30 TO 1965-66

School year	Women				Men			School year	Women				Men		
	Number of applicants	Number accepted	Percent accepted	As percent of total acceptances	Number of applicants	Number accepted	Percent accepted		Number of applicants	Number accepted	Percent accepted	As percent of total acceptances	Number of applicants	Number accepted	Percent accepted
1965-66	1,676	799	47.7	8.9	17,027	8,213	48.2	1950-51	1,231	385	31.3	5.3	21,049	6,869	32.6
1964-65	1,731	824	47.6	9.1	17,437	8,219	47.1	1940-41	585	303	51.8	4.8	11,269	6,025	53.5
1960-61	1,044	600	47.5	7.0	13,353	7,960	59.6	1935-36	689	379	55.0	5.5	12,051	6,521	54.1
1955-56	1,002	504	50.3	6.3	13,935	7,465	53.6	1929-30	481	315	65.5	4.5	13,174	6,720	51.0

Source: The Journal of Medical Education, vol. 42 No. 1, January 1967, Association of American Medical Colleges, Datagram, vol. 7, No. 8, February 1966.

Mr. BAYH. In 1966–67, only 18 out of 89 medical schools in the country had more than 10 percent women students.

Admissions to vocational programs and institutions is another area where discrimination on the basis of sex can be documented. Unfortunately, the Office of Education does not keep complete statistics on the number of programs or classes which are restricted in terms of sex; however, a survey of city boards of education indicated that sex separation is the rule rather than the exception. In the State of Massachusetts, there are 17 secondary vocational schools for boys and three secondary vocational schools for girls. Although the board of education in New York City has tried to institute a coeducational policy where practicable, out of 25 vocational high schools, 12 are for boys only, and five are limited to girls. And in Detroit, I am told that all four vocational schools are for boys only. In addition, many new vocational classes which are run as part of an academic high school program are sex segregated.

The discriminatory effect of sex segregation in vocational education is that many fields which are designated for females such as cosmetology or food handling are less technical and therefore less lucrative than fields such as TV repair and auto mechanics "reserved" for males. And yet it is only tradition which keeps women out of these fields. Enrollment figures show that across the Nation, no field of study is limited to only one sex any more: enrollment in home economics programs was 13.3 percent male in 1969; enrollment in agriculture was 2 percent female in 1969. If women can receive agricultural, electronic, or mechanical training in some programs, they should be able to receive that same training in all programs.

II. SUMMARY OF AMENDMENT

The amendment we are debating is a strong and comprehensive measure which I believe is needed if we are to pro-

vide women with solid legal protection as they seek education and training for later careers, and as they seek employment commensurate to their education. The amendment is designed to expand some of our basic civil rights and labor laws to prohibit the discrimination against women which has been so thoroughly documented.

A. PROHIBITION OF SEX DISCRIMINATION IN FEDERALLY FUNDED EDUCATION PROGRAMS

Central to my amendment are sections 1001–1005, which would prohibit discrimination on the basis of sex in federally funded education programs. Discrimination against the beneficiaries of federally assisted programs and activities is already prohibited by title VI of the 1964 Civil Rights Act, but unfortunately the prohibition does not apply to discrimination on the basis of sex. In order to close this loophole, my amendment sets forth prohibition and enforcement provisions which generally parallel the provisions of title VI.

Under this amendment, each Federal agency which extends Federal financial assistance is empowered to issue implementing rules and regulations effective after approval of the President. These regulations would allow enforcing agencies to permit differential treatment by sex only—very unusual cases where such treatment is absolutely necessary to the success of the program—such as in classes for pregnant girls or emotionally disturbed students, in sports facilities or other instances where personal privacy must be preserved. Failure to comply with the regulations may result in the termination of funding. However, termination must be preceded by notice and opportunity for a hearing, as well as by a determination that voluntary compliance cannot be secured. The effect of termination of funds is limited to the particular entity and program in which such noncompliance has been found, and judicial review is provided under either specific legislation or the Administrative Procedure Act.

This portion of the amendment covers discrimination in all areas where abuse has been mentioned—employment practices for faculty and administrators, scholarship aid, admissions, access to programs within the institution such as vocational education classes, and so forth. The provisions have been tested under title VI of the 1964 Civil Rights Act for the last 8 years so that we have evidence of their effectiveness and flexibility.

My amendment allows some exemptions, pending the completion of more extensive investigation of certain specific problems. First, military and merchant marine schools, as well as religious institutions where compliance would not be consistent with the religious tenets of the organization, are exempted. In addition, the admissions policies of certain institutions of education are exempted until further study can be made. As a matter of principle, our national policy should prohibit sex discrimination at all levels of education. However, problems are presented by the fact that many schools—particularly private undergraduate schools of higher education—have established over many years an identity or tradition as single-sex institutions. As a result, they argue that a change such as requiring a sex-neutral admissions policy would be disruptive both in terms of the academic program and in terms of psychological and financial alumni support.

I do not have sufficient information to answer either of these claims. But since private institutions of higher education rely on private gifts and endowment income for 17.6 percent of their operating expenses and public moneys for only 6.8 percent of expenses—as opposed to public institutions which rely on public moneys for 52.5 percent of their operating expenses, and on private gifts and endowment for only 2.7 percent of expenses—it seems reasonable to allow time for a careful and specific study of the financial repercussions which these schools claim would occur if they were covered by this amendment. For instance, if private gifts decrease, is the Federal Government prepared to make up the difference to these schools?

In view of the problems described, one suggestion has been to exempt admissions policies for substantially single-sex schools. However, an exemption based on the standard of "substantially single sex" has many inequitable applications. For instance, a number of traditionally male schools have begun to admit women in the past few years—often against substantial alumni—hence, fiscal—pressures; others have not yet made the decision to become coeducational but they have been urged to do so. These schools which have made no effort to open their doors to women would be allowed to continue to discriminate under a single-sex exemption, while those schools which have begun to reform voluntarily would be subject to Federal controls which they might have avoided by being less progressive.

Thus it appears fairer to require all schools to adopt sex-neutral admissions policies. In any event, I believe specific hearings are needed to answer these questions which had not been raised at the time of the 1970 hearings. Since there are also a number of high schools which are single sex, a similar study is needed on the question of requiring them to admit students of both sexes. I have been amazed to learn that the Office of Education does not even keep statistics on how many elementary and secondary schools—even public schools—are restricted in admissions to one sex. After these questions have been properly addressed, then Congress can make a fully informed decision on the question of which—if any—schools should be exempted.

In the meantime, the amendment I am proposing covers admissions to institutions of graduate, professional, and vocational educational institutions and public undergraduate institutions. No one can argue that these schools have any justifiable reason to discriminate against one sex or the other. Admissions policies of other schools are temporarily exempted until further study can be made as to the feasibility of requiring that all admissions policies be sex neutral. For the purposes of such study the amendment requires that the Commissioner of Education conduct a study, with open hearings, on the desired extent of section 1001's coverage, and that he make recommendations to Congress by the end of next year on this question.

My view is that many of these exemptions will not be supportable after further study and discussion. In fact, I hope and expect that the prospect of this study will serve to remind educational institutions that the discussion of their admissions policies is not closed. There has been commendable progress by many institutions in the last few years, but we have a long way to go before the many injustices are corrected. In the meantime, there are other areas in education where the path to justice is clear and has not been followed.

B. PROHIBITION OF EDUCATION—RELATED EMPLOYMENT DISCRIMINATION

Title VII of the 1964 Civil Rights Act has been extremely effective in helping to eliminate sex discrimination in employment. Unfortunately it has been of no use in the educational field, because the title by its terms exempts from its protection employees of educational institutions who "perform work connected with the educational activities" of the institution. Therefore, the second major portion of this amendment would apply title VII's widely recognized standards of equality of employment opportunity to educational institutions.

In addition, to make sure that both men and women employees receive equal pay for equal work, my amendment would extend the Equal Pay Act of 1963 to include administrative, executive, and professional workers, including teachers, all of whom are presently excluded. One of the purposes of the Higher Education Act is to encourage as many students as possible to seek a full education so as to be self-sufficient and contributing members of society. It is of little comfort for women to know that they are encouraged to further their schooling but that in spite of a fine education, they will be earning far less than male colleagues for the rest of their lives.

Both of these provisions to expand existing law and protect women were recommended by President Nixon's Task Force on Women's Rights and Responsibilities. The provision amending title VII was approved previously by the Senate, but since its fate in conference is uncertain, the provision has been retained in my amendment. I urge the Senate to approve both provisions so that two more pernicious and unfortunate loopholes in existing laws can be eradicated, and both academic and nonacademic women who have made the decision to seek higher education and specialized training can expect to receive both nondiscriminatory access to better jobs and equal pay for equal work.

C. STUDIES OF SEX DISCRIMINATION

The third set of provisions in my amendment would require two different types of studies, a specific analysis of the effects of sex discrimination on educational institutions and students, and an

ongoing review and analysis of the nationwide effects of the problems.

First, the Commissioner of Education would be required to make an immediate study of sex discrimination in education, just as he did for other forms of discrimination under title IV of the Civil Rights Act. This proposal was a priority of President Nixon's Task Force on Women's Rights and Responsibilities. This study by the Commissioner of Education would finally give us a clear picture of the exact nature of sex discrimination in education, its pervasiveness and its cost to society. In addition, the Commissioner's study would also provide an open forum for a thoroughgoing discussion of the proper role—if any—for single sex institutions of education. The Commissioner would be charged with submitting to Congress by the end of next year his report, together with the extent to which it would be advisable to eliminate the present exemptions under section 1001 of the amendment.

Second, for purposes of long term study and action, the U.S. Civil Rights Commission will have continuing authority to study and collect information, make investigations, and appraise the laws and policies of the United States concerning the denial of the equal protection of the laws by reason of sex, just as it now studies discrimination on the basis of race, color, religion, or national origin.

This part of my amendment was suggested by President Nixon's Task Force on Women's Rights and Responsibilities, and the President personally recommended this expansion of the powers of the Civil Rights Commission in his state of the Union address. Not only would study by the Civil Rights Commission assist us in determining where the most egregious discrimination lies, but it would provide an independent analysis of the wisest way to attack interrelated problems of discrimination in education, employment, and counseling or training. This Nation's need for a central clearinghouse and authority on all questions relating to sex discrimination has become very clear to me during my work on this particular amendment, the equal rights amendment, the Women's Equality Act, and the proposal to provide universal child care. Congress has already been asked to enact major pieces of legislation relating to women; in the next few years it will have to evaluate the progress made under this legislation and to consider new proposals. To insure a well-informed perspective, I believe we should expand the Commission's responsibility now to include the area of sex discrimination.

D. SUITS BY THE ATTORNEY GENERAL

There are, of course, other loopholes in the Civil Rights Act where sex was not mentioned. To correct one more, this amendment would permit the Attorney General to initiate litigation concerning the denial on the basis of sex of admission to or continued attendance at a public college, and to intervene in litigation already commenced by others regarding the denial of equal protection of the laws on the basis of sex. The Attorney General already has both these powers in regard to discrimination on the basis of race, color, religion, or national origin; again sex was left out. President Nixon's Task Force on Women's Rights and Responsibilities recommended that these loopholes in the law be closed, so that the Justice Department can help develop case law in such a vitally important area.

CONCLUSION

Many of the provisions of this amendment have been discussed on the Senate floor in the past. Some have been passed by either the House or the Senate.

But the simple, if unpleasant, truth is that we still do not have in law the essential guarantees of equal opportunity in education for men and women. When I proposed an amendment similar to this last August it was ruled "nongermane." Now I am coming back to the Senate with this comprehensive approach which incorporates not only the key provisions of my earlier amendment, but the strongest points of the antidiscrimination amendments approved by the House.

While the impact of this amendment would be far-reaching, it is not a panacea. It is, however, an important first step in the effort to provide for the women of America something that is rightfully theirs—an equal chance to attend the schools of their choice, to develop the skills they want, and to apply those skills with the knowledge that they will have a fair chance to secure the jobs of their choice with equal pay for equal work. I ask unanimous consent that a section-by-section summary of the amendment and a fact sheet be printed at this point in the RECORD.

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

SUMMARY

AMENDMENT NO. 874 TO THE HIGHER EDUCATION BILL, S. 659

SEC. 1001. *Basic Prohibition.* Provides that no person may be discriminated against on the basis of sex in any education program receiving Federal financial assistance, except that:

(1) in regard to admissions to educational institutions, this section shall apply only to institutions of graduate, professional, and vocational education, and to public institutions of undergraduate education, (2) admissions to institutions changing from single-sex to coeducational enrollment are exempt from this section for 7 years if operating under a plan approved by the Commissioner of Education,

(3) this section shall not apply to religious institutions where compliance would not be consistent with the religious tenets of such organization, and (4) this section shall not apply to military and Merchant Marine schools.

SECS. 1002–1004. *Enforcement and Related Provisions.* Each Federal agency which extends Federal financial assistance is empowered to issue implementing rules and regulations effective after approval of the President. Compliance may be effected by funds termination or other means. Termination must be preceded by notice and opportunity for hearing, and a determination that voluntary compliance cannot be secured. The effect of termination of funds is limited to the particular entity and program in which such noncompliance has been found. Judicial review under specific legislation or the Administrative Procedure Act is provided. Contracts of insurance or guaranty programs, such as FHA loans, are not altered. These provisions parallel Title VI of the 1964 Civil Rights Act.

SEC. 1005. *Employment Discrimination.* Amends the Civil Rights Act of 1964 to bring employment in public and private educational institutions within the coverage of the Equal Employment Opportunity provisions of Title VII. (Recommended by President Nixon's Task Force on Women's Rights and Responsibilities)

SEC. 1006. *Suits by Attorney General.* Amends Title IV of the 1964 Civil Rights Act by adding discrimination by reason of sex to the present grounds on which the Attorney General can initiate legal proceedings on behalf of individuals alleging that they have "been denied admission to or not permitted to continue in attendance at a public college." Also extends to cases of sex discrimination the Attorney General's power to intervene in litigation already commenced by others. (Recommended by President Nixon's Task Force on Women's Rights and Responsibilities)

SEC. 1007. *Study by Commissioner of Education.* Requires the Commissioner of Education to investigate sex discrimination at all levels of education (public and private) and report his findings, together with recommendations for action to guarantee equality of opportunity in education between the sexes. The report shall include a recommendation as to the feasibility of extending the requirement of Section 1001 of this Title to those institutions which are presently exempted, in whole or in part. (The study and legislative recommendations were recommended by President Nixon's Task Force on Women's Rights and Responsibilities)

SEC. 1008. *Civil Rights Commission Jurisdiction.* Broadens the jurisdiction of the Civil Rights Commission to include sex-based discrimination. (Recommended by President Nixon's Task Force on Women's Rights and Responsibilities and in the 1972 State of the Union Message.

SEC. 1009. *Equal Pay for Professional Women.* Amends the Fair Labor Standards Act by eliminating the present exemption of individuals employed in executive, administrative, or professional capacity from the equal pay for equal work provisions. (Recommended by President Nixon's Task Force on Women's Rights and Responsibilities).

SEC. 1010. *Preschool Inclusion.* Expands the definition of "enterprise" under the Fair Labor Standards Act to add "preschool" to the existing list of "elementary or secondary schools" as types of activities performed for a business purpose or engaged in commerce.

SEX DISCRIMINATION IN HIGHER EDUCATION

FACT SHEET

Discrimination against women, in contrast to that against minorities, is still overt and socially acceptable within the academic community." (Report on Higher Education, an independent task force report to HEW, funded by the Ford Foundation, 1971.)

40% of boys with high school grades of C or lower make it into college; only 20% of the girls with the same grades make it to college.

In the 35 most selective schools in the country (as rated by Cass & Birnbaum, Comparative Guide to American Colleges, 1970–71), women comprised only 29.3% of entering freshmen in 1970.

Although men and women need equal amounts of financial aid in college, the average awards to men are higher than to women:

	Men	Women
Average single award (scholarship, loan, or job in the institution)	$760	$518
Average packaged award (grant with a job or loan)	1,465	1,173

Note: Study by Education Testing Service, 1969-70.

Undergraduate grade averages for women are significantly higher than for men—34% of the women average A or A—, as opposed to 27% of the men; 41% of the men average less than B+, as opposed to 30% of the women. However, far more men than women get into graduate school, particularly professional schools:

[In percent]

Degrees conferred in all fields, 1968-69	Men	Women
Bachelors	44.5	55.5
Professionals (medical, law, theology, etc.)	96.0	4.0
Masters	63.0	37.0
Ph. D's., Ed. D., etc.	87.0	13.0

"The bias against women professors and administrators in colleges and universities has denied both professional women a just opportunity for work and students a chance to observe 'model' of female achievement." (Report of the Women's Action Porgram, Department of Health, Education and Welfare, January, 1972.)

In 36 prominent law schools, only 35 out of 1625 faculty members are women, and 25% of these are librarians.

Highest faculty ranks are weighed with men; the lowest ranks with women:

Present rank	Men	Women
Professor	24.5	9.4
Associate professor	21.9	15.7
Assistant professor	28.2	28.7
Instructor and below	25.3	46.2

Note: From Simon & Grant's Digest of Educational Statistics, 1969.

Although female teachers hold the same qualifications, they often receive substantially less pay than their male counterparts:

The difference in median salaries for men and women is more than $3,000 in chemistry, physics, mathematics, economics, and the biological sciences.

In 1965–66, at the instructor's level, the median annual salary of women was $410 less than that of male instructors, at the assistant professor's level it was $576 less, at the associate professor's level $742 less and at the level of full professor it was $1,119 less.

The U.S. has far fewer women professionals than other countries:

According to Alan Pifer, president of the Carnegie Corporation of New York, only 3.5% of lawyers, 2% of dentists, 7% of physicians and less than 1% of engineers are women By contrast, in Sweden women make up 24% of lawyers, and in Denmark 70% of the dentists. In Britain, 16% of the physicians are women; in France, 13%; in Germany, 20%; in Israel, 24%; and in the Soviet Union, 75% of the physicians are women.

Mr. BAYH. Mr. President, I should like to explore further some of the hard facts which cause the Senator from Indiana to ask his colleagues to support this amendment.

I do not suppose many in this body, recognize the tremendous impact that sex discrimination has on our educational institutions today. Perhaps a few facts would bring this discrimination and its weight on society into better focus.

For example, if we look at the way boy and girl students are treated, it is interesting to note that 40 percent of boys with high school grades of C or lower make it into college, but only 20 percent of the girls with the same grades make it to college.

In the 35 most selective schools in the country, as rated by Cass and Birnbaum, in the study entitled "Comparative Guide to American Colleges 1970–71," women comprise 29.3 percent of entering freshmen in 1970; although men and women need equal amounts of financial aid in college, the average awards to men are significantly higher than awards to equally qualified women. For example, the average single award such as scholarships, loans, or jobs in an institution, to a man student in 1970 was $760, and to a woman student $518.

If we look at the broader types of financial assistance—various packaged awards, such as grants with jobs, or loans—it shows that the average such package award in 1969–70 to the average man student was $1,465 and to the average woman student it was $1,173.

I do not think we have any evidence at all to support the contention that it costs less to clothe, house, feed, and educate a woman. Yet there is obvious discrimination when it comes to passing out the scholarship dollars.

Looking at the degrees conferred in all fields, we find that women receive a slightly larger percent of degrees in the undergraduate fields, in the bachelor fields; but when we get into the graduate school fields such as medicine, law, theology, we find that 96 percent of the degrees go to men and 4 percent to women. On masters degrees, 63 percent go to men and 37 percent to women; of Ph. D.'s, in similar fields, degrees go 87 percent to men and 13 percent to women.

The other day I noticed that in 36 prominent law schools recently polled, only 35 out of 1,625 faculty members were women. Twenty-five percent of these were librarians. So it is not only a matter of administration of scholarships and loans, so far as discrimination is concerned. In addition, employment within the institution shows that discrimination does exist there.

Alan Pifer, president of the Carnegie Corporation of New York, conducted a study not too long ago and he pointed out that in this country, only 3.5 percent of lawyers are women, 2 percent of dentists are women, 7 percent of physicians are women, and less than 1 percent of engineers are women. That is the percentage of trained women utilized in these important skills in the United States of America.

Compare this, if you will, Mr. President, with the fact that in Sweden, women make up 24 percent of lawyers; in Denmark 70 percent of dentists; in Britain, 16 percent of physicians are women; in France 13 percent; in Germany 20 percent; in Israel 24 percent; and in the Soviet Union 75 percent of the physicians in that country are women.

So what this measure does is to strike a death blow at discrimination where it is most severely felt, where there is discrimination against women in having equal access to the kind of education they need to provide for themselves and their families.

THE STATUS OF WOMEN

Mr. President, as a background for my amendment, No. 874, to the higher education bill which would prohibit discrimination on the basis of sex in education, I am submitting a paper on the status of women which was recently given by Dr. Bernice Sandler before the annual meeting of the Association of American Colleges. Dr. Sandler is presently the executive associate and director of the project on the status and education of women for the Association of American Colleges; she previously earned an outstanding reputation in the field of women's rights as compliance officer of the Women's Equity Action League—WEAL—which has filed more than 260 complaints against American universities and colleges alleging discrimination on the basis of sex.

Dr. Sandler has been working on the problem of sex discrimination in academia for several years and has a wide perspective on the problems which confront women in education. I ask unanimous consent that her paper "The Status of Women: Employment and Admissions" be printed in the RECORD at this point in hopes that it will be instructive to those Senators who wish to study the subject in more detail.

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

THE STATUS OF WOMEN: EMPLOYMENT AND ADMISSIONS

(By Dr. Bernice Sandler)

For many of us, the words "women's liberation" evoke images of radical, man-hating, bra-burning women. My friends in the women's movement—and many of them are married, to men—tell me that bras were never burned, and that the more serious and important activities of the women's movement rarely get the attention of the press.

Women and men too are becoming increasingly concerned and aware about discrimination in education. How many of us know that formal charges of sex discrimination have been filed against more than 360 colleges and universities in the past two years? How many of us know that none of these charges have yet been refuted by the Department of Health, Education and Welfare in its subsequent investigations? Some of our finest institutions have been charged—Columbia University, Harvard University, Yale University, the University of Michigan, the University of Wisconsin, the University of Minnesota, the University of Chicago, and the entire state university and college systems of the states of New York, California and Florida.

I don't want to imply that these institutions or any others that I mention today are worse than others for they are not, or that our campuses are worse than the rest of society. But certainly, of all the areas in our society that have come under criticism for its treatment of women, the most frequent target has been higher education. Perhaps because education holds out the promise of equality and equal opportunity, women are most angry. They have discovered that the promise, for them, is broken, and that the myth of equality is just that—a myth. They were told that education is a woman's field, and they have now seen study after study, report after report which clearly indicate that women are second-class citizens on the campus. The anger and the discontent of women are sharpest in academia.

Half of the brightest people in our country—half of the people with the capacity for the highest intellectual endeavor—are women. Hearings before Representative Edith Green's Special Subcommittee on Education showed that these women will find it difficult to obtain the same quality education that is the birthright of their brothers; these talented girls and women will encounter discrimination after discrimination as they try to use and develop their talents in the university world.

Representative Green's hearings documented that women are discriminated against when they first apply for admission; when they apply for scholarship and financial aid; when they apply for positions on the faculty. In too many institutions, if hired, they will be promoted far more slowly and receive less money than their male counterparts, even though the women are equally qualified.

Discrimination in the academic community is so widespread that many women say it is a national scandal. Yet until very recently it has gone unnoticed and unchallenged.

Despite the academic myth that things have been getting better for women, the position of women on the campus is NOT improving: it has been deteriorating steadily for years. The percentage of women graduate students is *less* now than it was in 1930. The expansion of faculty in the postwar period was largely one of male expansion: the proportion of women faculty has dropped continuously over the past one hundred years, from a third of the positions in 1870 to less than a fourth today. In many of the most prestigious institutions, women faculty are less than 10%. Many institutions have a lower proportion of women faculty NOW than they did in 1930. Even worse, at least one prestigious mid-Western university has a lower proportion of women on its faculty now than it did in 1899.

In June and July of 1970, Representative Edith Green, Chairman of the House Special Subcommittee on Education, held extensive hearings on discrimination against women, the first ever held that dealt directly with sex discrimination in education. These hearings documented a widespread and massive pattern of discrimination against women at every level, and confirmed what many academic women had known for years: that things were very bad, and that they were getting worse, not better.

Women are far more likely to be hired by the lower-paying, less well-known institutions. When they are hired, they are likely to be promoted far more slowly than men. The higher the rank, the fewer the women. Women are 32% of the instructors, 19% of the assistant professors, 15% of the associate professors, 8% of the full professors, and very few of the departmental chairmen. Study after study has documented the fact that women with the same qualifications as men are hired less frequently, promoted more slowly, and receive less pay than their male colleagues. Ninety percent of the men with doctorates and 20 years of experience will be full professors; for women with the identical qualifications, barely half will be at that rank.

Salary differences are the rule, rather than the exception. At one Western state university, for example, women earned an average of 15–20 percent less than their male colleagues. At a large state university in the Midwest, the differences averaged 32%, and in some instances it ranged up to 50% less. At one large Eastern institution, statisticians on a Women's Faculty Rights Committee estimated that by keeping women in low-level teaching and staff positions, the university saved 2–4 million dollars annually. While this is admirable from a budgetary standpoint, it represents money that should have been paid to women but was not.

Some of you may ask if the reason for the low pay and the lower rank is that perhaps women are not as well-qualified as the men. Several studies have examined academic criteria in great detail, such as the number of books published, number of articles written, papers read at meetings, honor, and the like, and still women earn less and are promoted more slowly. At one university a sophisticated statistical analysis which examined a variety of these factors concluded that all other things being equal, a women's sex cost her $845 per year, even though identically qualified. At another institution a similar analysis showed that women equally qualified to men earned an average of $100 per month less.

Should anyone think that academic women are really not as well-qualified as academic men, I refer you to studies such as the one done by the National Academy of Science which reported that women doctorates have somewhat greater academic ability than their male colleagues.

Supposedly, women marry, retire from academic life and waste their years of expensive training. Supposedly, they just aren't as committed to work the way men are. The facts do not support this myth: fully 91% of women doctorates work, 81% of them full-time, and 79% of them had not interrupted their careers in the ten years after they got their doctorate. Lest you think that 91% working is not a satisfactory figure, let me point out that only 81% of all men work, and of men with doctorates, only 69% work full-time in their field of study. One of the witnesses, at Representative Green's hearings put it succintly when she pointed out that women do not undergo the rigors of graduate training in order to become more charming wives or companions. They want degrees for the same reasons that men do: for a professional career. What is truly amazing is that women are indeed committed to their work, despite the fact that they can look forward to working in lower positions, at less prestigious institutions, with less pay, and a slower rate of promotion than their male counterparts.

Academic myths about women do not die easily or fade away. One of the more popular myths is that women don't publish as much as men. Research data show that the differences are very slight. In fact, married women published more than men, although unmarried women published slightly less.

Still another myth is that there is a "shortage" of qualified women. This is the reason given for the lack of women on the campus. Of course, if there were no discrimination in admissions, there would be more qualified women available. Still, on too many campuses, women are not hired in any number approaching the actual number of doctorates awarded to women.

Let me give you an example. In psychology, women receive 23% of all doctorates; that is about the same percentage of women listed as psychologists in the National Register of Scientific and Technological Personnel. In 1970–71 at Rutgers, the percentage of women faculty in psychology was 9%; at the University of Maryland, 6%; at the University of Wisconsin, 3%; at Columbia University, zero percent, despite the fact that Columbia awarded about 36% of its own doctorates in psychology to women. These are fairly typical figures; these institutions are no worse than others. At one well-known California institution, the two women hired this year were the first females hired for the faculty of the psychology department since 1964. The problem is not limited to psychology or to the institutions named. It is a pattern that can be found in institution after institution, in department after department.

The more prestigious and better known the institution, the worse the status of women. Women are far more likely to end up at the lesser known institutions and in junior colleges, where they constitute 40% of the faculty, and where the opportunity for research and professional advancement are less, and where the salaries are lower.

Sometimes women are not hired because they are supposedly poorer risks in terms of greater absenteeism and have a supposedly higher rate of turnover. That, too, is a myth. Forty-five percent of women doctorates had the same job in the first ten years after they received their degrees, 30% had changed their job only once in the ten years. Several studies indicate that academic women are less likely to change their jobs than men.

The Women's Bureau of the Department of Labor analyzed absenteeism and high turnover rate and found that turnover and absenteeism were more related to the level of the job and to factors other than sex. Unskilled jobs had the highest turnover and absenteeism; at the professional level, turnover rate and absenteeism decreases and is the same for both sexes. As a matter of fact, men lose more time off the job because of hernias than do women because of childbirth and pregnancy.

In administration, women are virtually non-existent. Few women head departments other than the strictly "female" fields such as home economics and nursing. The number and percentage of women in administrative positions is less NOW than it was 25 or even 10 years ago. Of the 50 largest academic libraries, not one is headed by a woman. Women college presidents are decreasing; even many women's colleges are openly looking for a male president. If you know any young woman who would like to be a college president—and why shouldn't a young woman aim at this?—the best advice would be "get thee to a nunnery," for almost all of the women presidents are at the Catholic institutions. In fact, if it were not for the Sisters, the number of women college presidents would be less than the number of whooping cranes. Less than 1% of our college presidents are women; perhaps we ought to declare women presidents as an endangered species.

In the larger, well-known institutions, there are approximately three women who are academic deans. This represents an enormous increase from last year when there was only one.

Academic policies are often discriminatory in their effect. Nepotism rules—written or unwritten—almost always limit the wife's ability to hold a comparable job at the same institution as her husband. Often the rules are circumvented to allow her to be hired but at a lower rate of pay, with no possibility of tenure, and often with no fringe benefits. Recently, Stanford, Oberlin, and the Universities of Michigan, Maine and Minnesota have revised or abolished their nepotism rules so that husbands and wives can work in the same institutions and in the same department, provided that both meet the standards of employment and that neither is involved in making employment decisions about the other.

Fringe benefits also penalize women. On some campuses, wives of faculty members can get maternity coverage on their health insurance, but women faculty members cannot get the same benefit. In other places, women cannot use sick leave for childbirth, nor do they retain their job if they leave, even for a short period for childbirth or childrearing. Women who leave their jobs for a year or two of childrearing are viewed very differently from the young men who spend two years away from their job because of the draft.

Similarly, TIAA and other retirement benefits, based on actuarial tables, pay women less, even though they have contributed the same amount as the men they have worked alongside. The rationale is that women live longer. However, the mortality gap between whites and blacks is far greater than that of

men and women, yet we would all be up in arms if insurance companies were to have differential benefits based on race.

Discrimination against students is equally widespread. Girls need higher grades and higher test scores to get into colleges. Although the percentage of women undergraduates has been increasing since the 1950's so that it is now 41% it is still less than the percentage of women undergraduates that we had in 1920, when girls were 47% of the undergraduates, or in 1899, when 53% of all undergraduate degrees went to women. Oberlin, which was the first college to admit women in 1837, has a lower proportion of women students now than it had in its undergraduate class of 1899. Penn State University is not unusual with its artificial quota of 2½ men to every woman.

About 75–90 percent (depending on the particular study) of the well-qualified students who do not go on to college are women. The proportion of boys who make it to college despite high school grades of C or lower, is double that for girls, 40% to 20%. In one study done by researchers at the University of Wisconsin, bogus applications were sent to 240 institutions, with the sex of the applicant varying, so that in some instances the applicant was listed as male, and in others, female. Males were preferred over females, particularly at the low ability level. At the high ability level there was little difference—at the undergraduate level the exceptionally gifted woman will not face very much discrimination in admission. But since most students are not exceptionally gifted, and indeed more students are in the "low ability" group, it is clear that many women are discriminated against in admission. Essentially, many institutions place a ceiling on the number of qualified women they will admit, while permitting admittance of men with lower qualifications. One woman bitterly phrased it this way: "Admission to college is not based on ability only, but also on the particular set of reproductive organs that one possesses. Such artificial quotas based on sex hurt women just as much as artificial quotas based on race hurt minorities."

One way in which education is denied to girls is through the excuse of dormitories or the lack of dormitories: "We'd love to have more girls but we just don't have the room for them." Yet dormitories, like hotels, apartments and houses, are not built any differently for one sex or the other. When Yale converted some of its previously all-male dormitories for women students, it only added new locks and full-length mirrors. Even the presence of urinals in previously all-male dormitories has posed no problems for inventive women students at other institutions: the urinals make marvelous planters and the university is spared the expense of removal. Dormitories can easily be changed from one sex to the other merely by administrative flat, unless one wants to arbitrarily limit the number of women students. All that is really needed is adding the letters W–O in front of the word "MEN." Women's groups have noted that some institutions that claim a shortage of dormitories for women often refuse to let their women students live off-campus, although men students have that privilege.

On too many campuses, women students are treated differently, with far more restrictions in terms of hours and the freedom to live off-campus. Gynecological services are not available for women students, although urological services are available for male students. On some campuses women students clean their own dormitories, while men's dorms are provided with cleaning services. Many students are denied leave for pregnancy and childbirth. Honorary societies are often segregated by sex, with the men's honoraries being far more prestigious than the women's On at least one campus, the women need to be better qualified for admission to the women's honorary than the men need to be for admission to the men's honorary.

Women students, like women faculty, are enveloped in blanket of myths. They are believed to have a higher attrition rate than men. Yet, the percentage of entering women undergraduates who graduate in four years is 15% higher for women than for men. At the graduate level, attrition for all students is usually higher in the humanities where there are more women concentrated. When data on attrition are collected by departments, the differences between men and women are much smaller, and in some instances are higher for men than for women. Add to this equation the lower amount of financial support and the lack of encouragement afforded to women students and the wonder is that the rate of continuation is as high as it is. At the graduate level particularly, mobility may play havoc with the statistics. I myself took graduate work at five separate institutions as my husband and I moved about. Undoubtedly, I'm listed as a dropout in the first four universities.

Another myth is that men do better in school. Yet at the University of Michigan, for example, girls had higher GPA's than boys as well as a higher success rate in completing the degree within four years.

Perhaps most serious of all is the lack of encouragement given to young women students. Too many of our brightest women have lower aspirations when they leave college than when they were freshmen: girls who wanted to become doctors decide to become medical technicians instead; a prospective biologist decides to become a high school science teacher, an aspiring writer becomes an editorial secretary.

Many young women are actively or subtly discouraged from considering serious academic or professional endeavor. Professors are not exempt from believing erroneous stereotyped notions about women students. Women are sometimes denied admission to graduate school because of logic like this: "If she's NOT married, she'll get married." "If she *is* married, then she'll probably have children." "If she has children, she can't possibly be committed to study." "If her children are older, then she's too old to begin training, and what a pity it is that she didn't start sooner."

Supposedly, education is wasted on women for they marry and give up their careers. Yet the truth is that 70% of women college graduates work. The average working woman today is married. More than half the mothers of school-age children work. Women are nearly half of the labor force, about 40%. At age 35, women with husbands can expect to work fully 24 years. At the same age, 35, women who are widowed, separated or divorced, have a worklife expectancy of 28 years, only a half year less than a man of the same age.

Sex discrimination is the last socially acceptable prejudice. Sex prejudice is so ingrained in our society that many who practice it are simply unaware that they are hurting women. Much of it is unconscious and not deliberate. A department chairman who would not dream of advertising for a "white professor" see nothing wrong in advertising for a "male professor." He sees nothing wrong in asking his colleagues if they know of a "good man" for the job. He sees nothing wrong in paying a woman less because she's married and therefore doesn't need as much, or paying her less because she's not married, and therefore doesn't need as much.

Many of the most ardent supporters for civil rights of blacks, Indians, Spanish-speaking Americans and other minorities simply do not view sex discrimination as "real" discrimination. They fail to notice that half of each minority group are women. I am reminded of a program for disadvantaged students which provided a transitional year at one of our major universities.

All 30 of the disadvantaged students turned out to be male. Too often helping minorities has meant helping minority males only, and helping women has meant white women only. It helps minority women little to say that the reason we keep them out of a program is not because of their race, but just because of their sex. Representative Shirley Chisholm, and Pauli Murray, a noted Negro civil rights attorney, have both stated that they have suffered far more from being a woman than from being black.

Sex discrimination on the campus is real. I could tell you of women who have been "temporary" employees for more than ten years; of women who have been assistant professors, without promotions, for more than twenty years; of women who earn as little as half of what their male colleagues earn, and yes, even of women who have worked for no pay at all. And I can tell you of letters that say "Your qualifications are excellent, among the best we've seen. But frankly, we're looking for a man for this position. I hope you won't consider that discrimination."

Such discrimination against half of our citizens is wasteful and shameful. But it is all legal. There are no federal laws that forbid such discrimination. Title VII of the Civil Rights Act of 1964 which forbids sex discrimination in employment exempts faculty in educational institutions. Title VI of the same Act forbids discrimination in federally assisted programs, but it only applies to race, color and national origin, not sex. The Equal Pay Act excludes professional, executive and administrative employees. Even the U.S. Commission on Civil Rights has no jurisdiction over sex discrimination; it is limited by law to matters pertaining to race, color, religion and national origin, but not sex.

The only remedy that women have is the Executive Order which forbids federal contractors from discriminating. It does not cover universities or colleges that have no federal contracts, nor does it cover discrimination against students. It is an administrative remedy at best, and does not have the status of law. Moreover its enforcement by the Department of HEW has been the subject of bitter criticism on the part of institutions and women. Several women's groups have even called for a Congressional investigation of HEW's handling of the sex discrimination investigations on the campuses.

Nevertheless, as word has gone out to the academic community that institutional pocketbooks may well be endangered through the loss of contract funds, and as women on the campus have begun to exert pressure for change, administrators on many campuses are beginning to take a new look at the status of women on their campus, and to develop affirmative action plans for women. Women are a new advocacy group on the campus. Women students, staff and faculty are banding together, and asking for fair treatment, and they will be satisfied with nothing less than that. In the years to come women will be far more militant than previously. The so-called "dumb blonde" is disappearing like the so-called "Uncle Tom" of yesteryear. We can expect to see more women who are unashamed to use their mind to the fullest, women who care, women who do women who are full human beings and not the empty caricatures of the mass media.

Just as we have had to make a conscious, deliberate effort to end racial discrimination, all of us will have to make a conscious, deliberate effort to change the barriers that deny women education and equal employment opportunity.

Women themselves will take an active role in struggling against discrimination. They are forming new groups on the campus and

in their professional organizations, despite the fact that on some campuses it is still dangerous to fight sex discrimination. I know of numerous women whose jobs were terminated, whose contracts were not renewed, and some who were openly and directly fired for fighting such discrimination.

Hardest of all to change will be our own attitudes and assumptions about women, about what women are really like, what women really want, and what women really need. We—women and men both—are going to have to work with women in ways in which we perhaps have never done before, in full partnership. Our society is such that we have all been trained so that women and men can only relate to each other as marriage partners, as lovers, or in an up-down relationship, such as the male boss and the female assistant.

If we are to come to grips with the problems of population control, we are going to have to train our young women to do something else with their lives other than extensive childrearing. If the only alternative to childrearing is discrimination in education and a low-paying job, then, despite the increase in birth control information and the dissemination of the pill and other devices, too many women will continue to choose to have too many babies.

The lives of men and women are inextricably joined together. We cannot escape each other, nor do we wish to do so. We are wife and husband, mother and son, father and daughter. The women's movement affects us all. It is not going to be a passing fad or a flash in the pan, because so many women care, and so many men care, too.

Our society changes slowly. Old roles persist side by side with new roles. All of us, women and men, will need compassion and patience as we grope together to work out the problems that arise as women's traditional roles shift toward greater equality of opportunity. It will not be easy, but we have no other choice. No longer will women weep when discrimination hurts. No longer will women grow bitter when denied the opportunities that are the birthright of their brothers. For women have something else to do. They are learning that the hand that rocks the cradle can indeed rock the boat. And the campus will never be the same.

Mr. BEALL. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. WEICKER). The Senator from Maryland is recognized for 5 minutes.

Mr. BEALL. Mr. President, to supplement the statistics cited by the Senator from Indiana—and I compliment him on his amendment—we are all anxious that the barriers which exist against equal treatment on account of sex be eliminated from our society today. It is interesting to note that while over 50 percent of high school graduates are women, yet 40 percent of college undergraduates are women and only 10 percent of doctoral candidates are women.

There are, of course, many coed schools which have a quota system detrimental to women. Only this morning I heard a radio broadcast to the effect that some schools have a quota system requiring a higher standard of admission for women candidates than for men candidates.

It is also interesting to note that women graduate students, as a percentage, is a lower figure than in 1930. But we also learn that among graduate students in the arts and sciences, 68 percent of the women who had undergraduate training had grades on the average of B or better, and only 34 percent of men measured up to that standard.

Mr. President, the U.S. Office of Education, for instance, states that women account for one-fifth of the Nation's 53,000 faculty members, but recent surveys show that 35 percent of faculty women are at the rank of instructor, which is the lowest on the academic ladder, while 9 percent are full professionals. Among male faculty members, 16 percent are instructors, and 75 percent are full professors.

This further illustrates the need for legislation in this area. But I would say also to the Senator that there is a precedent for this kind of action. Under the Health Manpower Act—Public Law 92-157—passed in 1971, under the jurisdiction of the Health Subcommittee of the Committee on Labor and Public Welfare, a similar amendment—not similar in wording but in intent—was added to the legislation to make sure there was no sex discrimination where the Federal Government was involved in assisting medical schools in dealing with serious problems of increasing the availability of health manpower. So we have established a precedent for this type of amendment, and I am hopeful that the Senate will proceed to adopt it as it may be further amended.

Mr. BAYH. Mr. President, I certainly appreciate the helpful contribution of the Senator from Maryland. He emphasizes even further the size of the problem we have to solve and I appreciate his contribution very much.

I do want to mention one other matter of some significance, for myself and our colleague from New York (Mr. JAVITS). I feel a responsibility to deal with one aspect of the pending amendment.

For various reasons, the Senator from Indiana has excepted military schools from the provisions of this measure, but I hasten to point out that from the standpoint of the Senator from New York (Mr. JAVITS)—and I share his concern—this amendment in no way lessens or affects the authority that institutions run by the U.S. Government in the military area now have to provide educational opportunity for women students. This matter is being debated now; this amendment should not affect that debate.

Frankly, as one Member of the Senate, I hope that women who want to follow a military career have the opportunity to get the best education available to permit them to reach the top of that profession. But this measure which is presently before us does not apply to military institutions in the various States. On my own behalf, and on behalf of the Senator from New York (Mr. JAVITS), I want to emphasize that this in no way lessens the responsibility of those who are presently charged with administering our Federal military academies to provide education for women applicants.

The PRESIDING OFFICER. Who yields time?

Mr. BEALL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be divided equally between both sides.

Mr. BENTSEN. Mr. President, would the Senator withhold that request.

Mr. BEALL. Mr. President, I withhold my request.

Mr. BENTSEN. Mr. President, I offer perfecting amendment No. 948 to the amendment under consideration and ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Until all time has been yielded back or used, it would not be in order for the amendment to be accepted by the Chair. Do the Senator from Indiana and the Senator from Maryland yield back their time?

Mr. BEALL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. PELL. Am I right in saying that a private undergraduate institution which seeks to limit admissions to all of one sex, or a limited amount of one sex, would be excluded from the provisions of the amendment of the Senator from Indiana?

Mr. BAYH. The Senator is correct. This amendment does not apply to the admissions policies of private undergraduate institutions.

Mr. PELL. Thank you. Sections 1001 (a) and (b) include all educational institutions which receive Federal assistance. This includes elementary and secondary schools as well. With regard to private undergraduate colleges, the Senator has excluded from coverage their admissions practices. Does the same exclusion apply to nonpublic institutions at the elementary and secondary level?

Mr. BAYH. At the elementary and secondary levels, admissions policies are not covered. As the Senator knows, we are dealing with three basically different types of discrimination here. We are dealing with discrimination in admission to an institution, discrimination of available services or studies within an institution once students are admitted, and discrimination in employment within an institution, as a member of a faculty or whatever.

In the area of employment, we permit no exceptions. In the area of services, once a student is accepted within an institution, we permit no exceptions. The Senator from Rhode Island asked about admissions policies of private secondary and primary schools. They would be excepted.

Mr. PELL. That is in the area of nonpublic elementary and secondary schools.

Mr. BAYH. The Senator is correct. Ths is one of the exceptions.

Mr. PELL. Mr. President, do I understand the Senator to say that the faculty of private schools would have to reflect a sexual balance?

Mr. BAYH. This amendment sets no quotas. It only guarantees equality of opportunity. The Senator from Indiana cannot be sure about the sexual balance

in any faculty, but as far as employment opportunities are concerned, the answer would be "Yes."

Mr. PELL. The Senator means that a private school for girls, for the sake of argument, would have to accept men teachers, or vice versa?

Mr. BAYH. Someone would have to prove that they did discriminate against teachers first. The Senator is correct insofar as he is saying that discrimination on the basis of sex would be forbidden.

Mr. PELL. Would this apply to a parochial school where they have nuns as teachers?

Mr. BAYH. No. There is an explicit exception for educational institutions controlled by a religious organization.

Mr. PELL. What about a boys' prep school? Would there have to be women on the faculty there?

Mr. BAYH. The answer is "Yes." That does not guarantee a balance, as the Senator knows. However, if discrimination can be proven, the answer is "Yes."

Mr. PELL. Mr. President, I refer to a preparatory school such as Peekskill Military Institute which is at the high school level. Would that school be expected to have women teachers?

Mr. BAYH. I am not sure. Is this a military school?

Mr. PELL. It is a military school. However, it is at the high school level.

Mr. BAYH. All military schools are excluded.

Mr. PELL. The overall merit of the Senator's proposal is good. As the Senator knows, I said to him earlier that I intended to support the position he has advocated in conference with the House. He has chosen to bring the amendment before the Senate now. As floor manager of the bill, noting the particular point that we have just covered, and with the understanding that the Bentsen amendment will be accepted, I would recommend to the Senate that we accept the Bayh amendment.

Mr. BAYH. Mr. President, as I said earlier, the military schools are excluded, not because of the feelings of the Senator from Indiana, but because I think this exception will greatly increase the chance of getting the measure passed. Frankly, I do not see a very great amount of discrimination going on in this area. It is isolated discrimination. I would rather have the program across the board than have an exception. However, there are a few isolated instances where a girl might want to get into a military school.

Mr. BEALL. Mr. President, the minority side is willing to accept the amendment. For myself, I hope it is the intent of the Senate in adopting the amendment that we are desirous of eliminating the sex discrimination that has taken place in education. As we eliminate this, I hope that we are not establishing still another form of bias. I hope that what we are saying is that we want everyone to be treated fairly and equally so far as the requirements for admission or employment are concerned. We do not answer that by saying that we want to have the faculty composed 50 percent of women and 50 percent of men.

Mr. BAYH. I appreciate the Senator's bringing out that point. I had said earlier that amendment does not require a 3 percent or a 55 percent balance. It tries to speak directly in regard to women students who do want access to institutions.

There is no way we can or want to force women to attend an institution they are not capable of attending. Let everyone go to the schools they are qualified to attend.

BPW SUPPORTS THE BAYH AMENDMENT

Mr. BAYH. Mr. President, the Business and Professional Women's Clubs have provided essential support to major legislation affecting women and have led the effort to inform women across the country about bills which directly affect them.

I ask unanimous consent that a letter from the National President, Osta Underwood, in support of my amendment No. 874, be printed in the RECORD.

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

THE NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC. OF THE UNITED STATES OF AMERICA,
Washington, D.C., February 28, 1972.

The Honorable BIRCH BAYH,
U.S. Senate,
Washington. D.C.

DEAR SENATOR BAYH: The National Federation of Business and Professional Women's Clubs, Inc. is pleased to add its strong support to the amendment, No. 874, which you intend to propose to S. 659, the Higher Education Act. It has long been the goal of our organization to eliminate all traces of discrimination on the basis of sex in education, as well as in other areas of American life. Your amendment would go a long way toward making that goal a reality.

We believe that discrimination solely because of sex is indefensible anywhere it is practiced. But sex discrimination in education is particularly damaging because it places limits, often at a very early age, upon women which restrict them from achieving their full potential and from making important contributions to our society.

As the President's Task Force on Women's Rights and Responsibilities pointed out in its report, "A matter of Simple Justice": "Discrimination in education is one of the most damaging injustices women suffer. It denies them equal education and equal employment opportunity, contributing to a second class self image."

Women are not encouraged to enter colleges and universities. When they do, they may be welcome to major in the humanities, education, library science, nursing, or the social sciences, but they often are discouraged from pursuing studies in science, mathematics, business administration—areas in which they could expect better positions and higher pay in our technological society.

In a less obvious, direct fashion, schools reinforce family and societal patterns which fashion discrimination from kindergarten through graduate school. Women are subtly (and sometimes not so subtly) discouraged from pursuing careers other than marriage and home. They are not counselled to seek professional careers in the way that men are, nor are women encouraged in professional excellence. Too often, teachers and textbooks reinforce stereotype male and female images that inhibit personal development and fulfillment (for males and females both, for that matter, since poetic and artistic talent is often discouraged in men as being too feminine, in the same manner that science and engineering are discouraged in women).

According to the "Report of the Women's Action Program," U.S. Department of Health, Education, and Welfare: "Women seeking higher education at both undergraduate and graduate levels are subject to unequal consideration and treatment by colleges and universities—in admissions, in the classrooms, in financial aid and fellowships, and in continuing education opportunities." This report also points out that vocational education and job training programs perpetuate a sex-typed role of women and that women do not have the same opportunity for vocational training and employment offered to men.

While we do not hold educational institutions entirely to blame for this situation, they could and should assume some leadership to remedy the attitudes which exist in our society. Certainly, strong legislation in this area by Congress would help in this regard. It is long overdue.

While we were appreciative of the fact that the House-passed Higher Education Act made some steps toward eliminating sex discrimination in education, we were most disappointed that undergraduate institutions were exempted entirely from the ban on sex discrimination in Federally-funded education programs. We do not believe the Federal Government should finance *any* program under which discrimination on the basis of sex is permitted.

Your amendment, which covers admissions policies of institutions of graduate, professional, and vocational education and of public undergraduate education, and which calls for a study by the Commissioner of Education of sex discrimination at all levels of education, both public and private, is, in our opinion, a great improvement on the House-passed version. We assume this study would also cover the problems of sex discrimination in military and Merchant Marine schools. Education at these schools, which are now barred to women interested in military careers, is most important to the upward mobility of men in the services.

Your proposal to permit the Attorney General to initiate legal proceedings concerning denials of admission to or continued attendance at public colleges for reasons of sex discrimination is much needed. The Attorney General now has the right to do this in cases of discrimination on the basis of race, color, religion, and national origin. It is only logical that this authority be enlarged to include sex, which is no less discriminatory.

Because our organization is composed entirely of working women—our members number about 175,000 and live in all the 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands—we are naturally greatly concerned with the discrimination against women in employment. Thus, we are wholeheartedly behind those provisions of your amendment which would make sex discrimination in employment illegal.

Since women in large numbers major in education and pursue careers in that field, we think the extension of coverage under Title VII of the Civil Rights Act of 1964 to teachers in both public and private institutions is especially important. Teaching is the largest single professional occupation for women, but the salaries of women teachers are less than those for men at all levels.

We note, too, that disproportionately fewer women are hired as professors and administrators in institutions of higher education, and that the trend appears to be away from employing women in administrative positions in elementary and secondary education—the better paying and more responsible positions. We agree with the observation in the Report of the Women's Action Program that "bias against women professors and administrators in colleges and universities has

denied both professional women a just opportunity for work and students a chance to observe 'models' of female achievement." This is true, we believe, at elementary and secondary school levels as well.

The extension of the Equal Pay Act of 1963 to executive, administrative, and professional employees has long been a goal of our Federation. We supported the very first major Equal Pay Act, which was introduced at the end of World War II, and we continued our support until 1963, when a bill was finally passed. At that time, in order to secure passage of the bill, we accepted half a loaf—equal pay coverage co-extensive with minimum wage coverage. But we have never ceased our efforts to have this most important provision extended to executive, administrative, and professional employees.

In the most recent "Fact Sheet on the Earnings Gap" published by the U.S. Department of Labor, statistics show that women who were professional and technical workers (those most likely to be affected by the extension of the Equal Pay Act) earned a median wage in 1970 of $7,878, or only 66.7 percent of the $11,806 earned by men. And this was the closest that women came to earning the same wages as men. Women in other job categories, many of whom would also be covered by the proposed extension, had median incomes of between 42.8 percent and 64.4 percent those of men in comparable employment.

The earnings gap between all men and women employed full-time in 1970 was 59.4 percent, wider than the 60.5 percent gap in 1969 and much, much wider than the 63.9 percent difference in 1955. Thus, the span in earnings between men and women is growing. We believe strongly that an extension of the Equal Pay Act to executive, administrative, and professional employees will help to eliminate this discrepancy.

Finally, we would like to express our support for the provision in your amendment which would give the Civil Rights Commission the authority to study sex discrimination. Discrimination on the basis of sex is a fact of life for the American woman. In the job market, in education, in property rights, in a hundred different ways, the American man and the American woman do not have equal legal rights.

The extent of this discrimination is not fully known. The President's Task Force on Women's Rights and Responsibilities, which recommended the change you propose, pointed out that the hearings and reports of the Commission "would help draw public attention to the extent to which equal protection of the laws is denied because of sex" and stated that "perhaps the greatest deterrent to securing improvement in the legal status of women is the lack of public knowledge of the facts and the lack of a central information bank."

Because of its unique position of independence and impartiality, the Civil Rights Commission can explore all areas of sex discrimination. As it does now with race, color, religion, and national origin, the Commission can be a clearinghouse for information concerning discrimination on the basis of sex in all areas of American life. And its important and widely-read reports to the President and to Congress can do much to create a climate in which all traces of discrimination can be wiped out.

In conclusion, we want to re-emphasize that our organization strongly supports your anti-sex discrimination amendment to S. 659. Discrimination on the basis of sex has no place in our country. Your amendment is most important to all women—indeed, to all Americans—and it will make an important contribution toward helping to erase those remaining pockets of inequality in our nation. We urge its adoption.

Sincerely,

OSTA UNDERWOOD,
National President.

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

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

AMENDMENT NO. 948

Mr. BENTSEN. Mr. President, I send to the desk a perfecting amendment No. 948 to the Bayh amendment and ask unanimous consent that they be read and considered en bloc.

The PRESIDING OFFICER. The amendments will be stated.

The second assistant legislative clerk read as follows:

On page 2, line 15, strike out the word "and".

On page 2, line 19, strike out the period and insert a comma and the word "and".

On page 2, between lines 19 and 20, insert the following:

(5) in regard to admissions this section shall not apply to any public institution of undergraduate higher education which is an institution that traditionally and continually from its establishment has had a policy of admitting only students of one sex.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. BENTSEN. Mr. President, the purpose of my amendment is to exempt from the Bayh amendment the undergraduate admissions policies of public institutions of higher education which have from their establishment been "traditionally and continually" for students of only one sex.

I am informed there are only four of these institutions in the country, one in Texas, two in Virginia, and one in Mississippi. The one, in particular, that I am thinking about is Texas Woman's University, located in Denton, Tex. This is a college with some 6,500 women. From its inception in 1901 it has been admitting students of one sex only. In the same community there is another large State-supported university, North Texas State College, which is coeducational, and which has some 14,000 students.

Texas Woman's University has no wish to admit men and is forbidden by State law from doing so. If the Bayh amendment were agreed to and survived in conference, this institution would have to go to court to fight for its right to continue to exist as a women's institution. I do not think it should have to do that. The women attending this institution do so voluntarily because they wish to have the experience of attending an all-female institution. If they did not want to attend, they could go to North Texas State or another institution of higher education in Texas.

Is this really a civil rights issue? I do not think in this instance it is. Texas Woman's University has a higher percentage of minority students than any institution in the State. It has a cohesiveness that other institutions do not have. It is a unique and distinctive institution, and it should be allowed to exist.

Quite frankly, the problem is this: If the Bayh amendment passes, the pressures will build for the college to admit men, and what will be accomplished? Very little, compared to what could be lost.

If Federal funds are cut off, it is the students who will suffer. This university now receives over $250,000 in educational opportunity grants; it receives $83,000 for college work-study programs. The thrust of the amendment is obviously to prevent discrimination against women in public higher education, and yet the effect of the amendment may well be to legislate against those single-sex institutions such as this one which have been traditionally for women only. I am sure that is not the purpose of the amendment of the junior Senator from Indiana. I know he does not wish to see these institutions coerced into changing their admission policies.

Let me also say, Mr. President, that I believe HEW should allow for some flexibility in interpreting the Bayh amendment and other antisex discrimination provisions in Federal law. These amendments were not directed at the traditionally single-sex institutions; they had quite another purpose. Unwittingly, the sponsors of these amendments may have caused some unfortunate results they had not counted on.

I believe that my amendment will clarify the provisions of this particular bill as they pertain to undergraduate admissions policies.

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

Mr. BENTSEN. I am pleased to yield to the Senator from Virginia.

Mr. SPONG. Mr. President, I commend the Senator from Texas for offering this amendment to the Bayh amendment. Two of the institutions which would benefit from the Senator's amendment are in the State of Virginia, Longwood College and Radford. Both are traditional female institutions, as is the case of the Texas institution which the Senator mentioned.

I think they should be excluded as the language of the Senator's perfecting amendment would provide. I join the Senator from Texas in the hope that, as has been indicated, this perfecting amendment will be accepted by those handling the bill.

Mr. BENTSEN. I thank the Senator.

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

Mr. BENTSEN. I am pleased to yield to the senior Senator from Texas.

Mr. TOWER. Mr. President, I commend my colleague from Texas and express my thanks to him for introducing this amendment to the Bayh amendment, and I express the further hope that it will be accepted.

The university that the Senator has referred to is the alma mater of my wife. She graduated from Texas Woman's University and received a very fine education from A to Z there.

One of the problems that has been discussed by the Senator from Indiana and the Senator from Rhode Island is that coeducational institutions have not provided the right kind of counseling that would prepare women for professions that we usually think of men being en-

gaged in. I think Texas Woman's University affords an excellent opportunity for channeling women into the professions and remedying this oversight that has occurred in college counseling for so long. I think that institutions like Texas Woman's University should be encouraged. Therefore, I support the amendment of my friend from Texas and I ask that my name be added as a cosponsor of the amendment.

Mr. BENTSEN. Mr. President, I am pleased to include the name of the Senator as a cosponsor of the amendment and I ask unanimous consent that that be done.

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

Mr. BENTSEN. Mr. President, I ask unanimous consent also to add the name of the Senator from Virginia (Mr. SPONG) as a cosponsor of the amendment.

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

Mr. BENTSEN. Mr. President, before closing my remarks I wish to commend the Senator from Indiana for the diligent work he has done for equal rights for women during his distinguished career in the Senate. I know of the great part he has played in the authorship of measures for equal rights for women, which are due here shortly, and which I intend to support.

Mr. BAYH. Mr. President, I express appreciation to my colleague from Texas for his laudatory remarks and I express gratitude for the kind of support on equal rights efforts I have had from the Senator from Texas. As I look at the tremendous problem in the country today, as far as women being discriminated against in education, I do not see that much of that can be attributed to the institutions to which the Senator refers. Thus, I have no objection to the amendment.

Mr. President, earlier the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Maine (Mr. MUSKIE), joined me in cosponsoring this amendment. I now ask unanimous consent that the Senator from Kentucky (Mr. COOK), the Senator from Michigan (Mr. HART), the Senator from Oregon (Mr. HATFIELD), the Senator from New Mexico (Mr. MONTOYA), the Senator from California (Mr. TUNNEY), and the Senator from Minnesota (Mr. MONDALE) be added as cosponsors of my amendment.

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

Mr. BENTSEN. Mr. President, I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I congratulate the Senator from Indiana in his efforts on behalf of women's rights and equal opportunity. I know of the Senator's tenacity over the years. Few men have had the record of achievement and success he has had in this body.

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

The PRESIDING OFFICER. All time is yielded back. The question now occurs on the amendment of the Senator from Indiana, as amended by the perfecting amendment of the Senator from Texas.

The question occurs first on the amendment of the Senator from Texas.

The perfecting amendment (No. 948) of the Senator from Texas to Amendment No. 874 of the Senator from Indiana was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Indiana, as amended.

The amendment, as amended, was agreed to.

Mr. BAYH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I call up my amendment to the pending substitute amendment, to amend title VI, relating to youth camp safety.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 685, line 17, strike all of title VI and insert the following in lieu thereof:

TITLE VI—INVESTIGATION OF YOUTH CAMP SAFETY

SEC. 601. The Secretary of Health, Education and Welfare shall make a full and complete investigation and study to determine (1) the extent of preventable accidents and illnesses currently occurring in youth camps throughout the Nation, (2) the contribution to youth camp safety now being made by State and local public agencies and private groups, (3) whether existing State and local laws adequately deal with the safety of campers in youth camps, (4) whether existing State and local laws relating to youth camp safety are being effectively enforced, and (5) the need for Federal laws in this field.

REPORT

SEC. 602. The Secretary of Health, Education and Welfare shall make a report to the Congress before January 1, 1973, on the results of his investigation and study under this title. Such report shall include his recommendations for such legislation as may be necessary or desirable.

AUTHORIZATION OF FUNDS

SEC. 603. There is authorized to be appropriated $300,000 for carrying out the purposes of this title.

Mr. TOWER. Mr. President, instead of the language now in the bill, my amendment would insert the language in the House version of the higher education bill. On November 4, 1971, the House debated the issue of youth camp safety during the debate on their version of the pending bill. Congressman PICKLE of Texas offered an amendment striking the language approved by the House Education and Labor Committee and sought to insert thereof, language calling for a study to be conducted by the Secretary of Health, Education, and Welfare so that Congress might be advised of the scope of preventable camp accidents, the contribution presently being made by State and local agencies and private groups. The Secretary was then to determine whether or not there exists a need for Federal action in this area and report his findings to the Congress. This amendment was passed by the House.

I believe that the House action was a wise step and it is for that reason that I am raising this issue in the Senate today. I am sure that there is no legislator in either body of the Congress who is against safety, particularly when it concerns the youth of the Nation. However, it seems to me that it is a prudent policy to first determine the desirability of Federal Government action before we allow the Department of Health, Education, and Welfare the opportunity to become involved in a particular area of public policy. The sponsor of the pending Senate provision on camp safety (Mr. RIBICOFF) has spoken at length from his experience as Secretary of Health, Education, and Welfare on the problems in that Department and the difficulty in arriving at cohesive administration of the programs that it administers.

Mr. President, I honestly do not know whether there is a need for the Federal Government to take an active role in the area of youth camp safety. There are obviously those who are firmly convinced that the aid of the Federal Government is direly needed to improve the health and safety conditions of our camps. For instance, Senator RIBICOFF has made notice of the fact that there are little or no State statutes dealing with camp safety. Yet from my experience and knowledge in my State of Texas, I know that our camps have a good safety record and must comply with various regulations promulgated by the State Department of Health that are not strictly implemented in the name of camp safety, but rather are enforced as part of the general State program to insure adequate safety and health conditions for all Texans.

Camps in my State have not shirked their responsibility in providing the safest environment for their campers. If we are to assume that camp administrators and camp organizations are going to meet safety problems with the least possible cost and effort, and I categorically reject such an assumption, it is still quite clear that it serves the best interests of those who run the camp to provide safe and healthy conditions for their campers. In an industry such as the camping industry, one fatality or one serious accident would mean the end of the camp.

Mr. President, I trust that Senator RIBICOFF will speak on this matter and will clarify some of the ambiguities that have come up with respect to the pending Senate provision. As I understand the pending title on camp safety, the Secretary of Health, Education, and Welfare would be directed to establish Federal safety standards which would serve as a

focusing point for the States and interested groups to follow. The States are reserved the option to participate in a Federal-State partnership on camp safety. If the State decides to participate the Federal Government will pay 50 percent of the costs with the maximum amount allocated to a State for a 1-year period being $50,000. If a State does not desire to participate they will have no relationship with the Department of Health, Education, and Welfare and the camps within that State will not be forced to meet any standards that would be promulgated under the provisions in title VI of this bill. Furthermore, as I understand it, States will be allowed to submit their own standards if they wish to participate and will not be forced to strictly adhere to the standards that will be set by the Secretary of Health, Education, and Welfare. The standards set by HEW then would serve only as a guide for the State's response to the incentive offered by the Federal Government.

Let me say that this proposal represents a great improvement on the proposal submitted to the House of Representatives by the House Education and Labor Committee. The proposal submitted by that committee, which was later struck by the House, authorized the Secretary of Health, Education, and Welfare to enforce a Federal program even if a State did not want to participate. In effect such a plan would mean complete federalization of camp safety regulations. I say that the Ribicoff provision is far superior to the one just described above because, in my mind, camp safety is one subject of public policy that is of a State interest and not one of primarily Federal responsibility. If this Nation is to adhere to the principles of federalism set down by our Founding Fathers then it would seem that such subjects as camp safety regulation should be reserved to the States. Usurpation on a mandatory basis of this function by the Federal Government would only further strengthen the increasingly convincing idea that State power has eroded and there is really no longer a viable federal system. I completely sympathize with this idea for I have seen in my 10 and a half years a continuation of such Federal usurpation of certain functions that have traditionally been reserved to States and local governments.

I have viewed such action by the Federal Government in a negative light since I find it potentially to be destructive to our system of government and our way of life. Yet, while I view the pending Senate provision as a vast improvement on the original House proposal, I still feel that the amendment that I am now presenting which has already passed the House is a far better approach than what is contemplated in title VI of the pending bill. The burden to show the need for legislation should be on those that propose the legislation. This burden should also include the type of activity government should become involved in once the need for action has been demonstrated. Even if the need can be convincingly presented today, I believe it is wise for the Congress to again be presented with the direction of the governmental activity and the type of standards that are deemed to be needed in accordance with the conclusions of safety experts at the Department of Health, Education, and Welfare. It is only after such conclusions are presented that Congress can act in a responsive manner to the needs of the American people.

Mr. President, my amendment would give the executive branch and the Congress the opportunity to decide what exactly is needed to be done. To the best of my knowledge, hearings on youth camp safety have never been held in the Senate. The last national study on this matter was made over 40 years ago. The study envisioned by my amendment would serve as a substitute for congressional hearings and would give us some direction in which to plan future action.

Again, let me emphasize that I am not raising this matter in order to procrastinate on a very important matter. I am for safety as much as anyone. Yet, we as legislators should not enact legislation simply because it seems to be the right thing to do. We must be sure of what we are doing because it is almost a certainty that the legislation that we pass will be around for a long time. It may later be recognized that the legislation was not desirable. Certainly I am in complete agreement with the intent of the sponsors of this youth camp safety title. However, before I endorse it I would like to be sure that the specifics of the proposal are drawn up so as to insure the best possible results for improving the lives of America's youth.

Mr. President, I raised these issues because I believe they are important to our young people, to our camping organizations, and to the fundamental nature of our Government.

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

Mr. TOWER. I yield to my colleague.

Mr. BENTSEN. Mr. President, I wish to associate myself with the remarks of the senior Senator from Texas on the question of youth camp safety.

I am certainly not going to stand here and argue against the need for safe camps, and I fully appreciate the concern which led the distinguished senior Senator from Connecticut (Mr. RIBICOFF) to offer this legislation last August when the higher education legislation was being debated.

All of us are for youth camp safety. I cannot conceive of a single Senator arguing against the principles underlying the Ribicoff amendment to the higher education bill.

But I believe there are legitimate questions which can be raised concerning the substance of the Ribicoff amendment and the procedures which were used to introduce it in the Senate.

I believe I am correct when I say that not a single day of hearings was held on this measure in the Senate, and yet the Ribicoff amendment would establish a major new Federal-State effort in a field which has yet to receive serious nationwide study.

Indeed, Mr. President, at the time the distinguished Senator from Connecticut introduced this bill, he said:

> The only real camp safety survey took place 42 years ago when a group of distinguished youth leaders and camping enthusiasts met in New York City to discuss camping in general.

The House of Representatives, in voting on a stronger camp safety measure in November, voted to accept a substitute which called for a survey of youth camp safety such as that mentioned by the Senator from Connecticut. HEW is to conduct the survey, then report to the Congress before January 1, 1973, with recommendations for legislation on this subject if the survey determines that such legislation is necessary.

Of course, there are some who will claim that this is nothing but a delaying tactic to put off acting on this subject. But I submit, Mr. President, that before we act to set up a program to combat a problem, we should first know the scope of the problem and give some serious thought to the possible remedies if a problem exists.

I fully agree with Congressman PICKLE of Texas, who sponsored the substitute. During the debate in the House, Congressman PICKLE said:

> I will readily admit and even support legislation which might save the life of even one child away at camp. . . . However, I think we first need to know the size, the scope and the seriousness of the problem of camp safety. This legislation today would have us charging out with an answer when we do not even know what the question is.

Mr. President, the Ribicoff amendment was adopted by a voice vote in just a few minutes of Senate debate. I doubt if more than half dozen Senators were on the floor at the time. It has little if any relation to the other programs in the higher education bill.

In my view, it is unwise for the Senate or any legislative body to tack on unrelated amendments of this kind, which have implications far beyond the scope of the legislation being considered, without hearings and without adequate debate and study.

Mr. President, in my view, the House amendment, which has been offered by the senior Senator from Texas, is the more responsible way to handle the problem. The statistics we have on youth camp safety are vague and incomplete, and the subject requires a thorough review. If the study reveals that a need exists for Federal standards for camps, I shall be among the first to support such a program, but first I believe we have to establish the need and the best possible legislative remedies to meet the need if it exists.

That is why I support the amendment offered by the senior Senator from Texas and that is why I shall urge my colleagues who are conferees on this measure to support the House version.

Mr. RIBICOFF. Mr. President, will the Senator yield me 5 minutes?

Mr. PELL. I yield 5 minutes to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I have been listening with great interest to the discussion by the two distinguished Senators from Texas. I appreciate the fears expressed by the Senators from Texas that the Federal Government is going to come into each and every State and impose standards on its camps.

Nothing of this nature will occur under title VI, as there is no requirement that

any State adopt the standards prepared by the HEW Advisory Council. The Federal Government simply uses its money and manpower to study the problem, propose solutions, and offer them to the States. If a State chooses to join in the program, the Federal Government will assist it financially. If it chooses not to join, it does not have to.

Under title VI, the Secretary of Health, Education, and Welfare, in consultation with camping and safety experts, would establish camp safety standards after surveying existing safety standards published by State and private organizations and the effects of these standards.

The Federal Government will not itself certify camps. This will be done by the States.

After publication of the standards, each State will be encouraged to establish its own camp safety program. If the State's plan meets Federal standards, the Secretary is authorized to pay up to 50 percent of the cost—but not more than $50,000 in any fiscal year—of developing and administering the State program.

I agree with the Senator from Texas that a new study of the problem is needed. But action is also needed.

Title VI would authorize both the study and the action. The replacement of title VI with a simple study provision such as my colleague proposes will only serve to delay genuine camp safety standards even further and place millions of children in unnecessary danger.

Last summer nearly 7½ million boys and girls spent part or all of their summer vacation at camp. For the vast majority of these youngsters, it was an experience they will long remember. For a few, however, it meant injury or death—a nightmare neither child or parent can ever forget.

The basic reason these tragedies occurred is the almost complete lack of safety standards for our Nation's 10,000 camps. Undoubtedly thousands of camps are safe and we would not hesitate sending our children or grandchildren to them. The problem is how to find the safe camps.

I ask unanimous consent to have printed in the RECORD at this point a communication which I received from the American Camping Association.

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

AMERICAN CAMPING ASSOCIATION,
Martinsville, Ind., July 7, 1971.

Hon. ABRAHAM RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: Since 1910, when this Association was first founded, the members of the American Camping Association have striven continuously to improve the youth camps which they direct and manage, and to make them safer and better in every way for the children of America.

In the formulation of standards, in the training of camp directors and camping personnel, the encouragement and support of appropriate legislation, and in the bringing together of the leaders of youth camping, the American Camping Association has led the way. It is now the largest, most influential and most representative of all the camping organizations of America.

Forty-seven (47) different kinds of camps belong to this Association. They are represented by more than 7,000 members and more than 3,000 boys and girls camps which we have visited and accredited.

In February 1971 you, with Mr. Bayh, Mr. Case, Mr. Javits, Mr. McIntyre, Mr. Magnuson, Mr. Muskie, and Mr. Pell, introduced to the 92nd Congress, First Session, S. 922, a bill to provide Federal leadership and grants to the states for developing and implementing state programs for youth camp safety standards. The American Camping Association acted as your consultant in many aspects of this bill, and called a consultation of national camping leaders to study it and make recommendations in 1966.

At the direction of the officers and the National Board of Directors of the American Camping Association, I have been instructed to write to you expressing our appreciation for this bill and offering our wholehearted support and best wishes for its passage.

Sincerely,

ERNEST F. SCHMIDT,
Executive Director.

Mr. RIBICOFF. The American Camping Association, which is the largest, most influential, and most representative of all the camping organizations in America, approved this proposed legislation and certified the need for it.

Most States provide little or no supervision to protect children from the kind of accidents that can cripple or kill. Based on the best information available, the leading cause of camp fatalities is drowning, which kills an estimated 40 youngsters each summer. Yet 40 States have no requirements for counselors who oversee water activities.

Twenty-four States require no license or set no standards for camps. Only 15 States have any camp safety legislation. Only 26 regulate sanitation and 46 have no laws concerning personnel.

This almost complete absence of State regulations has meant that private camping organizations have had to establish and police their own standards. The American Camping Association, the scouting organizations, the Association of Private Camps and church-orientated groups have all made a substantial contribution to better camping. These organizations are to be commended for taking the initiative where the government has failed.

Too many camps across the Nation, however, do not belong to any of these organizations and do not follow their advice. Even if a camp does belong to one of the organizations, the organization can do little to enforce its standards.

The failure to establish adequate standards for many of our camps has had tragic consequences across the Nation. Ever since I became active in this field, I have heard enough horror stories to convince me that governmental protection for our youngsters is an absolute necessity.

The only real camp safety survey took place 42 years ago when a group of distinguished youth leaders and camping enthusiasts met in New York City to discuss camping in general. It was the consensus of this group that the time had come to establish minimum standards for camp health and safety.

The group commissioned a nationwide camp safety study which remains today the only full study of the situation. The report concluded that 65 percent of all accidents at camp could have been prevented by better supervision or higher standards of camp maintenance and administration. Only a quarter of the accidents were attributable to the camper's negligence, and half of these could have been prevented with more adequate supervision.

A high percentage of the injuries covered by this report were due to faulty structures, dangerous pathways, and the very location of the camp itself. Despite this report, however, the call for action issued in 1929 has never been answered.

This deplorable situation was brought to my attention by Mitch Kurman, a constituent of mine from Westport, Conn.

In 1965, Mr. Kurman chose an upstate New York camp which offered canoe trips for his 15-year-old son. Like every other parent, he simply assumed the camp was safe and that his boy would have a wonderful summer.

One night he received word that his son had drowned in a canoeing accident on a branch of the Penobscot River in Maine. On checking into what was first considered to be an unfortunate accident, he learned from other campers on the trip and from Ontario and Maine police that his son's young counselor had previously had a narrow escape on a river he had been warned against and that a forest ranger had specifically warned the same counselor not to challenge the Penobscot. The counselor ignored all these warnings and led his charges down a stretch of river which has been described as "wilder than the Niagara gorge" in canoes that lacked fast water safety equipment such as life preservers or ropes.

It has been almost 7 years since Mr. Kurman's son died. The question which must be asked is how many other youngsters have also perished in camping accidents during that time and how many more will die before we take action.

We can no longer play Russian roulette with the health and safety of our children and grandchildren. The camping industry has done its utmost to police itself, but has found it to be an impossible task. The industry supports title VI, concerned parents support title VI, and I would hope that the U.S. Senate will continue its support.

I realize that many camps in the State of Texas, for the reasons that have been set forth by the Senators from the State of Texas, are not members of the American Camping Association. There is nothing in title VI requiring the State of Texas or its camps to participate in any way in the Federal program.

I should be more than pleased, as a part of this colloquy, to answer any questions which the Senator from Texas may have.

Mr. TOWER. Mr. President, I thank the Senator from Connecticut. He has certainly made some important legislative history here. I think it should be adequately understood that States with camps would not be compelled to follow this Federal standard, that discretionary authority would still lie in the States, and the States could make their own determinations about whether or not to adopt these Federal standards.

I am aware of what the committee's position in this matter is, and, noting that the matter is in conference, I am hopeful that the conferees——

Mr. DOMINICK. Mr. President, will the Senator yield me a few minutes before he makes any further comment?

Mr. TOWER. I yield to my colleague from Colorado.

Mr. DOMINICK. I have made this request because I was concerned, before we develop the record here, that the Senator might say something we might not all agree with.

I do not know whether I can go into this in any real detail, but one of the camping outfits with which I have been very closely connected, and have been endorsing as strongly as I can, is the so-called Outward Bound schools, which I think are probably some of the greatest instrumentalities for challenging the ability of each individual to his own particular limit of any such group that I know of. I would suppose that the average citizen would say that in no way is that program "safe." It is deliberately designed to be non-safe, to push you to the limit of your athletic and mental ability to overcome challenges one after another.

I would certainly not want to see an occupational health and safety bill which would have the effect of nullifying what those camps are trying to accomplish by way of their program. I would like to hear the comments of the Senator from Connecticut on that.

Mr. RIBICOFF. Mr. President, there is no question that what I have in mind is not the challenging type of camp the distinguished Senator from Colorado talks about. May I point out that the council that HEW will call on for advice should be composed of 18 leaders in the camping field.

I would strongly recommend—and I hope that the Secretary will be reading this colloquy—that he would have represented on the advisory council of 18 a representative of the Outward Bound type of camp, who bring to the council's attention the particular curriculum offered by these camps.

I have here an example of the type of problem that we face, a mountain climbing situation which I imagine the Senator from Colorado is familiar with.

One warm day in July a few years ago a group of touring youngsters from an American camp paused on their way up an 11,000-foot mountain in Canada's snowcapped Rockies. At 8,600 feet their adult leader dropped out of the climb, but he gave the boys permission to scale the peak that is shunned even by skilled alpinists in warm weather.

Clad lightly, 11 of the 16 youths had struggled to 9,500 feet when sun-softened snow rumbled above them for an instant and then swept seven boys to their deaths 1,000 feet down the mountain.

I am sure that the type of camp the Senator talks about would surely have the type of leader who would not abandon a group of inexperienced youngsters from the city to climb that type of mountain without preparation and guidance.

Mr. DOMINICK. The Senator is totally correct, as to the initial phase. However, after young men and women have been there for awhile, they send them out on what they call survival journeys, which is just the kids alone, with no one with them whatsoever, with each person alternating in leadership to determine whether they can lead the people through these particular difficulties.

It is not just mountain climbing. They have a program in Maine, for example, which involves water survival in the ice-cold North Atlantic. They have them in Minnesota, in the northern areas, for canoeing and survival in the wild.

When I look at the definitions in the bill, what I am concerned with is that this type of challenge to an individual may be caught up in the logic of trying to provide maximum safety for kids who attend a camp who do not know anything about what they are doing, and that we get this type of outfit caught up in the middle of them.

I was concerned with that. I do not know, really, what we need to do in order to clarify that situation.

Mr. RIBICOFF. I think we are clarifying it by way of the colloquy.

There is definitely room in America for camps such as Outward Bound and I do not want to restrict the type of challenging experience where a youngster goes into the program with his eyes wide open and with the knowledge and consent of his parents.

I am concerned about the situation where a parent sends a child to a camp with swimming instructors, for example, who do not even know how to swim, with people in charge of canoe trips who do not know how to handle a canoe. What the Senator is talking about certainly is not within my contemplation, and I would definitely recommend, right here and now, that the Secretary, in setting up his 18-man advisory council, would have represented on it someone from the Outward Bound type of camping program, who would explain the difference between a camp on a lake in Connecticut and a camp in the rugged mountains of Colorado designed for developing a certain type of character.

Mr. DOMINICK. I thank the Senator from Connecticut. I think that will be a great help in developing congressional intent on this issue, because there have been persons hurt, and I think one person killed, on this Outward Bound program. But, as the Senator says, they have done it with their eyes wide open, and with parental knowledge and consent.

Mr. RIBICOFF. I thank the Senator. I differ, as I say, with the Senator from Texas, but I think there is no difference of opinion as to the value of this type of program.

Mr. PELL. Mr. President, may I have 4 minutes?

Mr. RIBICOFF. I yield the Senator 4 minutes.

Mr. PELL. Mr. President, I had failed to take into account the Outward Bound type of program when we reported this measure out of committee. I think the Senator from Colorado is correct. I believe very strongly, as he does, in Outward Bound and its aims. Indeed, one of my sons helped work on Hurricane Island, the Maine Outward Bound camp, and my oldest son completed the course and was his section's watch officer. I sought to get the Outward Bound philosophy and viewpoint accepted in the OEO and failed some years ago.

I think this colloquy is very useful, because it should show that we specifically mean that the Outward Bound camps are excluded from the viewpoint of the congressional intent, from the coverage of this act. And in doing this, we recognize that accidents have occurred in the Outward Bound program.

I think that, when we compare the drawbacks with the hundreds and thousands of improved characters and improved people who have been developed by this program, it is apparent that the Outward Bound program should not only be continued, but expanded. Accordingly, it is to the advantage of the youngsters and the Nation that the camps be excluded from the provisions of this measure.

Mr. TOWER. Mr. President, in view of the colloquy that has taken place here, and in view of the position of the committee, I simply hope, since this will be in conference, that some consideration be given by the Senate Members to the House provision; and I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Who yields time?

Mr. MONDALE. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MONDALE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 495, line 21, renumber SEC. 438, SEC. 438(a).

On page 496 between lines 18 and 19 insert the following subsection (b):

"(b) The United States Commissioner of Education will publish a list of state agencies which he determines to be reliable authority as to the quality of vocational education in the several states for the purpose of determining eligibility for all federal assistance in the matter of scholarships, work-study programs, Federal Education Opportunity Grants, student loans including National Defense Student Loans and other matters of federal assistance in higher education",

and renumber the succeeding subsection accordingly.

On line 19 strike out "subsection (a)" and insert in lieu thereof "subsections (a) and (b)".

Mr. MONDALE. Mr. President, this is a technical amendment, to which I understand the administration may have no objection. It deals with the limited question of the certification of vocational and technical schools under the accreditation provisions of this act.

Under present HEW policy area vocational-technical schools of the State of Minnesota are being denied participation in higher education and postsecondary

education programs because they have not received academic accreditation as elementary or secondary schools, or as institutions of higher education.

If the HEW policy is continued, these excellent schools will not be allowed to receive financial assistance under the committee amendment, which would be contrary to what we intended. The whole purpose underlying this higher education bill was to extend these programs to institutions of higher learning and post secondary and vocational schools, which I believe are important.

My amendment would authorize and instruct the Commissioner of Education to publish a list of those State education agencies which in his opinion will be reliable authorities as to the quality of vocational education institutions in their States. If a State educational agency on that list certifies the quality of vocational education in an institution within its State, that institution will have the same status as a regionally accredited institution for purposes of Federal educational assistance.

Mr. President, I am hopeful that the manager of the committee substitute will accept this amendment, which is completely consistent with the legislation the committee has approved, and which simply seeks in a responsible way to correct an injustice to vocational schools which, although of high vocational quality, do not have sufficient academic course content to qualify for academic accreditation.

Mr. PELL. Mr. President, the Senator from Minnesota and I discussed this amendment earlier. His State has suffered a particular and unintentioned hardship under the present procedure, and his argument has merit.

I recommend the acceptance of the amendment, and I welcome the view of the ranking minority member.

Mr. DOMINICK. I thank the Senator from Rhode Island.

May I just ask Senator MONDALE one question. The U.S. Commissioner of Education, as I read the amendment, is required to publish a list of State agencies which he determines to be reliable authority as to the quality of vocational education. Where would he publish this and how—in a list which would be available to any organization that wanted it?

Mr. MONDALE. Yes. He would print this in the Federal Register, which is the standard source.

Mr. DOMINICK. What would happen to the so-called accreditation procedures which are used by many schools to determine whether the educational quality meets the standards of that particular association?

Mr. MONDALE. The accreditation standards for institutions, elementary and secondary schools, higher education, remain untouched by this amendment. We are simply trying to deal with the area of vocational technical schools, which I do not think we focused on at the time we were preparing this, to permit the changes that need to be made to provide for the accreditation of high quality vocational schools which do not come within the accreditation procedures of the other institutions. We leave it entirely up to the Commissioner of Education to be sure that we maintain high standards.

The reason for the amendment is this: It is generally conceded that in Minnesota—and many other States may have this, because we had no testimony on it—is one of the finest systems of vocational schools in the country. Yet, the way the bill is framed, they would not be accredited under the present accreditation standards. So we would like to have a system which would permit the Commissioner of Education to establish adequate alternatives when it comes to vocational schools.

Mr. DOMINICK. I think that clears the record in very fine shape, and I appreciate the comments of the Senator from Minnesota.

I gather that what we really are saying here, for the purpose of the RECORD, is that there is not at the present time any accreditation association outside this amendment which has the ability to determine the quality of those schools and therefore accredits them as it is in elementary and secondary and higher education. Therefore, the Senator is putting it up to the U.S. Commissioner of Education.

Mr. MONDALE. That is correct. I believe that, generally speaking, in our consideration of educational programs, we have tended unnecessarily to underemphasize the vocational training and technical schools; and in this case we did not focus on the issue which this amendment raises. So I would hope that this would close that loophole.

Mr. DOMINICK. I congratulate the Senator from Minnesota. I think he has brought up an amendment which is going to be most helpful. I have no objection to it.

Mr. MONDALE. I thank the Senator. I hope the amendment will be adopted.

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

Mr. MONDALE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. BELLMON. Mr. President, I call up my amendment, which is at the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 439, line 4, strike the following: "on or near an Indian reservation", and in lieu thereof insert: "in Alaska, California, or Oklahoma or on, or in proximity to, an Indian reservation".

Mr. BELLMON. Mr. President, one of the problems my State of Oklahoma has is that frequently when we draft legislation relating to problems of Indian citizens, we limit the application of these programs to or near Indian reservations.

My State of Oklahoma has more Indians than any other State in the Union. The last census shows that we have 97,731 Indian citizens, California has 91,018 Indians, and Alaska has 51,528 Indians. Yet, neither of these States has Indian reservations. Our Indian citizens are mingled throughout the population. When legislation is passed limiting programs to Indians who live on or near reservations, these Indians are excluded.

The total Indian population of the three States of California, Alaska, and Oklahoma is 240,277, or roughly one-third of all the Indians in the country.

The purpose of this amendment is to make certain that Indians who do not live on or near reservations but who are intermingled with the total population will be given the same kind of advantages, the same kind of attention, as Indians who do live on or near reservations.

This amendment has been discussed with both the minority and majority members. It is similar to language which appears on page 638 of the bill, and I urge its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, this matter has been discussed. I think the arguments made by the Senator from Oklahoma are excellent, and I suggest to my colleagues that the amendment be accepted.

I am prepared to yield back the remainder of my time.

Mr. DOMINICK. Mr. President, I am very glad that the Senator from Oklahoma (Mr. BELLMON) caught this. We had it in the other version of the bill and I am very glad that we now have it in this. The Senator from Oklahoma has done a very good job.

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

The PRESIDING OFFICER (Mr. WEICKER). Does the Senator from Oklahoma yield back his time?

Mr. BELLMON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back on the amendment.

The question is on agreeing to the amendment of the Senator from Oklahoma (Mr. BELLMON).

The amendment was agreed to.

Mr. TAFT. Mr. President, will the Senator from Rhode Island yield me 3 minutes to discuss a matter of legislative interpretation?

Mr. PELL. I am happy to yield to the Senator from Ohio for that purpose.

Mr. TAFT. I thank the Senator for yielding me this time.

The reason I rise is to get into the question relating to title X, and specifically section 1019, which refers to the establishment of new community colleges and the expansion of present community colleges.

The reason I raise this question is that in Ohio there has been a great growth of the community college concept rather than of the separate community college, of which we have some. By the large, the expansion has occurred with branches of the State university on a 2-year college course basis.

My understanding, from the language in the bill, on page 609, is that such branches would be included, particularly if they qualify with the 2-year credit re-

quirement. I therefore wondered whether the Senator from Rhode Island could confirm if that was the understanding of the committee in regard to this language and this definition, and also whether he could comment on whether, if a branch university has a 4-year educational program, it would still be a branch that would be qualified as a community college if it met the other requirements.

Mr. PELL. In answer to the Senator's first question, the branch is included in the definition.

In regard to the second point, as to whether the branch could be a community college, whether a 4-year school could be considered a 2-year school, that I do not quite understand.

Mr. TAFT. The language of the definition which seems to be somewhat ambiguous in this regard states, in line 23, "other educational institution (which may include a 4-year institution of higher education or a branch thereof) in any State which—".

Then on page 610, section 3, "provides a 2-year postsecondary educational program leading to an associate degree, or acceptable for credit toward a bachelor's degree, and also provides programs of postsecondary vocational, technical, occupational, and specialized education;".

What I am concerned with is the fact that some of the branches may, as they develop the 2-year course, develop into a 4-year program as well. I am not saying that the 2-year requirement would not be met. I am saying that on the same campus there might be a 4-year course as well, and I am asking if it has a 2-year course requirement at present, that would not preclude it from having a 4-year course later on, would it?

Mr. PELL. That would not be precluded.

Mr. TAFT. I thank the Senator from Rhode Island very much for his explanation. I appreciate it very much.

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

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

Mr. EAGLETON. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. EAGLETON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill, insert:

TITLE XI—ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SEC. 1101. (a) section 3(a) of the Act entitled "An Act to establish an Advisory Commission on Intergovernmental Relations" approved September 24, 1959 (42 U.S.C. 4271 et seq.), is amended—

(1) by striking out "twenty-six members" in the matter preceding paragraph (1) and inserting in lieu thereof "twenty-eight members"; and

(2) by striking out "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and", and by inserting after paragraph (7) the following new paragraph:

"(8) Two appointed by the President from a panel of at least four elected school board officials submitted by the National School Boards Association."

(b) Section 3(b) of such Act is amended by adding at the end thereof the following new sentence: "Of the members appointed under paragraph (8) of subsection (a) of this section not more than one shall be from any one political party and not more than one from any one State."

SEC. 2. (a) Section 4(c) of such Act is amended by striking out "and (7)" and inserting in lieu thereof "(7)" and "(8)".

(b) Section 4(e) of such Act is amended by striking out "Thirteen" and inserting in lieu thereof "Fourteen".

SEC. 3. Section 7(a) of such Act is amended by inserting "or of school boards" after "county governments".

SEC. 4. Such additional members shall serve for two years.

Mr. EAGLETON. Mr. President, my amendment would give locally elected school board officials a voice in the Advisory Commission on Intergovernmental Relations. The Commission will be advising the President on the intergovernmental relationship aspect of the financial problems which presently beset our Nation's elementary and secondary school system.

The President, in his state of the Union message, referred to two complex and interrelated sets of problems with which school systems are now confronted. He spoke of their financial problems and he mentioned the possible affects that any type of tax reform might have on the basic relationships of Federal, State, and local governments.

In addressing the intergovernmental relations aspects of these problems, the President announced that he had enlisted the aid of the Advisory Commission on Intergovernmental Relations, and, quite accurately, he pointed out that the Commission is composed of Members of Congress, representatives of the executive branch, Governors, State legislators, local officials, and private citizens.

However, there is one group whose voice in this body is conspicuously absent—the voice of locally elected school board officials. They have no representation whatsoever.

In the month period since President Nixon charged the Advisory Commission on Intergovernmental Relations to study alternate methods of financing public education, that body has met twice. Because of these meetings, the need for school board representation thereon is an imminent one. First, ACIR has expanded by eight nonvoting members—consisting of Governors, mayors, county executives, and State legislators. This move reemphasizes the lack of sensitivity which that body has demonstrated for those who may have to make education policy decisions on its recommendations.

Second, the time for immediate action is further necessitated because the Commission has begun to move. It has received from the White House staff a series of questions, and has prepared its own as well. The essence of its recommendations for the reform of school finance will apparently arise from its continued treatment of these questions.

At this point, an obligation arises for the Congress to take the initiative in the management of what is perhaps the biggest domestic crisis—and program—with which it will have to deal in 1972. Any action taken on the recommendations of ACIR will affect 5 million employees, 50 million schoolchildren, the direct expenditure of some $20 billion—and indirectly involve State and local expenditures of another $25 billion. In short, any legislation in this area has to be as foolproof as possible. A long stride in this direction can be taken, if ACIR's recommendations are made with both the counsel and membership of two school board members.

As presently constituted, the Advisory Commission consists of 26 members—three of which are appointed from the Senate and three from the House of Representatives. The remaining 20 are appointed by the President as follows: three must be officers of the executive branch and three must be private citizens; four are appointed from a panel of at least eight Governors submitted by the Governor Conference; three are appointed from a panel of at least six members of State legislative bodies submitted by the Council of State Governments; four are appointed from a panel of at least 8 mayors submitted jointly by the American Municipal Association and the United States Conference of Mayors; and three are appointed from a panel of at least six elected county officers submitted by the National Association of County Officials.

My amendment would simply expand the number of members of the Advisory Commission from 26 to 28 and provide that two members shall be appointed by the President from a panel of at least four elected school board officials submitted by the National School Boards Association.

I think that this is a reasonable and equitable proposal. The President himself expressed his commitment to the principle that local school boards must have control over local schools. I agree wholeheartedly.

However, I would like to extend this principle by giving locally elected school officials a voice in formulating the national policies which will ultimately affect their local school districts.

By adopting this amendment we will be extending the same privileges to elected school officials that are now enjoyed by elected officials from virtually every other level of government and we will be making the Advisory Commission on Intergovernmental Relations a more effective advisory body as well.

Mr. PELL. Mr. President, I thank the Senator from Missouri for his contribution. I find the amendment has merit. It recognizes the tremendous contribution that the elected school board officials of our country make. I recommend to the

Senate that we accept the amendment pending the remarks of the Senator from Colorado.

Mr. DOMINICK. Mr. President, I have no objection. In fact, I applaud it. It was only when former Senator Morse was chairman of our Education Subcommittee, prior to the distinguished Senator from Rhode Island taking over that position, that we ever had a formal invitation to school board members to testify on any education bill.

It seems to me, with the deep involvement of the secondary and elementary schools, that this is long past due. It also recognizes their importance in dealing with our financial structure.

Mr. President, I think the amendment is well deserved.

Mr. EAGLETON. I thank the Senator from Colorado and the Senator from Rhode Island.

Mr. PELL. I yield back the remainder of my time.

Mr. EAGLETON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

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

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

AMENDMENT NO. 953

Mr. HARRIS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRISIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARRIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD.

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

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT NO. 953

At the end of the bill add the following new title:

TITLE 12—STUDENTS ON BOARDS OF TRUSTEES

SEC. 1201. It is the sense of the Congress: (a) that student participation should be encouraged on the governing boards of institutions of higher education; (b) that to this end there should be at least one student member on the governing board of every institution of Higher Education in America; (c) that she or he should have the rights and privileges of full members of said board; and (d) that the method of appointing the student member should permit the students of said institution to participate, either directly or through directly chosen student representatives, in the selection and approval of the appointment of the student member.

SEC. 1202. The Secretary of Health, Education, and Welfare shall issue a report to the Congress concerning the representation of students on the governing boards of institutions of higher education; said report shall indicate the number and percentage of institutions with students on their governing boards, and shall report on the results of such student representation. Said report shall be due 12 months from the date of enactment of this title.

Mr. HARRIS. Mr. President, are we on limited time?

The PRESIDING OFFICER. The Senator from Oklahoma has 30 minutes.

Mr. HARRIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

Mr. HARRIS. Mr. President, the pending amendment, although not mandatory, would state it to be the position of Congress that those institutions of higher education receiving Federal funds, described in the amendment as public institutions, would be encouraged to have full voting student members on their boards of regents, boards of trustees, or other governing bodies.

I wish to acknowledge the assistance of Steve Risto and Sherry Jones in the preparation of this amendment and the assembling of information connected with it.

Today students are coming from increasingly different backgrounds. They are facing problems which earlier generations of students have not had to deal with. Yet the major policymaking boards of most colleges and universities still reflect the image of the wealthy white male, the student of 40 years ago and successful alumnus.

In a recent issue of the Association of Governing Boards of Universities and Colleges Report, Morton Rauh analyzed the composition of boards of trustees. He found that 86 percent of all trustees are male, and 75 percent are over 50 years of age. A mere 5 percent are under 40, while only 1.3 percent are black.

The average trustee has an income between $30,000 and $50,000 a year. He is most likely to be an executive of a manufacturing corporation—17 percent—or an executive of a banking or investment firm—11.2 percent.

Young people are convinced this system of selecting trustees does not serve the best interests of education. And they are right. If the idea of the university as a community of scholars is going to have any credence at all, if universities are going to be something more than mills turning out people for big business, representation on boards of trustees has to be more broadly based. Certainly students must also have a voice.

In fact, over a dozen schools around the country—including Oberlin College, Princeton University, and the City University of New York—have already found the appointment of students to their boards of trustees to be most successful. Also, Governor Sargent of Massachusetts, Governor Wallace of Alabama, and Governor Curtis of Maine have supported the appointment of students to the governing boards of their States' universities.

Clearly the addition of a single student will not directly change the actions of these boards. Nevertheless, the additional perspective available to students and trustees alike through the liaison activities of the student member may bring about better communication and understanding.

It is for this reason that I am introducing an amendment to S. 659, the Higher Education Act, which states that it is the sense of the Congress that student representation on the governing boards of public institutions of higher learning ought to be encouraged.

The amendment states that to this end all public institutions of higher learning ought to have at least one student member on their governing board. And it calls upon the Secretary of Health, Education, and Welfare to issue a report on the success of institutions of higher education which now allow students to serve on the governing board.

This amendment is not mandatory. I wish it were. I prepared it originally in mandatory form, leaving some leeway to those State colleges and universities which would require some change in the law or the Constitution, but I was fearful that that amendment could not be agreed to. I think it important that we encourage student members on governing boards, and that can be done in most States by appointment of the Governor. Some colleges and universities have already moved in this direction and some States have begun to move in that direction. I want to express the intent of Congress and give the encouragement of Congress that others should do so well. While this amendment is not mandatory I believe it can have an important salutary effect.

The amendment would be a clear signal to students and their universities that the Congress shares the view that students have a right to participate in decisions which most affect their lives. By authorizing a public report on this matter, the amendment also would help university leaders around the country to see what some of the more progressive schools have already done and the success they have enjoyed.

Since I first declared a few days ago that I intended to offer this amendment, the response from the student world has been literally unanimous. I have received calls of support from various sections of the country. Participation in the institutions that affect them is clearly an issue that brings all students—conservative or liberal—together.

We are not talking about control of the institution by students. We should, however, recognize that a college or university community is made up not just of faculty, not just of administration, not just of alumni, not just legislators and those that represent the public, as, for example, boards of regents appointed by Governors, but also it includes students. They should be recognized as full members of that community and therefore should be involved in the decisionmaking process.

The National Student Lobby strongly supports the amendment I am proposing. So do student leaders throughout the country. At the local level, I held a press conference with student leaders from colleges in the Washington area on February 24. They agreed that this amendment, although not mandatory, would spur on the movement which we all must support to enable students to participate in those institutions which affect their lives.

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

Mr. HARRIS. I yield myself 2 minutes more.

Today many universities throughout the country have charters which specifically prohibit students from serving on their governing boards. This amendment would encourage States and universities to revise those charters.

Today many State political leaders agree that it is desirable for students to serve on the governing boards of universities but are seeking a clear sign of national support. This amendment would give this to them.

Mr. President, today's generation of young people are the most mature in our history. Scientific studies confirm that young people are reaching physical maturity at an earlier age than ever before. In the 19th century a young woman did not reach physical maturity until she was 17. Now that age has dropped to 14.

Mentally, no generation of Americans has ever been better educated. In 1940 less than 40 percent of those between the ages of 25 and 29 had a high school education. Today that figure is approaching 78 percent. There has been an educational revolution in this country and it is about time that our institutions began to reflect this.

That is particularly true since we in Congress have recognized the right of young people to vote at the age of 18. If they should have the right to vote for their leaders, for the Members in this body, at that age, they should have the right to participate as members of the governing boards in the colleges and universities.

I, therefore, urge the Senate today to take the first step toward the recognition of some new realities—the political, mental, and social sophistication of young Americans. We can take this step by passage of the amendment I am offering today.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, will the Senator yield me 10 minutes?

Mr. PELL. I yield 10 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I listended to the Senator from Oklahoma with great interest. Once again it proves, if I may say so, the old adage that any time you put Federal money into a situation, the Federal Government starts taking over. Here we are going ahead now trying to say, from Congress, just who is going to be on the governing boards of the major higher educational institutions in this country. In fact, it does not have to be major; it can be minor. In our State, for example, we elect a board of regents. We elect them on a statewide basis. We have the 18-year-old vote in our State, just as in other States. As a matter of fact, I put in a proposal for years to lower the voting age, and I could not get it past the Democratic leaders of the committee in the State legislature. We finally have the vote for the 18-year-olds.

We cannot, in any way I can see, effectively say to the people of the State of Colorado what should or should not be in their constitution with respect to the governing boards of the institutions within their own State. We do it on a partisan basis. Perhaps that is not the right way, but it seems to me it is up to the people to say it. Perhaps it should not be Democratic or Republican regents. Last year we ran one candidate who was just barely out of college, and he was beaten by a 75-year-old Democrat who had been on for a considerable time. So it was obvious that the young people did not gather around him and support him: they did not want him; they chose the Democrat. I regret this, but that is what the people said in Colorado.

I do not want the Congress to report to the people of Colorado that their system is wrong and that we in the Federal Government should determine who should be on those boards or the qualifications of the people who are going to run those institutions.

I, as well as some other Members of this body, graduated from Yale. Yale has a corporation that I tried to get on three times. I tried to get on the nominating committee. I was not able to. But why should we in Congress say what the people on those bodies should be, what type of people they should be, or what creed, race, color, or anything else they should be? Why is that not for the people concerned with their university to decide? Why should we tell them what to do, except for the reason that the student organizations will welcome this? I was not surprised that the student associations would be in favor of this proposal, but why should we in Congress jump right off the bat to determine how each university should operate? It just seems to me to be totally wrong.

If we are going to have a vote on this proposal, I am going to vote "no" on it. It cannot see any reason for it, unless the Senator from Oklahoma has more reasons that I do not know about at this point.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I commend the Senator from Oklahoma for his initiative in this regard and also for making his amendment a voluntary one, a sense-of-the-Senate resolution, and not mandatory. My own view is that student membership on college boards does serve a very useful purpose if institutions of higher learning have the consumer of the product or the consumer of the process represented on the board of trustees, they are bound to be more responsive.

I know that I myself have long believed that for a governing board to get an accurate appraisal of the impact of a particular rule or a particular policy which will affect younger people, it is advisable that there be a younger person on that board. I believe it makes sense, and for that reason intend to support the amendment of the distinguished Senator from Oklahoma.

Mr. DOMINICK. Mr. President, will the Senator yield me another 10 minutes?

Mr. PELL. I yield such time as the Senator desires.

Mr. DOMINICK. I yield myself another 2 minutes, and perhaps some more later, because I think we are really going down the wrong road on this one.

Section 422 of the General Education Provisions Act states as follows:

> No provision of the Act of September 30, 1950, (Public Law 874, 81st Congress), the National Defense Education Act of 1958, the Act of September 23, 1952, (Public Law 815, 81st Congress), the Higher Education Facilities Act of 1963, the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, the International Education Act of 1966, or the Vocational Education Act of 1963 shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curricula, program of instruction, administration, or personnel of any educational institution, school, or school system,

And so forth.

We are not doing this as a department, or agency, or officer, or employee, except to the extent that we are paid by the taxpayers, but we are certainly going against the direction that we have indicated in the General Education Administration Act before this time in the provisions that we have in this bill which says we are not supposed to do any of this, either.

This refers, I point out, not only to the curriculum, but to the administration. What the Senator from Oklahoma is saying is that we should say, as a body of Congress, that we think that a particular age group should be represented in every governing board for the administration of the institutions. I do not think that is any of our business. It is up to the private universities to determine what they want to do under their own rules and regulations, and for the life of me I cannot see why Congress should get involved in that type of subject. So again, I respectfully decline to go along.

Mr. HARRIS. Mr. President, I yield myself 1 minute.

I understand the sentiment expressed by the distinguished Senator from Colorado. I simply point out again that this amendment is not mandatory. I wish it were, but it is not. It is simply to encourage voluntary action on the part of boards of regents, boards of trustees, and other governing bodies of colleges and universities. It expresses the sense of Congress that young people ought to be more involved as full, true members of the university community, not in the control of the institution, but involved in decisionmaking. I think that would have a wholesome result. I repeat, It is not mandatory, but voluntary on the part of the colleges and universities.

I am prepared to yield back the remainder of my time.

Mr. PELL. Mr. President, I yield myself 1 minute.

I believe, as does the Senator from Oklahoma, in the importance of achiev-

ing this result. I realize that we should not doing it in a mandatory way, but this resolution is not mandatory. The amendment simply provides that it is the sense of Congress that there should be young persons on the boards of institutions of higher education. I believe there should be one on each board, if for serving no other role than that of interpreter of what younger people think should or should not be done. It is not going to change the overall direction of the boards, but will give them a greater perspective. Therefore, I support the amendment.

I yield back the remainder of my time.

Mr. HARRIS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. WEICKER). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Oklahoma (putting the question).

The Chair believes that the response indicates the possibility of a tie vote, which would mean that the amendment is rejected.

Mr. HARRIS. Mr. President, I ask the Chair to put the question one more time. I think perhaps we can make that more distinct.

Mr. PASTORE. I thought it was distinct enough, depending on who is in the Chair.

The PRESIDING OFFICER. The Chair asks for a division. All those in favor of the amendment——

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

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

Mr. HARRIS. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the rollcall vote on the pending amendment occur tomorrow at 11:45 a.m. This would give exactly enough time prior to the votes which are to begin at 12 o'clock noon on the first of the four pending amendments mentioned in the agreement of last week.

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

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

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

UNITED NATIONS CONFERENCE ON HUMAN ENVIRONMENT

Mr. BAKER. Mr. President, in June of this year, representatives of over 130 nations will convene in Stockholm for the first United Nations Conference on the Human Environment.

As chairman of the Secretary of State's Advisory Committee on that Conference, I seek the full and active participation of each of my colleagues in the Congress and of the interested public in our efforts to solicit public input and advise the Secretary of State on U.S. positions prior to the Stockholm conference which begins June 5. With the conference only 3 months away, the committee plans to conduct three parallel data collection efforts—hearings, written input, and interviews—ending in late March, as the basis for our final report to the Secretary on April 21.

The committee will hold six regional public hearings, March 2 to 22—schedule follows—each on a focal topic although other Stockholm-related matters may be discussed. Any written views, in lieu of a hearing appearance, would be most helpful by March 22 when most of our public input will be concluded. If you are unable to testify at a hearing or present written views, we will attempt to arrange an interview with our staff. You may wish to recommend U.S. policies on the issues identified in the proposed Declaration on the Human Environment and the issue papers prepared by our staff on the six agenda topics—enclosed; or to recommend other international or national initiatives. We would also be interested in any conferences, seminars or meetings which interested groups are scheduling on Stockholm-related topics. Names and addresses of our staff are enclosed for convenience in arranging hearing appearances, interviews, other meetings or submitting written views.

I would appreciate your extending this invitation to other interested persons and organizations or notifying us so that we can contact them.

The enclosed staff summary papers were developed by the staff of the Advisory Committee, based on review of preliminary documents for the Stockholm Conference prepared by the Secretariat in Geneva. They are not intended to be conclusive as to the issues which will be considered at the Conference. On the other hand, the text of the Declaration is that which will be considered at the United Nations Fourth Preparatory Conference in New York City beginning March 6.

The final documentation from the Geneva Secretariat will not be available until some time in March. We also hope to have available in March up-to-date texts of any conventions which will be considered at the Conference.

In view of this schedule, please feel free to discuss fully all issues relevant to the Conference.

Any written views you wish to submit should be addressed to: Richard A. Hellman, Executive Director, Secretary's Advisory Committee, 2201 C Street, N.W., Room 6807, Washington, D.C. 20520

We have an excellent opportunity to influence the development of U.S. positions for the Stockholm Conference—we look forward to your sharing this opportunity.

I ask unanimous consent that the following related materials be printed in the RECORD at this point.

First. Hearing schedule.

Second. Declaration on Human Environment.

Third. Issue papers:

Institutional arrangements.

Development and the Environment.

The Planning and Management of Human Settlements for Environmental Quality.

The Eduactional, Social and Cultural Aspects of Environmental Issues.

The Identification and Control of Pollutants and Nuisances of Broad International Significance.

Environmental Aspects of Natural Resource Management.

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

HEARING SCHEDULE

FOCAL AREA, DATE, PLACE, AND CONTACT

"Institutional Arrangements and the Declaration on the Human Environment"; March 2–3; U.S. Mission at the United Nations, 799 U.N. Plaza, 2nd Floor, New York City; Mr. Milner Ball (404) 542–2511.

"Development and the Environment"; March 6–7; Denver Post Office, Room 269, Denver, Col.; Mr. Carl Harris (202) 632–9267.

"The Planning & Management of Human Settlements for Environmental Quality"; March 9–10; Ceremonial Court Room, 19th Floor, Federal Building, San Francisco, Calif.; Mr. Robert Agus (202) 632–8272.

"The Educational, Sccial and Cultural Aspects of Environmental Issues"; March 13–14; U.S. Customs House, 610 South Canal Street, Room 704, Chicago, Ill.; Mr. Chauncey Olinger or Miss Carol Lynne Glassman (202) 632–2418.

"The Identification and Control of Pollutants and Nuisances of Broad International Significance"; March 16–17; City Council Chamber, City Hall, Houston, Tex.; Mr. Lee Rawls (202) 632–2418.

"Environmental Aspects of Natural Resource Management"; March 21–22; Public Works Committee, Room 4200, New Senate Office Building, Washington, D.C.; Mr. Ken Tapman (202) 632–9267.

DRAFT TEXTS OF A PREAMBLE AND PRINCIPLES OF THE DECLARATION ON THE HUMAN ENVIRONMENT

PREAMBLE

The United Nations Conference on the Human Environment, having met at Stockholm from 5 to 16 June 1972, and

Having considered the need for a common outlook and common principles to inspire and guide the peoples of the world in the preservation and enhancement of the human environment,

PROCLAIMS

1. Man is both creature and moulder of his environment. His physical needs and capacities are conditioned by age-long evolution in his terrestrial home. But his intellectual and his social and moral nature have set him free from time immemorial to transcend and transform wild nature and to build his own society and culture, and thereby create for his progeny a better and more fully human life. Both aspects of man's environment, the natural and the manmade, are essential to his well-being and to the enjoyment of basic human rights—even the right to life itself.

2. Man has constantly to sum up experience and go on discovering, inventing, creating and advancing. In our time he has acquired, through the accelerating advancement of science and technology, the power to transform his surroundings in countless ways and on an unheard of scale. Used wisely, this power can bring to all peoples the benefits of development and the opportunity to enhance the quality of life. Wrongly or heedlessly applied, the same power can

do incalculable harm to the human environment. We see around us growing evidence of man-made harm in many regions of the earth: dangerous levels of pollution in water, air, earth and living things; major and undesirable disturbances to the ecological balance of the biosphere; destruction and depletion of irreplaceable resources; and gross deficiencies in the man-made environment of human settlements.

3. In our time also, the growth of population in certain areas, through both migration and unprecedented natural increase, has accelerated to rates which could frustrate all efforts to conquer poverty and under-development and to maintain a decent human environment, whereas other areas have not yet reached population density conducive to economic efficiency and the high productivity that will permit the rapid increase of standards of living.

4. Meanwhile immense resources continue to be consumed in armaments and armed conflict, wasting and threatening still further the human environment.

5. Thus a point has been reached in history when we must shape our actions throughout the world with a more prudent care for their environmental consequences. Through ignorance or indifference we can do massive and irreversible harm to the earthly environment on which our life and well-being depend. Conversely, through fuller knowledge and wiser action, we can achieve for ourselves and our posterity a better life in an environment more in keeping with human needs and hopes. What is needed is an enthusiastic but calm state of mind and intense but orderly work. For the purpose of attaining freedom in the world of nature, man must use knowledge to build in collaboration with nature a better environment. To defend and enhance the human environment for present and future generations has become an imperative goal for mankind—a goal to be pursued together with, and in harmony with, the established and fundamental goals of peace and of world-wide economic and social development.

6. To achieve this environmental goal will demand the acceptance of responsibility by citizens and communities and by enterprises and institutions at every level, all sharing equitably in common efforts. Individuals in all walks of life as well as organizations in many fields, by their values and the sum of their actions, will shape the world environment of the future. Local and national governments will bear the greatest burden for large-scale environmental policy and action within their jurisdictions. A growing class of environmental problems, because they are regional or global in extent or because they affect the common international realm, will require extensive co-operation among nations and action by international organizations in the common interest.

PRINCIPLES

States the common conviction that:*

1. Man has the fundamental right to adequate conditions of life, in an environment of a quality which permits a life of dignity and well-being and bears a solemn responsibility to protect and enhance the environment for future generations.

2. The natural resources of the earth, including the air, water, land, flora and fauna, and especially natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate.

3. The capacity of the earth to produce vital renewable resources must be maintained and, wherever practicable, restored or improved.

4. The non-renewable resources of the earth must be employed in such a way as to guard against the danger of their future exhaustion.

5. The discharge of toxic substances, or of other substances in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be checked to ensure that serious or irreversible damage is not inflicted upon ecosystems.

6. Economic and social development is essential for ensuring a favourable living and working environment for man and for creating conditions on earth that are necessary for the improvement of the quality of life.

7. Environmental deficiencies generated by the conditions of under-development pose grave problems and can best be remedied by and in the course of development.

8. The environmental policies of all States should enhance and not adversely affect the present or future development potential of developing countries or hamper the attainment of better living conditions for all and appropriate steps should be taken by States and international organizations with a view to reaching agreement on meeting the possible national and international economic consequences resulting from the application of environmental measures.

9. Resources should be made available to preserve and enhance the environment, taking into account the particular requirements of developing countries and any costs which may emanate from their incorporating environmental safeguards into their development planning and the need for making available to them, upon their request, additional international technical and financial assistance for this purpose.

10. Relevant environmental considerations should be integrated with economic and social planning to ensure that development plans are compatible with the need to protect and enhance the environment.

11. Rational planning constitutes an essential tool for reconciling and conflict between the needs of development and the need to protect and enhance the environment.

12. Planning must be applied to human settlements and urbanization with a view to avoiding adverse effects on the environment and obtaining maximum social, economic and environmental benefits.

13. Demographic policies, which are without prejudice to basic human rights and which are deemed appropriate by Governments concerned, should be applied in those regions where the rate of population growth or excessive population concentrations are likely to have adverse effects on the environment or development or where low population density may prevent enhancement of the human environment and impede development.

14. Appropriate national institutions must be entrusted with the task of planning, managing or controlling the environmental resources of States with the view to enhancing environmental quality.

15. Science and technology must be applied to the identification, avoidance and control of environmental risks and the solution of environmental problems, in the furtherance of economic and social development.

16. Education in environmental matters, especially for the younger generations, is essential in order to broaden the basis for an enlightened opinion and responsible conduct by individuals, enterprises and communities in protecting and enhancing the environment.

17. Research and the free exchange and transfer of scientific and other knowledge and experience must be promoted to the fullest extent practicable in order to facilitate the solving of environmental problems taking particularly into account the needs of developing countries.

18. States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

19. States shall co-operate to develop further the international law regarding liability and compensation in respect of damage which is caused by activities within their jurisdiction or control to the environment of areas beyond their jurisdiction.

20. Relevant information must be supplied by States on activities or developments within their jurisdiction or under their control whenever they believe, or have reason to believe, that such information is needed to avoid the risk or significant adverse effects on the environment in areas beyond their national jurisdiction.

21. Man and his environment must be spared the serious effects of further testing or use in hostilities of weapons, particularly those of mass destruction.

22. Co-operation through international agreements or otherwise is essential to prevent, eliminate or reduce and effectively control adverse environmental effects resulting from activities conducted in all spheres, in such a way that due account is taken of the interests of all States.

23. States shall ensure that international organizations play a co-ordinated, efficient and dynamic role for the protection and enhancement of the environment.

*Note: The order in which the paragraphs appear below was not discussed and is therefore provisional and subject to change.

FEBRUARY 18, 1972.

SECRETARY OF STATE'S ADVISORY COMMITTEE ON THE 1972 UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

STAFF ISSUE PAPER ON INSTITUTIONAL ARRANGEMENTS

The following is a summary outline of the broad issues involved in organizational arrangements for the post-Stockholm period. A series of questions is appended to the outline.

I

Preparations for the Stockholm Conference have proceeded on the assumption that form follows function, i.e., first decide what must and can be done and then shape institutions to do it. The major possible functions which an international environmental unit might be designed to carry out are:

Stimulation and co-ordination of environmental activity:

Of U.N. agencies.

Of nations.

Of inter- and non-governmental organizations.

Of regional groups (e.g. economic commissions and new environmental bodies).

Through policy planning.

Through funding.

Through negotiated agreements.

Through identification of needs.

By focussing attention on problems and possible solutions.

Knowledge acquisition and assessment:

By use of ad hoc groups of experts composed of both U.N. and non-governmental personnel (as has been done in conference preparation).

By supporting at the national level attempts to bridge the gap between science-technology and economics-sociology-politics.

By support of national actions in the fields of technical co-operation, education and training, and public information.

By evaluation and forecasting through support of research, an international information exchange (using the data bank at Geneva), location of monitoring needs, and co-ordination of monitoring activity.

Dispute prevention and settlement:

Through advisory and good offices.

Environmental quality management.

By goal setting.

By consultation on national actions with potential environmental consequences.

By international agreement.

II

If these are the possible tasks for an international environmental unit, then the general institutional alternatives for carrying them out are:

An intergovernmental body in the U.N.:

Such a body would either be a subsidiary of the Economic and Social Council (ECOSOC) or of the General Assembly (GA). The former might provide flexibility; the latter more prestige. A compromise would be to create a new unit as a subsidiary of the GA but reporting to the GA through ECOSOC. Its composition might be patterned on the precedent of the 27-member Preparatory Committee.

A Secretariat:

The Secretariat would service the intergovernmental unit. It could be a department of ECOSOC or a separate part of the U.N. Secretariat. The latter would provide both prestige and flexibility. The Secretariat would administer funds, implement actions, coordinate efforts, contract for studies, highlight issues, etc.

Funding:

A central, voluntary environmental fund would be established for new programs, special research, and "seeding". Operations costs (salaries, administration, etc.) could come from this voluntary fund or from the regular U.N. budget. Additional costs of incorporating environmental emphases in development would not be paid from this fund but would come from other sources (included as part of original capital outlay; World Bank; regional development banks; etc.) The fund could be administered by the intergovernmental body, by the Secretariat or by the Secretariat under the supervision of the inter-governmental body.

Marine pollution:

This is a special problem. Perhaps, in the future, there might be an Oceans Authority. Now there might be monitoring and research and co-ordination with other activities. Whatever is done must take account of the 1973 Law of the Sea Conference.

III

Some of the principal questions at stake are:

There seems to be little realistic chance that Stockholm would propose any type of international environmental institution outside the U.N. (because of the developing countries and because this will be a U.N. conference). But should an extra-U.N. organization be considered further (for substantive as well as strategic reasons)?

Assuming that the international environmental unit is kept within the U.N., where should it be placed in the administrative structure? Discussion has focused on a subsidiary of ECOSOC or the General Assembly. But could there be a new agency, an option earlier rejected? A special commission?

Where should the Administrator/Secretariat (the officer and staff to service the intergovernmental body) be placed administratively? Regardless of where the intergovernmental body is placed, what position would provide the Administrator with the most freedom and greatest potential for action? Should he not be within the U.N. Secretariat instead of in an ECOSOC department?

If there is to be a body, in addition to the intergovernmental unit, which will co-ordinate the environmental activities of the various U.N. agencies, what and where should it be? A new body? An arm of the Administrative Co-ordinating Committee (ACC)? Should it be chaired by the Administrator? By the Secretary-General of the U.N.?

How permanent should any organization be which issues from Stockholm? Should it be limited in time by a fixed fund cut-off date? By another Stockholm-type conference in 2–5 years? By allowing it to last as long as there appears to be interest?

Could there be too much co-ordination? Is the good of the environment better served by an uncoordinated diversity of governmental and non-governmental activity?

Should the operations costs of the intergovernmental body and secretariat come exclusively from the voluntary fund? Would smaller nations feel they had a stake, howsoever small, in the environmental body if administrative funds came from the regular U.N. budget? Or is the U.N. budget now so limited that it could bear no new expenses?

Consideration of a World Environmental Institute has dropped into the background. Should it be raised anew? What is the interest of the scientific community? Could there be regional institutes? Instead of a World Institute, could there be a research institute (political, scientific, etc.) to evaluate and report on the changing state of the environment?

Should there be some international equivalent to impact statements? Required of U.N. agencies? Solicited from governments? The idea of "impact statements" has not figured in current debate about post-Stockholm arrangements; it was raised earlier but receded into the background.

Instead of receiving impact statements, should an international unit offer environmental check-lists (e.g. a "dam list" to be consulted before building a dam)?

How can regional (bi- and multi-national) activity be most fruitfully encouraged? What responsibility rests with regional groups and what with an international body?

What should be the authority of an international unit? How will it be institutionally limited? What should its authority not be?

MILNER BALL,
Director, Subcommittee on Institutional Arrangements.

Enclosure: U.N. Document: International Organizational Implications of Action Proposals.

FEBRUARY 18, 1972.

SECRETARY OF STATE'S ADVISORY COMMITTEE ON THE 1972 UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

STAFF ISSUE PAPER ON DEVELOPMENT AND THE ENVIRONMENT

As preparations began for the United Nations Conference on the Human Environment, it became immediately apparent that participation at the Conference would be limited to the industrialized nations unless certain fears of the developing world were rapidly dispelled. Those fears centered around their contention that environmental concern was an industrialized hang-up which inevitably would retard the economic growth of the developing countries if such concern were translated into development costs. The developing world visualized the industrialized nations negotiating strict international agreements which would result in insurmountable trade disadvantages for them in the market place as well as seemingly unbearable development costs. They threatened a boycott of the Conference and consequently threatened any chance of success that the Conference might have had. But that was roughly a year ago and much has changed since then.

Maurice Strong, the Conference Secretary General, quickly realized the magnitude of the problem and acted accordingly to dispell the fears by organizing a panel of international economic experts representing developed and developing nations of the world. That panel met last June for two weeks in Fournex, Switzerland, and produced the much acclaimed Fournex Report. That report listed in precise terms the economic risks involved with the integration of environmental quality with development processes and made recommendations on how the resulting economic costs might be handled. That document was to serve as the bases for four regional seminars in Africa, Asia, Latin America, and the Middle East on Development and the Environment also sponsored by the U.N. Conference Secretariat to allow the developing world to express their views, not only on the Fournex Report but also on the types of environmental problems facing their respective countries.

The result of those meetings was a unanimous stamp of approval for the Fournex Report and its expression of the problem.

With this background in mind, we might examine some of the questions raised by the Fournex Report.

(1) Is it possible for the developing nations of the world to incorporate environmental concern into development processes without retarding economic growth?

(2) Should the developing world bear the full costs of complying with minimum environmental standards if such costs would mean a reduction in the expenditures for desperately needed health care facilities, etc.?

(3) Should the United States pay a portion of such costs through aid programs, favored nation trade agreements, or other means?

(4) Should the United States require exports of the developing world to conform with U.S. environmental guidelines if such exports are intended for sale in U.S. markets?

(5) Should American industry comply with U.S. statutory guidelines in locating abroad?

(6) Should American industry be allowed to seek pollution havens in developing countries where environmental guidelines are nonexistent?

(7) Should the United States recommend that minimum environmental standards be set by the developing nations so as to discourage the indiscriminate importation by those nations of polluting industries?

(8) What initiatives should the United States take to incorporate environmental concern into foreign assistance programs?

(9) Should the United States specify environmental conditions necessary for obtaining such aid programs or projects?

(10) What broader implications are involved with the integration of environmental quality and economic development, i.e., massive dislocation of people producing social and political considerations?

(11) What role does population growth play in the integration of the two processes?

(12) What effect would the rapid introduction of western technology have on the culture of the developing nations . . . particularly, pollution abatement technology?

(13) Do developing countries really control their own rate of growth or are they dependent upon the assistance of the industrialized world?

(14) Is the gap between the developing and developed world widening, remaining roughly the same, or shrinking?

(15) Does the developed world have a vested interested in retarding the economic growth and development of the world's developing countries?

CARL HARRIS,
Director, Subcommittee on Development and the Environment.

FEBRUARY 18, 1972.

SECRETARY OF STATE'S ADVISORY COMMITTEE ON THE 1972 UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

STAFF ISSUE PAPER ON HUMAN SETTLEMENTS

I. Introduction:

The basic theme of the Human Settlements agenda area at the Stockholm Conference is expected to be the need for the establishment of "comprehensive environmental development" (CED) approaches by all levels

of government. Such approaches are necessary because of the existence of two major factors: (1) The demand for new shelters caused by the increasing population and internal migration to urban areas; and (2) the human need to place the shelters in functioning communities where there are the opportunities for work, human dignity and privacy. The CED approach, which aims at the establishment of minimum acceptable environmental conditions, depends upon a horizontal interaction between factors such as population, housing, health, education, etc. and a vertical interaction between planning and implementation.

The paper then presents the various topical areas, combined with repeated pleas for the corrective response—a comprehensive planning/implementation system that will lead to a more human environment.

II. Need for Action:

The statement proceeds to a description of the present crisis by first defining "human settlements" as man's territorial habitat, i.e., the places where he lives, works, raises a family and seeks his biological, social, spiritual and intellectual well-being. Because of our failure of knowledge about environmental effects, or our indifference to them or even our inability to take corrective measures we have produced the present crisis. It is characterized by settlements and networks of settlements featuring inefficient resource utilization, overconcentartion of structures, poor land use, high development cost and unequal distribution of both the costs and benefits of the economic and social factors. Human settlers are forced to endure pollution, congestion, noise, waste removal problems and shortages of water and energy.

These problems can be dealt with only by balancing the social and economic aims of development. The measuring standards ought to be those necessary for the establishment of "minimum environmental conditions": shelter, employment, biological needs and, to a lesser extent, social and cultural needs.

B. The Special Problems of Less Industrialized Countries:

Contrary to common belief, environmental problems are much more severe in the less industrialized countries because it is there that not only the needs for development are greatest but also the costs of environmental degradation are most severe. Moreover the lack of financial resources, poor organizational framework and the need for basic social changes (e.g. income redistribution) make the process of "comprehensive environmental development" all the more difficult. Such countries must attempt the balance of pressures for rapid development with the concomitant total environmental problems caused by unplanned development.

III. Key Aspects of the Settlements Problem:

A. Population Growth and Distribution:

In a listing of the specific problems for settlements the highest priority must go to the explosive growth of the world's population and the even more uncontrollable projections for the future. While the growth alone causes great problems for a suitable environmental development they are greatly exacerbated by the universal trend toward urbanization. Larger and larger settlements on less and less of the surface available are multiplying the causes and effects of environmental degradation. A serious effort to retard both the growth and the constant migration to the large cities is an absolute necessity.

In four distinct areas the problems of growth and urbanization are clearly present. Uncontrolled growth in the urban settlements, where the greatest growth has centered, has resulted in great human misery and environmental degradation. The centers of the cities, once the locus of a dynamic mix of the parts of human life, have become the centers of the worst pollution, the greatest noise, the ugliest construction. However, even more horrendous conditions for human existence, where the barest of essentials are present, exist in the temporary or transitional urban settlements where new, poor immigrants are forced to spend their lives. Finally, the draining of people and physical resources together with few developmental opportunities has left behind, in the world of rising expectation, the rural areas.

The one single answer to these conditions is the need for comprehensive planning that looks forward to patterns of controlled growth and development. Land use policies that rely upon both controls and incentives to control growth of the cities and to encourage the development of new growth poles in the rural areas are the suggested method. The emphasis is on a unified approach leading to a decentralized development in order to lessen the movement from the rural areas to the existing cities.

B. Other Factors:

In confronting problems of human settlements we must consider a number of factors other than the population. Industry has an enormous impact because of two reasons: (1) often by its very processes it produces environmental problems, e.g. use of resources and subsequent pollution; and (2) often it attracts people toward the large, crowded, overconcentrated centers and disrupts the social/cultural life of the nation. The answer is not to fight industrialization but rather to submit it to the planning process; one desirable approach is to use industry as the basis for a new town or new settlements as a growth pole.

Housing, the single most important environmental element, is also the area of greatest need. While there is a tremendous need for adequate shelter there is also a growing polarization between the location and quality of housing available to different groups of people. The poorest housed are also those who are provided with the poorest environmental services so that the problems are worsened. The suggested solution is the establishment and the implementation of national housing policies as a high priority.

Similarly in the area of transportation the lack of priority and poor planning has produced a true crisis for the movement of goods, people and ideas (communication) which is the key to human settlements. While public transit is often inflexible and inadequate the true villain, in industrialized countries, is the automobile which, by its noise, pollution and sheer physical presence, has driven people away from the streets, the sidewalks, and the squares. It is often the leading factor in the destruction of not only the physical but the spiritual health of the city. Other modern transportation vehicles, airplanes and ships, also contribute heavily to environmental degradation. Once again the answer is a comprehensive environmental development plan that considers transportation at the earliest stages.

In the area of water the world community increasingly shares a two-fold problem: while an adequate supply of fresh water is an absolute life necessity there is an increasing shortage of such supplies and a growing pollution of those that remain. In addition, the disposal of waste, solid and liquid, remains the most perplexing (and ironic) of modern problems. Regulation and research are the twin solutions proposed.

The construction industry, selected because of its impact on the physical environment, contributes to the present crisis in two ways. First, its process is one of great noise, consumption of resources and pollution of the ground and air, second, its products are often not conducive to an environmentally sound settlement. The paper contains the suggestion of movement toward the use of both local materials and labor intensive methods.

Needless to say, the report touches on the problems of physical and mental well-being created by our present human settlements. Evidence mounts daily as to the detrimental physical and psychological effects of such dysfunctional factors as pollution, overcrowding, poor sanitation, noise, ugliness, the lack of recreational space and the absence of communal feelings. More study of the cause/effect relationships together with the development of better working conditions and the provision of recreational/cultural facilities, especially for children, is suggested.

Finally, the major factor next to war in the crisis of human settlements is the natural disasters such as floods, earth quakes, volcanic eruptions, typhoons, etc. These occur with greatest regularity and intensity in the "disaster prone arc" which cuts through most of Asia, part of Africa and Latin America—the less industrialized parts of the world. In an Appendix to the statement there are a series of recommendations for action to reduce the damaging impact of these disasters. Basically they call for international action in forecasting, in prevention and in relief work.

IV. The Means for Action:

Having identified the major elements of the "crisis" the report discusses how change can be effected. The *sine qua non* of the entire process is, not surprisingly, overall comprehensive interdisciplinary planning combined in a "dynamic relationship" with implementation. For the first time in the statement reference is made to local level planning which can be conducted in many ways including advocate planning and responsive planning (solution hypotheses are present to interested groups from whom a consensus develops).

To buttress the planning/implementation process we are encouraged to develop the necessary legislation and organization arrangement. A central body at the national level that makes policy, coordinates and promotes decisions is to be matched by groups on the regional and local levels that will be the administrator and executors of policy. Finally, research and training on interdisciplinary problems and a massive campaign to educate and involve the public are recommended.

V. Recommendation for Action:

In this concluding section there is a review of the steps recommended at both the national and international levels. At the national level the order is as follows:

(1) adoption of comprehensive environmental development approach;

(2) legislation and administration changes;

(3) establish national policy on population growth and distribution

(4) set target dates for water supply improvement;

(5) allocate greater resources for housing;

(6) establish regional and sub-regional growth poles;

(7) development of appropriate mass media channels;

(8) adoption and implementation of land use policy;

(9) provision of educational and recreational facilities; and

(10) mobilize public support and participation.

On the international level the guide is to support work on the national level and to deal with those problems that cross the boundaries. More specifically the ideas are:

(1) ask all development assistance agencies to set a high priority on the problems of human settlements;

(2) establish a U.N. based "international program for environmental improvement areas";

(3) encourage bilateral and regional consultation;

(4) establish a body in U.N. to coordinate and initiate research;

(5) encourage visits, institutes, etc. to exchange information;

(6) establish training centers;

(7) work to mitigate losses from natural disasters;

(8) have the WHO take the lead in work on the water supply; and

(9) insure that human settlements will be considered at the 1974 World Population Conference.

Critique on the Statement: An outline:

1. The statement reflects a heavy bias in favor of "professional planning" as opposed to a more "organic/people based" approach.

2. There is an unexamined commitment to growth and progress as universal goals without much consideration to changing value orientations within existing cultures and of course among the different cultures.

3. There is no discussion of the idea and role of *community* as a basic human element in social life and how it relates to the processes of development.

4. The paper never really confronts, let alone defines, the issue of what is the nexus between human settlements and the environment—for some reason the helpful concept of the "ecology" is not mentioned.

5. Therefore, the statement shifts back and forth from a discussion of some physical environmental problems to general discussions of planning without delving much into either area. A more substantive discussion of the environmental area would be in order while in a discussion of planning more attention to the different goals and methods should have been attempted.

6. There is much too little discussion of the role of communication as a tool in environmentally sound settlements or of the type of research that might lead to more ecologically sound technology (e.g. new building materials).

7. There is a clear, but unexamined, view that size is bad and that crowding and noise are more severe in today's cities but is this true when compared with the ancient cities?

8. There is little discussion of new concepts of settlements that would meld the values of rural and urban or other new ideas such as the "beehive".

9. The paper deals with generalities to an extreme and thereby misses the opportunity to examine new ideas, concepts, and theories.

ROBERT E. AGUS,
Director, Subcommittee on Human Settlements.

FEBRUARY 18, 1972.

SECRETARY OF STATE'S ADVISORY COMMITTEE ON THE 1972 UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

STAFF ISSUE PAPER ON THE EDUCATIONAL, SOCIAL AND CULTURAL ASPECTS OF ENVIRONMENTAL PROBLEMS

The following is an effort to suggest the scope and depth of the discussions anticipated on the educational, social and cultural aspects of the environment at the 1972 United Nations Conference on the Human Environment. It is based on a study of various documents prepared for the Conference.

The following questions are for consideration in reviewing the summary of issues:

1. What is your evaluation of the position presented in the summary? Are there other matters which should be covered under the rubric of the educational, social and cultural aspects of the environment?

2. What is your response to the recommendations given in the last section?

3. How important do you consider the cultural changes that occur when economic development is carried out in underdeveloped areas?

4. The Subcommittee on this topic is particularly interested in responses to the recommendations on the establishment of international institutional means for making available throughout the world expanded access to the growing body of environmental knowledge; the Subcommittee is also interested in recommendations concerning the best national institutional means by which the United States could participate in such international efforts, i.e., through what already established governmental or non-governmental organizations in the United States or through what new organizations might the United States best contribute its enormous resources in environmental knowledge to the rest of the world. Specifically:

(a) What United Nations institutional arrangements should be established for the exchange of environmental information?

(b) Which national, governmental or non-governmental organizations should link United States Efforts to such United Nations institutions?

(c) How should the United States organization be funded and who should be responsible for its operation?

(d) Should environmental knowledge be "qualitatively" stratified in some way, e.g., for application within different cultural or economic contexts?

5. Since the United States will be called upon to supply a large portion of the manpower for the training of other nationals in the environmental field, should the United States establish a national Environmental Personnel Reference Base which would list both programs and personnel, in the environmental area, in both the private and public sectors, to be used for the training of such nationals in our country and abroad?

6. Do you favor the establishment of a National Environmental Center which would conduct multidisciplinary research, for national and international use, on the social, cultural and economic aspects of environmental issues?

7. Do you favor the establishment of a National Environmental Data Clearing House for the collection, comparison and distribution of all published research in the environmental field, both for national and international use?

If you are unable to present your views at the hearings, please forward your responses to these questions and any other recommendations you may have to:

Chauncey G. Olinger, Director, Subcommittee on the Educational, Social and Cultural Aspects of Environmental Problems, Secretary of State's Advisory Committee, Room 6807, Department of State, Washington, D.C. 20520.

The summary of issues follows:

INTRODUCTION

The social, cultural and educational aspects of the problems of the environment may be the most crucial matters to be examined at the Conference on the human environment in Stockholm. Indeed, it has been argued that, for many environmental problems, the science and technology for their solution is currently available and that, for many others, solutions are available simply through the cessation of certain human activities, so that the *outstanding* problems are:

(a) an analysis of the social, psychological, economic, political, moral and religious assumptions that have undergirded the human activities that have led to the crisis of the environment;

(b) the development of an ethic of the environment;

(c) a carefully conceived program of education, training and public information (as well, of course, as a continuing program of research); and

(d) the mobilization of the relevant political forces to the end of achieving through governmental action an end to the conscious and unconscious policies of wasting the earth and destroying the well-being of hundreds of millions of men.

Whether or not one is willing to accept this rather thorough reduction of the problems of the environment essentially to the relevant socio-cultural questions, there can be no doubt of the central importance of these issues. The many threats of impending environmental doom and the continuing failure to deal with them with available technical equipment and processes are forcing us more and more to look at the beliefs and attitudes of men that have led us to the present situation and at the means by which they might be changed. Perhaps this point can be put most simply by saying that we must answer the challenge which is implicit in so much of what man does today: what has posterity ever done for me?

The problems of the environment have arisen from man's growing success in dealing with the challenges which nature presents to man's survival and well-being. These problems raise fundamental questions about the restrictions men and states will be willing to place on themselves for the sake of future generations, as well as the efforts they will be willing to make to ensure that the future development of our world environment will satisfy the human aspirations for well-being, liberty, justice and beauty.

A—*The Necessity for Action: The Socio-Cultural Dimensions of the Problems of the Environment:*

The environment, obviously, is not a simple grouping of natural conditions; it is both the imprint of the human societies which have shaped it with their beliefs, their myths and their dreams as well as the matrix from which they draw the breath of life and existence. Human societies and their environments are profoundly related to one another; the appearance at any moment of a deterioration in the quality of certain elements of the environment accentuates the correlated socio-cultural changes. When the seriousness of the deterioration reaches a certain degree, it reveals serious social and political tensions. These tensions are emergent now throughout the world.

Historically, man has struggled to master the earth for his own advantage. It is only recently, however, that the magnitude of man's efforts has begun significantly to violate nature's own organic unity and to reflect back upon man a lessened well-being. This lessened well-being is made manifest to us, in the usual case, only when we are confronted with some inconvenience such as oily beaches, the unavailability of certain seafoods or noxious air. Many, however, can remain essentially unaffected by such inconveniences while extremely serious environmental problems develop.

And environmental problems are now ubiquitous. In one form or another, they now manifest themselves throughout the world, be it overpopulation and starvation, the waste of material resources, the degradation of the land, the fouling of the oceans and the atmosphere or the eradication of cherished species of animals.

What is particularly noticeable throughout the world is that environmental problems present themselves differently according to the level of a country's economic development. In the more economically developed countries, the environmental problems concern comfort and mental health, the pollution of land and water and air, and the utilization of space. In the less developed countries, the search for well-being is characterized by more elementary aspirations: how to improve the use of biological resources to satisfy the needs for nourishment.

And these economic aspects are important in considering the future of development as it is related to the environment. It has been a preoccupation with production, immediate profitability and efficiency that has meant

that the negative, secondary environmental effects have been overlooked in the developed countries. The problem for the developing countries is whether or not to follow, in their own pending development, the Western models of economic growth which, while bringing considerable material improvement, have also brought serious social and psychological problems. The question raised here is not so much the question of limiting economic growth—economic growth will be required to assure even a minimum level of material well-being to the people of the developing nations—but rather of discovering patterns of growth which will achieve as rapid an economic development as possible consistent with a healthy environment.

But the problem is a difficult one. Nothing expresses more strikingly the crisis of the environment than the degradation that has occurred to human communities in urban agglomerations created by the demands of industrialization. Historically, industrialization has reduced, and currently continues to reduce, the need for human labor on farms and to increase the need for it in cities around the machinery of production and its organization. This agglomeration of men has profoundly uprooted traditional life patterns and local cultural values, so that it is at least plausible to consider whether the gains in material comfort and convenience, in health, and in individual autonomy may not have been balanced by an increasing sense of isolation, anomie, crowding and standardization of life—in short, balanced by the "cultural aggressions" implicit in the whole system of industrialization.

Indeed, a kind of quasi-idolatry of technology and industrialization has allowed men to develop materially without adequate consideration of the immediate and deferred, secondary effects of technical and industrial processes. This tendency in the West has developed under the influence of Judeo-Christian religious convictions, according to which God created man in his own image and gave him the earth to subdue. In this view, man stands, in a significant sense, above nature and science becomes the means for the domination of nature.

This approach to nature must be contrasted with that of certain societies where men have developed a view of the world in which they coexist in a spirit of equilibrium with nature, and, in some societies, protect and venerate trees, streams and animals as reincarnations of their ancestors. We are thus called to a thorough reexamination of the assumptions upon which we in the West, for some time, have relied as the basis for our use and exploitation of nature.

Simultaneous with this examination of the sociocultural assumptions which have led to the environmental crisis, there must be a consideration of authoritative structures at all levels to the end of encouraging, through these structures, the choice of environmentally sound values that reflect the general interest and not simply that of special concerns.

Finally, underlying the search for a satisfying environment are such drives as the search for security, physical as well as psychic, the aspiration towards an environment rich with familiar symbolic meaning, a search, by turns, for intimacy, solitude and community, and the avoidance of environmental "aggressions" against human well-being, such as noise pollution, crowding and ugliness or "aesthetic pollution." To achieve these goals in the modern world with an environmentally sound perspective raises the possibility of fundamental social and cultural changes, indeed, raises the possibility of a redefinition of the work of civilization proper to each country.

B—*What We must Do:*

But we must do more than simply begin the analysis, from an environmental point of view, our socio-cultural assumptions and attitudes; we must outline the range of things that must be done to improve the environment.

On a planetary level, we must preserve the biosphere from catastrophic modification. We must restore local balances in the biosphere that have been destroyed. Pollution of the oceans and atmosphere and the poor management of natural resources must cease. Science and technology, whatever damage their thoughtless use may have occasioned in the past, must be used to restore and improve the environment.

But the prevention of total ecological disaster is not enough. We must continuously seek to improve the quality of life. We must further the struggle against death and disease as well as the development of hygiene to check the propagation of pathogenic agents. Likewise, physical-chemical pollution of food, water and the atmosphere must be halted.

More generally, we must promote total human development. Concern for man's physical, biological and psychological integrity implies the elimination of specific harmful features of the environment, such as excessive noise, vibration, crowding, etc. Further, full human development implies an environment which maintains a human scale, open space, coherent architectural forms and a meaningful urban landscape.

Although constraints on activities which harm the environment will, in a sense limit our freedom, on a deeper level, a healthy environment will increase our freedom to develop fully our potentialities for meaningful and constructive self-realization. Further, the creation of beauty and cultural value in the environment can awaken sensitivity to these values and increase a creative participation in life.

And, although many factors of modern life work to rob the individual of a sense of responsibility about the conditions which shape his life, still we must encourage men to assume responsibility and to exercise their freedoms to protect the environment. We share this responsibility for the patrimony of future generations with all who now share existence on "spaceship earth."

The achievement of a healthy and satisfying environment is linked to the achievement of a greater social justice, of a lessened inequality among men and nations, and to the guarantee that every man's dignity will be taken into account, that every man will enjoy a freedom, an autonomy and a constructive participation in life within a milieu which supports his highest aspirations. This achievement, from an environmental perspective, presupposes new rights for enjoyment along with corresponding duties toward others and towards a community enlarged to the entire globe—rights and duties of which the Declaration on the Human Environment could be the international charter.

Finally, the achievement of a fulfilling human environment will require the development of an ethic of the environment, or rather, perhaps, the reformulation of certain aspects of traditional Western ethics in the light of what we now know of the dangers of uncontrolled exploitation of our physical environment, so that we may maintain the traditional values of freedom, dignity, diversity and self-realization.

C—*The General Means of Action:*

As one looks at the wide spectrum of actions that will be required to deal with the crisis of the environment, those in the educational, social and cultural fields appear as fundamental to long-term success. Just as significant physical actions taken in the environment "reverberate" throughout the affected physical realm as well as in the lives of the men living within that realm, so actions, which are essentially socio-cultural, effect not simply the spiritual and mental lives of men, but also ultimately produce physical ramifications. This is to say, actions taken in the socio-cultural areas cannot be viewed as having only intellectual and spiritual consequences, but physical consequences, too: thus, to improve environmental education is inevitably to affect the ways in which those educated will treat the environment in practice.

And, if it is the case that actions carried out in the socio-cultural realm thereby enter the complex interrelatedness of the total environment, nothing is a stronger argument for the view that the *content* of educational and informational efforts in the environmental area should itself be designed to reflect the complex interrelatedness both of nature alone and of man and nature in communion one with another. It follows, then, that research, educational and informational efforts in the environmental field must be strongly interdisciplinary efforts.

We can deal here only with several of the most general possibilities of action in the socio-cultural field—increasing environmental knowledge, environmental education, programs of environmental information and the political and institutional implications of concern for the environment.

In the area of increasing human knowledge and awareness of the environmental context, what appears to be required is an assembly and comparison of the research thus far performed throughout the world on both the physical and the social aspects of man's interaction with his environment to the end of developing an initial and adequate balance sheet of the total environmental situation and the establishment of ongoing and expanded research in both areas, so that a continuing social diagnosis of the environment will be available as a guide for action.

As we look for a principle of environmental education, we discover that, under one isolated subject matter or another, various aspects of the environment have been taught and studied for a long time. The vast formal structure of nature and the exquisite beauty of many of its natural forms, as well as the form and beauty of man's constructions, have in more or less separated contexts always had the attention of teachers and students. Now, however, the growing recognition of the complex systems of interrelatedness that tie natural and humanly constructed things and processes together, more and more encourages us to view environmental education in a thoroughly interdisciplinary manner. Thus, whether we are introducing children to nature for the first time or training specialists in environmental management, the determinative principle must be the achievement of a clear conception of the complex interrelatedness of man and nature.

In more specific terms, the problems of the environment confront us with the need for education and training in many areas and at many levels. Briefly, the need is for the education of researchers and teachers on the graduate and undergraduate levels, the training of broadgaged environmental decision makers and field specialists, as well as the training of operational personnel at all levels and in all areas.

And, every effort must be made to insure that the information and knowledge which is rapidly growing on the subject of the environment is made available in the appropriate form to specialists and decision makers around the world as well as to the public. For those who are already well-trained in environment matters as well as for those who seek to become so, it is of crucial importance that no current means of information exchange be neglected and that new ones be established and developed; too often experiences which are rich in instructional value, whether they be successes or failures in the environmental field, remain unrecognized, on the one hand, depriving some of the sources of inspiration and, on the other hand, permitting others to make almost identical mistakes. For the public in general, both govern-

ments and private organizations must assume the responsibility for raising the level of awareness and knowledge of the dimensions of the environmental problem so that the public support will be available for sound environmental actions.

Finally, any act of management of the environment, any intervention in the relationship between man and his surrounding milieu, any judgment of the values in question and any evaluation of the quality of the environment implies decisions of a political nature. Whether certain actions are to be required, permitted or opposed, and whether by individuals, groups, corporations or governments, decisions in the environmental area concern the social and economic interests of those involved. Environmental decisions are, hence, ineluctably political and inevitably become associated with political ideologies, and, thus, whoever wishes to pursue the achievement of a sound environment must be prepared to deal with the relevant political factors. And because we are confronted with a variety of political contexts in the world, each with different political assumptions and goals, we may expect to be confronted with differing economic, social, moral and, finally, political justifications for similar actions taken with respect to the environment. In any case, those who care about the future of man must be prepared to provide the justification that is necessary within each particular system for the accomplishment of the corrective environmental action needed.

If environmental decisions are innately political, then it follows that they are, especially in democracies, the concern of both organized groups and individuals who are concerned with a good life. These groups and individuals can influence these decisions by direct pressure on political decision makers, by their purchases as well-informed consumers, by serving as monitors of threatened environmental situations and by alerting public opinion.

But, the major decisions in the environmental field are taken by states. Quite apart from decisions placing limitations on pollution, on the hunting of rare species, or encouraging population limitation, etc., states can help, in the task of providing harmonious life settings, by the construction of public monuments and buildings which are worthy cultural manifestations, by the constant encouragement of high levels of excellence in artistic and cultural fields in all the media, and by the identification and preservation of the principal natural, aesthetic and historical wealth in the physical environment.

Whatever domain of intervention is chosen, the role of the states in the matter of the environment appears to be a determining one. But we must recognize that their actions, effected within the setting of their national jurisdictions, will assume the most varied forms in conformity with their own particular political spirit. Further, we must contemplate that there will be situations where non-state organizations can be assigned certain environmental tasks by states with great effectiveness, and that many environmental actions will require the cooperation of several states.

It is no doubt the case that environmental problems require world-wide cooperation and that solutions of these problems will lead inevitably towards a reapproachment and towards world unity which is one of the principal *raisons d'etre* of the United Nations. But unity cannot exclude diversity, the diversity of cultures and approaches which are sources of enrichment for all and which provide a demand for mutual understanding.

CHAUNCEY G. OLINGER,
Director, Subcommittee on the Educational, Social and Cultural Aspects of Environmental Issues.

FEBRUARY 18, 1972.

SECRETARY OF STATE'S ADVISORY COMMITTEE ON THE 1972 UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

STAFF ISSUE PAPER ON POLLUTANTS AND NUISANCES OF BROAD INTERNATIONAL SIGNIFICANCE

Enclosed, for your comment, is a summary of recommendations expected to be covered at Stockholm and the more obvious issues raised by these proposals. Both the recommendations and issues have been broken down under the following headings:

(1) Information—(a) Research, (b) Monitoring, (c) Data Processing, (d) Technical Assistance.

(2) Control—(a) National, (b) Regional, (c) International; Assessment, Guidelines, Review.

It should be stressed that the above categories represent more than convenient subheadings for grouping potential agenda items. Taken as a whole, they represent a conceptual framework that may produce the global consensus needed to tackle those problems that defy national and regional solutions. This framework calls for the assessment of hard scientific data (gathered by research and monitoring efforts and stored in improved information systems) to serve as a basis for the establishment of legally non-binding guidelines for pollutants of international significance. These guidelines, continually reviewed in the light of new research and control technology, are, in turn, to serve as guidance for national and regional standard setting.

POLITICAL CONSIDERATIONS

Utilization of legally non-binding guidelines may circumvent two of the major stumbling blocks to effective global environmental action. These are the rights of sovereign nations and the apprehension of Third World countries, who often view the current uproar over the environment as a ploy on the part of the developed nations to deny them their chance at rapid economic growth. It is further hoped that technical assistance programs will enhance the developing nations' environmental vision, and alleviate some of their fears.

Besides these political considerations, there are several other recurring questions that arise from reviewing the Committee's recommendations:

The Little Step vs. the Big Step. This issue relates to whether the Preparatory Committee has properly struck the balance between the need for strong, quick environmental action and the political realities that surround the pursuit of such action. Do we want small, sure steps that represent psychological victories and important precedents, or strong, comprehensive plans which will entail extended discussion, and possibly less chance of success? Particularly with regard to control measures, the question is whether small steps provide a base for further action or, since treaties are difficult to amend or repeal, only serve to clutter the landscape, hindering future negotiations.

INSTITUTIONAL NEEDS

Closely related to the little vs. big step issue is the problem of whether existing international institutions are capable of the expansion and flexibility needed to halt the disintegration of the biosphere. Questions which need answering include: Is there too much fragmentation? Too many conferences? What new mechanisms are needed? Do we need independent, apolitical scientific bodies to act as advisory boards to the U.N.?

PRIORITIES

A corollary to both the "step" and institutional issues is that of priorities. The need to list priorities not only relates to these two questions, but also to the extensive lists of research and monitoring projects proposed by the Committee. This involves both determining those pollutants that pose the greatest threat, and providing the best mix between the state of the art in research and monitoring and available funds. A further question, closely related to the big vs. little step issue is whether global monitoring is best served by a pragmatic, "first things first" approach, or a more elaborate, holiest, systems attack.

SUMMARY OF PROPOSALS AND ISSUES

Information

(a) Research—*Proposals:*

(1) There is an intense need for massive research efforts in the following areas; Health and Food, Air and Climate, Terrestial Ecology, The Oceans.

(2) Research projects in the above areas should include;

(a) Long term studies of the effects of low dosages of pollutants;

(b) Effects of different levels of pollutants on the biosphere;

(c) The impact of pollutants on human health, especially in regard to genetic and birth defects, cancer, and the interaction of pollutants which cause greater harm in concert than alone;

(d) Broad geographical studies;

(e) Follow-up studies on highly exposed populations;

(f) Animal studies.

(3) There is a need to standardize measurements, and insure the compatibility of research techniques to allow for effective information exchange.

(4) The major burden of these increased research efforts is to be borne at the national level.

(5) Existing international units are to provide coordination by setting priorites, scheduling projects, and minimizing duplication. They should also foster collaborative research projects.

(6) Consideration should be given to establishing an international institute for tropical marine studies.

ISSUES

(1) Is the U.N. the best organization for harmonizing international research efforts? Are there existing international scientific bodies that could do a better job?

(2) Which projects deserve priority?

(3) How justified is the hope of many people that increased scientific data will give us objective, apolitical solutions, allowing us to avoid the political thicket of international control measures?

(4) Does increased knowledge offer solutions, or merely expose value judgments that lie at the heart of a controversy (for example, DDT)?

(5) Can we wait for the results of research (particularly long-term) before taking action?

(6) What legal arrangements are necessary to establish unfettered international research (and monitoring networks)?

(b) *Monitoring Proposals:*

(1) International monitoring networks should be formed from existing national and international systems.

(2) Pollutants that deserve special attention are: micro-organisms, additives and contaminants in food and water, heavy metal and organo-chloric compounds (including DDT and PCB), air pollutants having a climatic impact.

(3) Monitoring should include: details on exposures, pathways and sources of key contaminants, trends, studies of biological indicators (organisms that give crucial information either through accumulation of pollutants or changes in population size) to give an early warning capability.

(4) The institutional base for co-ordinating and implementing monitoring programs should be provided to the maximum extent possible by existing U.N. agencies.

(5) The jurisdictional breakdown between national and international networks would have activities carried out on national territories the responsibility of the countries concerned, with responsibility shared in areas outside national jurisdictions, such as space and the oceans.

(6) Two pressing needs are:

Establishment of 10 baseline and 100 regional stations to monitor global trends in atmospheric constituents and properties which may affect the climate. Regional stations should utilize less sophisticated instrumentation so that countries with modest resources may participate.

Establishment, through reorganization of existing U.N. and international organizations, and the beginning of a global marine monitoring network.

(7) Monitoring should assist resource management and development by providing data on the following: (a) world forest cover, (b) environmental effects of energy use and production, (c) impact of pollutants on wildlife, (d) environmental needs of fisheries.

(8) Global monitoring networks by providing information to assist in the control and mitigation of natural disasters.

(9) There is need for further assessment of the possibilities of remote sensing devices for use in monitoring networks.

ISSUES

(1) Given the expense of establishing monitoring networks, and the uncertain state of the art, should the U.S. endorse full-fledged networks, or possibly several pilot projects?

(2) Of all the possible monitoring networks which should have priority?

(3) Does the time lag involved in developing monitoring capabilities in nations where they presently do not exist pose any problems that might hinder the success of international networks?

(4) Can environmental problems wait for the development of international networks?

(5) Does the comparmentalization of networks under national and international jurisdictional controls, and also by media (air, water and land) present any problems to tracing major pollutants from source to sink?

(6) Would the use of monitoring networks to aid resource management involve hidden risks of exploitation and promotion on the part of data-gathering services?

(7) Does the gap between man's knowledge of the oceans as a resource and as an ecosystem portend trouble for the oceans' future?

(8) How crucial is the involvement of developing nations in environmental monitoring?

(c) Data Processing—*Proposals.*

(1) Information systems:

(a) There is need for improved methods for collecting, storing, and exchanging data gathered by the expanded research and monitoring activities called for above.

(b) National and regional centers are to serve as the primary storage areas.

(c) The U.N.'s task is to establish referral and information linkages that will allow for the rapid, widespread dissemination of pertinent data.

(2) Social science inputs:

(a) There is need for improved studies by social scientists regarding: cost-benefit analyses to improve allocation of resources, particularly where resources are scarce, cost-data breakdowns of major polluters, studies on the feasibility of transfering, successful control technology and strategies between nations.

ISSUES

(1) What is the feasibility of such information exchange systems?

(2) What are the possibilities of nations releasing accurate industrial data?

(3) How much of the present environmental problem results from an inability to get information that exists?

(4) A great deal of the hope placed in information systems parallels that vested in monitoring and research—the hope of success through knowledge. How valid is this hope?

(5) What potentially transferrable technology or control strategies merit most consideration?

(1) Increased research and monitoring entails assistance, training, and financial support to ensure effective involvement of appropriate countries, without regard to economic development.

ISSUES

(1) How crucial is the involvement of developing nations in global environmental programs? What is the cost, and how should it be borne? What are the proper channels for assistance?

(2) Should the assistance needed to develop national pollution abatement programs be achieved through additional aid, or a reassignment of priorities among existing aid programs? Should the aid be financial, technical, or merely educational?

Control

(d) Technical Assistance—*Proposals:*

(a) *Mandatory Regulation*—

(1) Since most sources of pollution lie within national boundaries, and international agreement on discharge levels is unlikely, the major onus for enacting control measures must be placed on voluntary national actions.

(2) Potential national control actions fall into the following categories and subtopics:

(a) *Mandatory Regulation*—

(1) Mandatory standards.

(2) Complete prohibitions.

(3) Licenses or permits.

(4) Discharge warrants (negotiable instruments sold by a control agency to the highest bidder).

(5) Land use control.

(6) Best practicable means.

(7) Liability and insurance.

(b) *Charges*—

(1) Effluent charges.

(2) Levies on polluting products.

(3) Misc. boycotts, fines, moral suasion, and adverse publicity.

(c) *Incentives*—

(1) Tax incentives.

(2) Soft credit terms and grants.

(3) Awards and recognition.

(3) The exact form a national control strategy will take should be dependent on national priorities, level of economic development, social and cultural values, institutional framework, and leadership.

(4) The existence of variances in national standards should not serve as an excuse for the adoption of tariff barriers.

(5) Where variances in national standards act as nontariff barriers to world trade, the following steps may ameliorate the problem:

(a) Early warning mechanisms by the enacting nation to allow time for production changes.

(b) Establishment of consulting mechanisms between trading partners, with possible discussion of compensatory actions.

ISSUES

(1) Are there any areas where the U.S. could show leadership by example?

(2) How high a priority should the U.S. give to funding international environmental action?

(3) Which of the above national control strategies shows the greatest promise? Which can be best transferred among nations? Are there any mixes of strategies that offer particular hope?

(4) Do divergent national standards present a real threat to international trade? Are early warning and consulting mechanisms sufficient? Should there be mandatory international controls? For what items would international standards be better than national ones in easing non-tariff trade barriers and the flight of capital to escape national standards?

(b) *Regional Proposals:*

(1) Where problems, either due to distribution of pollutants, or proximity, are beyond the capacities of one state to solve, regional solutions should be attempted.

(2) Examples of successful regional responses include the 1959 Antarctic Treaty and the 1963 Test Ban Treaty.

ISSUES

(1) Are any of the previously listed national control strategies available at the regional level?

(2) Are there any pressing problems demanding regional control that could be brought up at the Stockholm Conference?

(c) *International Proposals:*

(1) Problems that now demand international action include: (a) Marine pollution, (b) Contamination of food and water supplies, (c) Widespread distribution of persistent heavy, metal and chemical compounds, (d) Atmospheric pollution—particularly the possibility of climatic impact.

(2) International control action should involve a three stage process—

(a) *Assessment*—This involves the evaluation of data to determine risks, pathways, and sources of pollution. There is a need for international assessment mechanisms. There is also a pressing need for assessments of organochlorine and heavy metal compounds. New chemical compounds should be assessed prior to their release into the environment.

(b) *Guidelines*—Legally non-binding recommendation for national and regional control measures should be promulgated for priority pollutants. There is an immediate need for working limits for water and air, and increased efforts in the current work to establish standards for foods (e.g. pesticide tolerances and additives). Primary protection standards are needed for toxic metal and organochlorine compounds. The issues of ocean exploitation and discharges of oil at sea are expected to be deferred to the upcoming IMCO and Law of the Sea Conferences in 1973.

(c) *Review* — International guidelines should be continually reviewed in the light of new scientific knowledge and advances in technology. Registries listing international standards and the inputs of chemical and radioactive substances into the biosphere should be established. Data on the distribution and production of key pollutants for both the assessment and review stages should come from national sources.

This three stage control process should be the responsibility of competent international committees.

ISSUES

(1) Does the reliance of both the assessment and review process on national production and distribution data represent a weakness in the Preparatory Committee's framework?

(2) Are there elements in the assessment process, particularly the determination of risk vs. benefit, that are properly the function of political processes, and should not be left solely to committees of experts?

(3) What actions can be taken other than legally nonbinding guidelines?

(4) Should all marine control measures be deferred to the International Maritime Consultation Organization (IMCO) and the Law of the Sea (LOS) Conferences?

(5) Should we make any recommendations for the establishment of permanent marine regulatory mechanisms to insure co-ordination between the IMCO, LOS, and later conferences? Is there need for an institution that deals with all forms of marine pollution?

(6) What kind of inducements, and forms of leverage are available to the U.S. in bargaining for international agreements on the environment?

(7) Should the U.S. assume a leadership role, or take a lower profile and lend support to the initiatives of other nations? How crucial is it that we involve the developing world in control efforts? Would we have more success by confining our efforts to developed nations? Are there any areas where our knowledge is complete enough to initiate action for the promulgation of international control measures?

LEE RAWLS,
Director, Subcommittee on the Control of Pollutants and Nuisances of Broad International Significance.

FEBRUARY 18, 1972.

SECRETARY OF STATE'S ADVISORY COMMITTEE ON THE 1972 UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

STAFF ISSUE PAPER ON ENVIRONMENTAL ASPECTS OF NATURAL RESOURCES MANAGEMENT

This area is designated as subject area II for the Conference and is subdivided into the following topics:

Integrated management of natural resources.
Agriculture and soils.
Forests.
Wildlife, parks and other protected areas.
Fisheries.
Water.
Mining and primary mineral processing.
Energy.

Consideration of the topics at the conference will be based on the detailed action papers prepared for each subject area. The action paper presents the primary considerations for action and recommendations for both national and international action for each topic. The following is a summary of the primary considerations for each topic and the major issues we expect to be considered in developing and implementing action recommendations.

INTEGRATED MANAGEMENT OF NATURAL RESOURCES

This establishes the parameters within the area of natural resource management within which action can be taken. The use of resources is based on the laws of supply and demand. Up until this point in the development of resources, little recognition has been given to the finite character of the resources. Thus, the economic considerations of development have been short range and not concerned with environmental factors.

The aim of dovelopment is to improve the quality of life for man. In developed nations the interest now lies in additional amenities while in developing nations the interest lies in establishing minimum living standards. Ths choice of goals will affect the priorities of production as well as the distribution of cost priorities. The use of the cost-benefit concept in planning will reflect the status of the particular national interest. Therefore, it is anticipated that the developing nations will not place as high a benefit figure on environmental considerations as will the developed nations.

The present power structures and concepts of sovereignty are accepted and recognized as the only effective means of action. It should be noted, however, that participation in regional organizations like river basin commissions is recommended.

Some general issues are as follows:

1. Should tariff and non-tariff trade sanctions be used to stimulate environmental action in other nations?

2. With respect to technical and financial aid, public and private development *et al.*, should the donor or recipient nation set environmental guidelines? Should U.S. policy be to refuse to grant a guarantee of investment without environmental action guarantees?

3. Should U.S. multinational corporations comply with U.S. standards or standards of the nation where they will operate? Should they comply with the more stringent?

4. What should U.S. policy be with respect to economic sanctions, penalties, or liabilities regarding actions with detrimental extraterritorial effects?

5. How should the U.S. participate in any international fund?

6. Will U.S. national laws and standards apply to U. S. exports, i.e, if the use of DDT is banned in the U.S. should the U.S. allow manufacture and sale to a foreign nation?

7. While recommending that nations use the cost-benefit approach in the use, development and conservation of resources, what weighting factors should be suggested?

8. Should the objective of a self-sustaining economic unit be the goal for renewable resources management?

9. What should the U.S. position be with respect to establishing international standards dealing with the conservation of natural resources and insuring that all national action be, at a minimum, consistent with these standards?

10. What should the U.S. position be with respect to allocating the economic burden of scientific research and technology, recognizing that the primary resource lies in developed nations while the natural resources and problems areas often lie in developing nations?

11. Where development is sought by a nation with U.S. assistance, who should pay any added costs for environmental protection actions?

12. How should the interests of developing and developed nations be reconciled with regard to use of synthetics and recycling?

13. Where the U.S. can afford implementation of technological advance, but a developing nation says it cannot, what should U.S. action be?

14. What should be the U.S. position on developing natural resource processing at the site of origin, as opposed to transporting raw materials to developed nations?

15. If the international community adopts the position of "keep clean as you go," who will pay for this in a developing country?

16. How should world assessments and minimum environmental needs and standards be developed?

17. How should maximum production be balanced with minimum damage to the environment and consistent with cleaning up past abuses?

18. What should be national and international responsibilities towards conservation of natural resources for future generations?

19. How should the international community decide what should be conserved? Who should make the selections? And once choices are made, who should be resporisible for conservation and any costs resulting from conservation actions?

AGRICULTURE AND SOILS

In this area we are dealing with a renewable resource which is the primary basis for the world's food production, as well as other agricultural products (e.g. paper). Primary considerations are to maximize production while minimizing environmental damage and to improve both rural living standards and product quality. A significant technological gap exists between the developed nations and the developing nations, especially in tropical areas. Efficient production could lead to economically self-sustaining agricultural units which contribute significantly to bearing the costs of environmental actions. The major issues involve:

1. Achieving maximum production with minimum environmental damage often requires actions beyond the economic or technological capability of the individual farmer. How should the economic burdens of environmental actions among the individual farmer, agro-industries, and government be distributed?

2. In considering how any given land area will be used, should recognition be given to the inherent limitation of the area and utilization only to maximize natural potential, or, should the area be significantly altered through some type of development project (e.g., irrigation, fertilizers, industry)?

3. Long term productivity and environmental considerations are not always consistent with short term production and economic goals; especially with respect to crop selection, fertilizers, pesticides, etc. How can the international community reconcile long and short range goals?

4. The use and development of agrochemicals (e.g., pesticides, fertilizers, drugs and antibiotics) must be reconciled with respect to both long and short-range objectives. Recognizing that technological advancements will come from developed nations where the unit cost factor may not be as significant as in a developing country, how should existing knowledge and chemicals (e.g., DDT) be utilized in developing nations, and which nation's standards of use should be applied?

5. What actions should be taken by the international community concerning the treatment and use of agricultural wastes and the possible recycling of agricultural products and wastes?

6. What action can be taken to resolve the problem of pollution from the production of agricultural products (e.g., paper and pulp production)? How is the cost burden to be allocated?

7. What should the guidelines be in connection with evaluating natural and synthetic products, especially with respect to conservation, balance of trade, and development?

FORESTS

Forests are a renewable agricultural resource although basically non-food producing. The primary use of forests is for the timber and wood products, in addition they provide indispensible protection of the land and other resources, contribute to the balance of the biosphere, and affect the climate. The economic burden of environmental action in connection with forests does not involve the problem encountered in the agricultural and soils area since 70% of the forests are in public ownership. Public ownership is consistent with an integrated management approach and can be most effective in dealing with the following major problems:

1. What positions can the international community take in connection with the following areas, and how can national action be reconciled with these positions?

a. making forests self-sustaining economic units through a multiple use approach.

b. land use decisions, especially in reference to forest renewal versus development of cleared lands.

c. pollution control of forest industries.

d. experimentation and implementation of farming and breeding technologies and cost thereof.

e. fire, pest and disease control problems.

2. Technology, management skills, legal and institutional, are relatively well defined in developed temperate zone countries while developing tropical countries need assistance. Is it a feasible position that developed countries bear the economic burden of technological advances while developing countries bear the burden of project costs?

3. Further study of the relationship of forests to the biosphere should be made to

determine whether there are minimum acceptable limits for forest cover, and if so, how can this minimum acceptable level be protected? How can national actions be coordinated on an international or regional basis?

WILDLIFE, PARKS AND OTHER PROTECTED AREAS

Wildlife:

Wildlife plays an integral part in any ecosystem, is a source of food and animal by-products, and is a basis for tourism and recreation. Wildlife is threatened by man's population and his occupation of land and water. It is further threatened by man's use of land and water territories which results in altered ecosystems. The major dangers come from pollution and trade exploitation. Management is primarily a national problem while conservation is of international scope, especially in connection with water and migratory species.

1. How should actions distinguish between economically self-sustaining species and wildlife?

2. What is the proper balance in land use between food needs and maintenance of natural ecosystems?

3. Can wildlife be managed as a self-sustaining resource with respect to gene pools, food, tourism and recreation, and animal products? How can long and short range goals be reconciled?

4. Whaling merits special attention with the suggestion of a 10 year moratorium. How can enforceable international agreement be reached on this topic?

Parks and other protected areas:

Protected areas, be they parks, wildlife refuges, natural areas, wilderness areas or recreation areas, are essential for the preservation of certain ecosystems as well as providing sanctuaries for basic flora and fauna gene bases. In addition, they are invaluable in relationship to the ever expanding urban populations by providing tourist, recreation, and educational areas.

1. How should these values be weighed against development of land areas for other uses?

2. Can protected areas be managed to maintain a degree of economic self-sufficiency? If not self-sustaining, who should bear the economic burden, especially with regard to developing nations?

3. What management guidelines should be developed with respect to tourism and pollution?

4. Special cooperation appears necessary for border areas, water areas, and protected areas for water and migratory species. What arrangements should be developed in this connection?

5. Recreational, natural, historical and cultural bases of mankind need to be protected for continued scientific and cultural utilization. With expertise in a developed nation and the natural resource and economic benefit in a developing nation, who should bear the economic burden? How should national and international programs, including assistance to developing nations, be balanced?

GENETIC RESOURCES

Genetic diversity is essential for survival by adaptation to environmental changes. In addition, it provides a basic tool for maximizing the efficiency of living organisms in a given environment. Some basic gene resources of the world are threatened by man and his development as certain agricultural plants, forest species, aquatic and microorganisms, insect and animal species are faced with possible extinction. Once this ancestry is lost it is unrecoverable.

1. Gene pools and research are scientific in orientation and are not self-sustaining resources, unless the research product is considered a commodity. The major scientific expertise and facilities existing in this area are in the temperate and developed areas while the majority of raw materials and basic gene pools are in the tropical and developing areas. How can agreement on materials and information exchange be reached and how should the economic burdens be allocated?

2. Practically an infinite number of gene species exist and selection must be made because all of them cannot be preserved. Noting that the selection priority will be based on usefulness for:

a. breeding improved crops for production

b. breeding species resistant to disease and pests

c. developing insects for pest and disease control

d. improving productivity for plants and animals.

Who should make the selection and bear the cost of selection and how should this be done?

3. During the selection stage, conversation is essential so that no basic gene pools are lost. How should this be balanced against development and if conservation entails a cost by limiting development, who should pay?

FISHERIES

Provides a renewable primary food resource and play an integral part of any water ecosystem. They are threatened by pollution, overfishing, marginal land development, and off shore development. Water and its inhabitants are not restricted to national territory. Most water resources are interrelated and are subject to multinational actions. There are many existing multinational organizations as well as fishing and trade agreements. Due to the extraterritorial nature of fisheries and water, agreement and enforcement of national actions is difficult. It should also be noted that, although an international resource, technology for exploitation lies mainly in developed countries.

1. In what areas and how can multinational agreements be reached and enforced?

2. How should international resources be divided?

3. How should estuarine areas in which many economic species reproduced be treated by a nation?

4. How should actions on the following major areas develop?

a. pollutants and wastes, with any extra territorial effects.

b. expanded research in fish farming and transplantation without damaging natural ecosystems.

c. guidelines for development projects which will effect water flows and water quality.

d. research into acquaculture and recycling and conservation of beneficial wastes.

e. treatment of coastal areas, wetlands, and offshore territorial lands and waters.

5. Should the international community allocate the fisheries resource? If so, how can fisheries be managed and how should economic responsibility be allocated? Can fisheries be managed as a self-sustaining resource on an international basis?

WATER

Water is a replenishable though finite resource which is essential to the environment. Provision of the requisite amount of water at the right time in the right place in the right quality is the primary objective. Extra-territorial waters such as seas, oceans, and certain rivers may be distinguished from purely inland waters. The relationship of sovereign rights as applicable to ocean waters must be considered. Legal considerations, management, and enforcement over actions in international or multi-national waters are more complicated.

1. In regard to extraterritorial waters, what agreements and actions should be taken with respect to:

a. water resource allocation between uses,

b. water pollution, including waste control, and

c. effect of development and other land uses on water quantity and quality, especially in coastal and off shore projects.

2. With respect to multinational funding as well as international agreements, should participation be on an equal basis although other participants fail to comply with our national standards?

3. What is the national responsibility for insuring the water quality of water flowing into another jurisdiction.

4. How should the economic burden, which may be beyond the individual or national economic capacity, be allocated?

5. How can the real cost of water be established?

MINING AND PRIMARY MINERAL PROCESSING

Minerals are a non-renewable resource essential to maintaining current production and increasing development. While depleting the natural resource, the mining of the raw material generally only requires temporary occupation of the land. This leaves the way open to directed renewal of the land area to a natural state, although perhaps altered from the original state. Conflicting with the renewal approach is the fact that mineral mining and processing tend to be the first stages of urban development which means permanent occupation of the land and ensuing problems like pollution. While almost wholly within national boundaries, coastal, off-shore and deep sea processing involve multinational issues.

1. What position should be taken with regard to mineral importation from developing nations, recognizing that the raw product is often an essential element in the balance of trade? In addition, who should bear the cost of site restoration?

2. What international actions can be taken to insure that mining practices do not harm the global environment?

3. What emphasis should be placed on the balance of trade in an analysis of natural versus synthetic products and in connection with recycling?

4. Should international guidelines for integrated management be established in regard to the problems of sequential land use and pollution in the mining, processing, and transportation phases of international mineral development?

5. Should international standards be established and can costs be allocated for miners health and safety.

ENERGY

Contemporaneous with minerals, energy is a prerequisite for production and development. Historical development of energy resources has been from wood to coal, fuel oil, natural gas, electricity and atomic energy, with each resource significantly depleted at each stage. Energy resources at present appear finite. Conservation of finite resources non-renewable in light of increasing demand requires a multiple approach through (a) increasing efficient use and production, (b) conservation of resources and demands, and (c) exploration of new energy sources.

1. In developed nations the minimum demand would be at present levels. In developing countries production of energy is a basic source for economic growth. Should demand be limited? How can the international community balance these competing demands on the world's energy resources?

2. Should a depletion allowance concept on an international level be developed with economic proceeds channeled to research and other environmental concerns?

3. Who pays for research to explore energy recycling and how can international guidelines be established for the resulting trade ramifications?

4. How should the international community approach these major problems:

a. pollution in production, transportation, and use of energy, especially concerning the

internal combustion engine and accidents. Is an international accident liability approach warranted?

b. how should demand and consumption be regulated. especially in developed nations and urban areas?

c. allocation of costs resulting from both conservation of energy resources and other environmental protection?

5. Under present technology, the world's energy resources are finite. How should the international community balance long and short range objectives in the use and conservation of energy resources?

6. How should a clear independent evaluation of the energy resource status of the world be made and paid for? Should present technological limitations, which indicate that energy resources are finite, dictate our actions, or, should we assume advancing technology and either new sources or successful recycling will make energy resources infinite?

7. What is responsibility to future generations with respect to energy resources?

KENNETH TAPMAN,
Director, Subcommittee on Environmental Aspects of National Resources Management.

ORDER FOR ADJOURNMENT TO 9:15 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:15 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR McGOVERN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, after the two leaders have been recognized tomorrow, or their designees, the distinguished Senator from South Dakota (Mr. McGOVERN) be recognized for not to exceed 15 minutes.

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

ORDER FOR ADJOURNMENT TO 9:45 A.M. ON WEDNESDAY, MARCH 1, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business on tomorrow, it stand in adjournment until 9:45 a.m. on Wednesday, March 1, 1972.

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

ORDER FOR RECOGNITION OF SENATOR ROTH ON WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, after the two leaders or their designees have been recognized on Wednesday next under the standing order, the distinguished Senator from Delaware (Mr. ROTH) be recognized for not to exceed 15 minutes.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Senators may speak out of order and without the time being charged to either side during the remainder of the afternoon.

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

EXTENSION OF TIME FOR FILING REPORT BY THE SPECIAL COMMITTEE ON AGING

Mr. CHURCH. Mr. President, I ask unanimous consent for an extension of time for filing the report of the Special Committee on Aging, "Developments in Aging—1971, and January through March, 1972," until April 15, 1972. This postponement will enable the committee to deal with significant developments expected to occur this year as followup activity to last year's White House Conference on Aging.

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

SCHOOL BUSING BINGE

Mr. BYRD of West Virginia. Mr. President, the Senate now has before it the issue of busing pupils to bring about racial balance in the public schools.

The busing of children is really not the bedrock, basic issue. In fact, it is but the surface manifestation of the fundamental issue involved—it is really just the tip of the iceberg. That submerged part of the iceberg which is of more basic significance—and which does not immediately surface in the emotion-packed discussions and speeches by legislators, Governors, and outraged parents—is simply the issue of assignment of pupils to the public schools on the basis of race. In other words, it comes down to the rudimentary equation of forced integration versus voluntary integration.

I shall direct my attention, however, for the time being to the more volatile subject of busing.

I have nothing against busing, as such, where it is required to bring children from rural areas or from outlying sections of a community into the nearest neighborhood school. We have had such busing for decades, and it will continue to be necessary for the foreseeable future. I myself rode a school bus in Mercer County, W. Va., 40 years ago. But it was a circumstantial matter, the nearest high school being 7 miles away. That, however, was a different circumstance from today's denial of access to a neighborhood school and today's forced attendance—based solely on a child's race—of a school 7, 10, 15, or 20 miles away just to satisfy some arbitrary formula regarding racial balance.

Today's advocates of mass busing to promote racial balance point to the years, prior to 1954, when some degree of school busing occurred in support of school segregation. They are fond of citing this fact as a basis for today's busing to bring about racial balance.

This argument is unsound on its face and morally unworthy of expression. How can the mass busing of today be defended by citing, for its support, an unconstitutional precedent of the past? Two constitutional wrongs do not make a constitutional right. If it was wrong for the purpose of maintaining racial imbalance, to force children—only because of their race or color—to ride buses and attend schools other than their own neighborhood school prior to the Brown I decision of 1954, it is just as wrong today to force children—only because of their race or color—to be bused to public schools away from their own neighborhood to promote racial balance. The wrong that is being perpetrated today is all the more compounded in that it accelerates—if not, in some instances, indeed, generates—the exodus of white taxpayers to the suburbs. The concomitant resegregation of the inner city schools is almost as complete as was the segregation of the schools originally

The upshot of it all is that the inner city black schools are as black as they were before 1954, the used-to-be white schools are gone, and, in addition, the former inner city tax resources have, largely, fled to suburbia. This is the inevitable result of misguided attempts by HEW bureaucrats and some Federal courts to use the power of government in an area of social planning which will lend itself only to voluntary action supported by the Constitution. In other words, no amount of pressure will force the overwhelming majority of people permanently and willingly to accept governmental policies to which they are strongly opposed, especially when it is their children who are primarily involved. The government and the courts are dealing with people's children. And parents do not want to have the government tell them that their children cannot attend the nearest neighborhood school but, instead, must attend a school miles across town, where the social atmosphere is often unfriendly, or at best, unknown, and where their children may be subjected to racial tensions and racial conflict.

As for the school segregation which required the school busing of yesteryear, it was the law of much of the land in that day. Enforced segregation was required by State statute and by many State constitutions. It was upheld by court decisions based on the interpretation of the U.S. Constitution, and it was countenanced by Federal law. The people generally, black and white, accepted school segregation in some parts of the Nation as the law. Apparently, the people of those States generally were satisfied with the law as it was, and wanted it that way, and were willing to pay the financial cost of whatever busing was required to maintain a segregated school system.

Now, the situation has changed. The U.S. Supreme Court, in 1954, ruled that forced segregation, based on race, in the public schools was unconstitutional. The people, north and south, have now generally accepted that decision as the right one. But they are unwilling to pay the

financial cost of a senseless busing binge, and arbitrary assignments and attendance ratios based purely on race, all of which are unsupported by the Constitution and not required by any law enacted by their elected representatives in Congress, but forced upon them, rather, by a few overzealous HEW bureaucrats and by a few super-liberal judges in the lower Federal courts.

Speaking of white flight to the suburbs, one need only look at the public school system in Atlanta, Ga., which was 70 percent white and 30 percent black just 14 years ago, in 1958. Successive desegregation orders during the intervening period have resulted in an exodus of white pupils out of the inner city. Enrollment in the public schools in Atlanta is today exactly the reverse of 14 years ago—30 percent white, 70 percent black.

The same thing has happened in Washington, D.C., since the 1954 court decision. When I came to this city in January 1953—almost 20 years ago—the population of Washington, D.C., was approximately 35 percent black. Today it is close to 75 percent black. The Washington, D.C., school population today is 95 percent black.

How tragic that some of the courts and governmental social planners have been so blind, until it is too late, to the reality that thoughtful parents, black, oriental, and white, simply do not intend to trust the welfare, safety, and education of their most priceless possession—to the experimental whims and prejudices of judges and HEW officials.

Mr. President, we are told that racial balance is important as a means of teaching the races to live together in peace. But will it? Judging from the many racial incidents of fighting, knifing, and shooting that are increasingly occurring in the Nation's high schools, there is cause to question the efficacy of such forced race mixing as a way to achieve racial peace and understanding. Would not voluntary integration—based on freedom to choose the closest neighborhood school—be the wiser, more commonsense approach?

Can anyone seriously contend that, to uphold and enforce the constitutional right of Negro students to equal protection, they must be uprooted and forced to travel against their own wishes—by foot or by bus—away from their own neighborhood schools and to some distant school, merely that they may attend classes with white children? How utterly nonsensical the courts have become. What a distorted, twisted interpretation of the equal protection clause.

Any Negro child has a constitutional right to attend the public school of his choice, and State authorities ought to be bound to guarantee and, if need be, enforce that right. It would also seem to be just as clear that any act of the State to force that child, because of his race, to attend a particular school against his wishes and in preference to the school of his choice is violative of his constitutional rights.

It is preposterous to maintain that those who wrote the 14th amendment intended that a Negro child should be forced by the State to attend a public school in which his race is in the minority when he may desire to attend his neighborhood school where his race is in the majority. He may just prefer to be with his own race. And why should he not be allowed to be, if that is his preference? How can any court seriously contend that it protects that child's constitutional rights when it forces his school to be closed, and forces him to attend, only because of his race—on foot or by bus—a school which is to his cost and inconvenience and which he does not want to attend?

Does the Constitution, in fact, countenance pupil assignment on a racial basis?

Let us go back to December 9, 1952, when the five cases ultimately decided under the name of Brown against Board of Education were first argued before the U.S. Supreme Court. Mr. Thurgood Marshall, then the chief counsel for the NAACP, arguing the case of Briggs against Elliott, from South Carolina, made some interesting comments. His point was that what the plaintiffs wanted was the voiding, on constitutional grounds, of the South Carolina statute requiring school boards to segregate children by race. He told the Court:

> If this Court would reverse and the case would be sent back, we are not asking for affirmative relief. That will not put anybody in any school. The only thing that we ask for is that the state-imposed racial segregation be taken off, and to leave the county school board, the county people, the district people, to work out their own solution of the problem to assign children on any reasonable basis they want to assign them on.

I think it reasonable to state that none of the other attorneys representing Negro plaintiffs said anything to contradict Mr. Marshall's assertion that all they sought was an invalidation of school assignments by race or color and an affirmative requirement that assignments be on a nondiscriminatory basis, through districting or proximity of schools or some such neutral standard. And that, in essence, is the relief which the plaintiffs properly received in the Brown decisions.

Today, however, an amazing transformation has been wrought. Now it is not the absence of discriminatory standards in assignment which is the keystone of desegregation law. Indeed, race must be taken into account, because what is now apparently forbidden are all-white or all-black schools or schools made up predominantly of one race or the other—although the Court in Swann did not go this far. Pupils, teachers, and supporting staff must now be assigned by race, and by race alone. Racial ratios have become the order of the day. School boards are not required to be color-blind; they must be color-conscious. The educating of minds is to be secondary; the primary objective appears to be the integration of bodies.

It need hardly be said that when the States and localities are required to operate school systems to serve the primary purpose of integration rather than education, and to conduct one long complicated experiment in sociological leveling, public support of public education is bound to suffer.

Polarization of the races is also intensified when neighborhood and school identities are destroyed and when students find that they cannot compete successfully with other students who may have had superior educational opportunities in the past.

What is most likely to be achieved by busing and forced integration is increasing mediocrity in education. A leveling process will have been set in motion which can have the effect of stifling incentive for the bright and gifted student while discouraging the less well prepared student and the slow learner.

It should be obvious that the way to improve educational opportunities for blacks is to improve the schools which they attend. Educational funds should be spent equally, per capita, on blacks and whites, on the suburban school and on the city school. That is what the courts and the Government really should be concerned with. As long as each child can go to the school of his choice, and if one school is treated equally, with respect to educational funding, to every other school in a given area, the constitutional mandate of equal protection is met.

Moreover, commonsense would seem to dictate against the extremes to which children are being forced to leave their own neighborhood schools and ride buses over icy roads to attend distant schools at the direction of Federal judges and Federal bureaucrats who set themselves up as super school boards.

In many instances, these same Government officials send their own children and grandchildren to private schools, while other Negro, oriental and white parents, less fortunate financially, are denied the option and must send their children to schools not of their own choice. Is it not evident that much of the talk about quality education and much of the Government intervention is sheer hypocrisy?

Furthermore, after pouring hundreds of millions of dollars into the purchase of school buses and the employment of personnel to carry out mass busing, what is there left to show for this expenditure by the school boards throughout the country? Nothing but gasoline and repair bills and worn out, second-hand buses that have to be replaced by new buses with the same expenditures over and over again.

Instead of wasting vast amounts of money to purchase and operate great fleets of school buses why would it not make far better sense to spend these funds for better salaries for teachers, new equipment, and improved neighborhood school buildings, thus providing the opportunity for true quality education for all students, black and white?

Where the imposition of mass busing and racial quotas in the public school system necessary to conform to the equal protection clause of the 14th amendment, of course, no fair-minded individual could legitimately complain. But can it be seriously contended that in a city, the population of which is, say, 65 percent

white and 35 percent black, the Constitution requires the placement of 520 whites and 280 blacks, or some comparable ratio, in each school throughout the length and breadth of such city—with all of the cross-city busing that would be entailed? Does it not all become a little silly to argue that the Constitution requires such?

Yet, this is precisely what is being done, and one has only to look at the Richmond school desegregation case to see the preposterous extremes to which such a theory will lead. In that case—Bradley against School Board of the City of Richmond, Va.—the court required the merging of a metropolitan area—two suburban counties and the city of Richmond—into one school district and the resultant busing of students across county and city lines.

It is important to focus on the one paragraph stating the conclusions of law found by U.S. District Judge Robert Merhige in Bradley:

The Court concludes . . . that the duty to take whatever steps are necessary to achieve the greatest possible degree of desegregation in formerly dual systems by the elimination of racially identifiable schools is not circumscribed by school division boundaries created and maintained by the cooperative efforts of local and central State officials. The Court also concludes that meaningful integration in a bi-racial community, as in the instant case, is essential to equality of education, and the failure to provide it is violative of the Constitution of the United States.

The real basis for the merging of the Richmond metropolitan area into one school district is the court's finding that:

Meaningful integration in a bi-racial community . . . is essential to equality of education, and the failure to provide it is violative of the Constitution of the United States.

On page 85 of the Bradley decision, this conclusion of law is clarified as to which constitutional deprivation the court is asserting. For there the court says:

Not only is meaningful integration in a bi-racial community, such as we have here, essential to equality of educational opportunity, but it is required by the Constitution of the United States.

It is only in this context that the court finds it necessary to include Chesterfield and Henrico Counties into the Richmond school system. The court goes beyond the city of Richmond school district as its frame of reference because it cannot find meaningful integration in the city school system that is 69-percent black and 31-percent white, and so must bring in the predominantly white suburban counties to achieve a balance that, in the court's mind, will produce the meaningful integration in the biracial community that the Court envisions.

Let us briefly examine such a concept. It has been consistently held that the constitutional deprivation attacked in the entire line of school desegregation cases since Brown has been that state-imposed segregation by race in public schools denies equal protection of the laws. No one denies the Supreme Court's decision of May 17, 1954, that:

In the field of public education, the doctrine of "separate but equal" has no place. . . . Therefore, we hold that the plaintiffs and other similarly situated persons are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. . . .

The 14th amendment has never been held to grant as a constitutional right "meaningful integration in a biracial community." It has always been held in the school desegregation cases that the constitutional deprivation involved in state-imposed, segregated education was a violation of equal protection of the law.

In Swann against Board of Education—one of the two Supreme Court cases that Judge Merhige cites often as underpinning for the Bradley decision—the distinction as to the 14th amendment constitutional right involved is clearly drawn:

The constant theme and thrust of every holding from Brown I to date is that state-enforced separation of races in public schools is discrimination that violates the Equal Protection Clause.

The remedy was to dismantle dual school systems.

We are concerned in these cases with the elimination of the discrimination inherent in the dual school systems, not with myriad factors of human existence which can cause discrimination in a multitude of ways on racial, religious, or ethnic grounds. The target of the cases from Brown I to the present was the dual school system. The elimination of racial discrimination in public schools is a large task and one that should not be retarded by efforts to achieve broader purposes lying beyond the jurisdiction of school authorities. One vehicle can carry only a limited amount of baggage. It would not serve the important objective of Brown I to seek to use school desegregation cases for purposes beyond their scope, although desegregation of schools ultimately will have impact on other forms of discrimination.

Our objective in dealing with the issues presented by these cases is to see that school authorities exclude no pupil of a racial minority from any school, directly or indirectly, on account of race; it does not and cannot embrace all the problems of racial prejudice, even when those problems contribute to disproportionate racial concentrations in some schools.

The Court then went on to discuss racial balancing within the individual schools and found no error in the district court's limited use of a mathematical ratio as a starting point in the process of shaping a remedy in the Charlotte school system, but the Court stated:

If we were to read the holding of the District Court to require, as a matter of substantive constitutional right, any particular degree of racial balance or mixing, that approach would be disapproved and we would be obliged to reverse. The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole.

Thus, again we see in a case cited by Judge Merhige as basis for the Bradley decision, the unequivocal statement "constitutional command to desegregate schools" is the 14th amendment deprivation that the Court is addressing itself to and not the contention that the 14th amendment demands "meaningful integration in a biracial community."

If this theory of "meaningful integration" were accepted as a constitutional right, would we then not find a situation in which many of our citizens would have a constitutional right without a remedy? For to achieve "meaningful integration in a bi-racial community," many metropolitan situations would require exactly what is being done in Richmond, that is, the merging of suburban counties' school systems with that of the inner-city.

For instance, the school system of Washington, D.C., being 95 percent black, would not the black children of the Nation's Capital, therefore, be deprived of "meaningful integration in a bi-racial community" by being forced to attend their schools within the District of Columbia? Would not the only way to achieve "meaningful integration" be to cross-bus with Montgomery County, Md.; Prince Georges County, Md.; Arlington, Va.; and Fairfax County, Va., schools? Certainly, the same "bi-racial community" which Judge Merhige envisions in Richmond, Chesterfield and Henrico Counties, would be encompassed in the biracial community of Washington, D.C., and its suburban bedroom counties. However, the Constitution recognizes sovereign States, thus denying the black children of Washington, D.C., the ability to be bused to Maryland or Virginia schools. But the black children of Richmond, Va., would be allowed to be bused to county schools because they happened to be within the same State of Virginia. Thus, while the Negro children of Washington, would have such a constitutional right as was espoused in the Richmond case, they would have no such constitutional remedy.

Pursued further, would not such a reading by Judge Merhige of the 14th amendment require a restructuring of minorities throughout the entire country? For who is to determine what is the "community" in which we are to achieve "meaningful integration"? In the Richmond case, the Judge deemed it to be the city and two counties.

How many counties surrounding Philadelphia would be deemed the "community"? Or is the "community" the entire State?

What about metropolitan areas bordering on State lines? How is the "meaningful integration" to be achieved in such a biracial community? Would not children then have to be bused across State lines?

I will not belabor the problems that would arise from such a reading of the 14th amendment; they are barely alluded to here only to show that such a reading has never been the law and should not now become the law.

Mr. President, in Swann, the district court had imposed a racial balance requirement of 71 percent to 29 percent on individual schools—the same percentage as existed within the entire school system. The Supreme Court, addressing itself to this problem of racial balance within the city of Charlotte, said:

If we were to read the holding of the District Court to require, as a matter of substantive constitutional right, any particular

degree of racial balancing or mixing, that approach would be disapproved and we would be obliged to reverse. The constitutional command to desegregate schools does not mean that every school in every community must reflect the racial composition of the system as a whole.

In my judgment, the law of Swann, as stated, not only does not uphold Bradley but would seem even to undermine Judge Merhige's concept of merging three separate governmental units in order to achieve a "better" racial composition in the metropolitan area of Richmond. For when the Supreme Court said in Swann that "the constitutional command to desegregate schools does not mean that every school in every community must reflect the school system as a whole," this was within a one-county situation. Judge Merhige not only demanded that they do, but went further and expanded the community by adding two counties, and then said they all must reflect the system as a whole. For without the two counties, the Richmond school system at the present time does fairly accurately reflect the racial balance of the city of Richmond.

And so, Mr. President, as one may see from the Richmond school desegregation case, the extreme feeds upon the extreme and no end is yet in sight. If such a decision should ever be upheld in the Supreme Court, which God forbid, and its impact fully felt throughout the country, there would be such a rising tide of indignation in all the land as to shake the Senate to its foundations if it did not then come forth with a constitutional amendment so clear in its prohibition of mass busing, racial assignments, and racial quotas that even the poorest reader in the fifth grade would know and understand. All this may be avoided if the Senate will take a strong and forthright and firm stand now against mass busing to promote racial balance in the schools. Mine will be one vote in the expression of such a stand.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this 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 MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the unanimous-consent orders recognizing Senators tomorrow, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of 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 9:15 a.m. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated:

Senators McGOVERN, TALMADGE, and THURMOND.

At the conclusion of the unanimous-consent orders recognizing Senators, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business.

At 11:45 a.m., the Senate will proceed to a rollcall vote on the amendment of the Senator from Oklahoma (Mr. HARRIS).

At 12 o'clock noon, the Senate will proceed to a vote on the pending Allen amendment and all other amendments now pending thereto to section 901.

This means that there will be at least five yea and nay votes in fairly quick order.

Following disposition of these amendments, other rollcall votes can occur on any amendments called up. Senators are alerted to the fact, therefore, that there will be several rollcall votes tomorrow.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:15 a.m. tomorrow.

The motion was agreed to; and at 5:02 p.m. the Senate adjourned until tomorrow, February 29, 1972, at 9:15 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 28, 1972:

U.S. AIR FORCE

The following-named officers for appointment in the Regular Air Force to the grades indicated, under the provisions of chapter 835, title 10, of the United States Code:

To be major general

Maj. Gen. Felix M. Rogers, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. George H. McKee, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. John C. Giraudo, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. John B. Hudson, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Charles W. Carson, Jr., [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Sanford K. Moats, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. John W. Roberts, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Maurice R. Reilly, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Robert E. Hails, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Jimmy J. Jumper, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Robert W. Maloy, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Robert E. Huyser, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

To be brigadier general

Brig. Gen. Lawrence J. Fleming, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Harold L. Price, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. John F. Gonge, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Howard M. Fish, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. George G. Loving, Jr., [redacted] (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Oliver W. Lewis, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Ralph S. Saunders, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Louis O. Alder, [redacted] RF (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Ray B. Sitton, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. William A. Dietrich, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James A. Knight, Jr., [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Jack A. Robbins, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Howard M. Lane, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Charles E. Williams, Jr., [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Colin C. Hamilton, Jr., [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Edward P. McNeff, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Henry L. Warren, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert F. Trimble, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Edward Ratkovich, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Howard P. Smith, Jr., [redacted] 3618FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James E. Paschall, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Harry M. Darmstandler, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Eugene L. Hudson, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Levi R. Chase, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Charles C. Pattillo, [redacted] FR (colonel, Regular Air Force) U.S. Air Base.

Brig. Gen. Cuthbert A. Pattilo, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James M. Breedlove, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Lee M. Paschall, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Donald G. Nunn, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Walter R. Tkach, [redacted] FR (colonel, Regular Air Force, Medical) U.S. Air Force.

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10, of the United States Code:

To be major general

Brig. Gen. James E. Hill [redacted] FR, Regular Air Force.

Brig. Gen. Jonas L. Blank, [redacted] FR, Regular Air Force.

Brig. Gen. James A. Bailey, [redacted] FR, Regular Air Force.

Brig. Gen. Donald H. Ross, [redacted] FR, Regular Air Force.

Brig. Gen. William A. Jack, [redacted] FR, Regular Air Force.

Brig. Gen. Jessup D. Lowe, [redacted] FR, Regular Air Force.

Brig. Gen. Vernon R. Turner, [redacted] FR, Regular Air Force.

Brig. Gen. Warren D. Johnson, [redacted] FR, Regular Air Force.

Brig. Gen. Peter R. DeLonga, [redacted] FR, Regular Air Force.

Brig. Gen. Charles I. Bennett, Jr., [redacted] FR, Regular Air Force.

Brig. Gen. Harold E. Collins, [redacted] FR, Regular Air Force.

Brig. Gen. Benjamin N. Bellis, [redacted] FR, Regular Air Force.

Brig. Gen. Lew Allen, Jr., [redacted] FR, Regular Air Force.

Brig. Gen. Charles C. Pattillo, [redacted] FR, Regular Air Force.

Brig. Gen. James R. Allen, [redacted] FR, Regular Air Force.

Brig. Gen. Walter R. Tkach, [redacted] FR, Regular Air Force, Medical.

Brig. Gen. Bryan M. Shotts, [redacted] FR, Regular Air Force.

Brig. Gen. Leroy J. Manor, [redacted] FR, Regular Air Force.

Brig. Gen. Roger Hombs, [redacted] FR, Regular Air Force.

Brig. Gen. Lawrence W. Steinkraus, [redacted] FR, Regular Air Force.

Brig. Gen. Eugene L. Hudson, [redacted] FR, Regular Air Force.

Brig. Gen. Walter T. Galligan, [redacted] FR, Regular Air Force.

Brig. Gen. Edward Ratkovich, [redacted] FR, Regular Air Force.

Brig. Gen. Frank W. Elliott, Jr., [redacted] FR, Regular Air Force.

Brig. Gen. Daniel James (NMI), Jr., [redacted] FR, Regular Air Force.

Brig. Gen. John F. Gonge, [redacted] FR, Regular Air Force.

Brig. Gen. John W. Pauly [redacted] FR, Regular Air Force.

Brig. Gen. John J. Burns [redacted] FR, Regular Air Force.

Brig. Gen. Kenneth R. Chapman, [redacted] FR, Regular Air Force.

Brig. Gen. Bryce Poe II [redacted] FR, Regular Air Force.

Brig. Gen. Cuthbert A. Pattillo, [redacted] FR, Regular Air Force.

Brig. Gen. George G. Loving, Jr., [redacted] FR, Regular Air Force.

Brig. Gen. Oliver W. Lewis, [redacted] FR, Regular Air Force.

Brig. Gen. Marion L. Boswell, [redacted] FR, Regular Air Force.

Brig. Gen. Kenneth L. Tallman, [redacted] FR, Regular Air Force.

Brig. Gen. Otis C. Moore, [redacted] FR, Regular Air Force.

Brig. Gen. Frederick C. Blesse, [redacted] FR, Regular Air Force.

Brig. Gen. James V. Hartinger, [redacted] FR, Regular Air Force.

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Howard Wilson Penney, [redacted] U.S. Army.

The following-named officer for reappointment in the active list of the Regular Army of the United States with grades as indicated, from the temporary disability retired list, under the provisions of title 10, United States Code, sections 1211 and 3447:

To be colonel, Regular Army, and brigadier general, Army of the United States

Brig. Gen. William David Tigertt, [redacted] Army of the United States (colonel, U.S. Army).

IN THE NAVY

Vice Adm. Benedict J. Semmes, Jr., U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE MARINE CORPS

Gen. Raymond G. Davis, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of general.

Lt. Gen. Earl E. Anderson, U.S. Marine Corps, for appointment to the grade of general while serving as Assistant Commandant of the Marine Corps in accordance with the provisions of title 10, United States Code, section 5202.

IN THE AIR FORCE

The nominations beginning Lester D. Abston, to be colonel, and ending Mary L. Pitt, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 1972.

IN THE MARINE CORPS

The nominations beginning Robert M. Vlack, to be chief warrant officer (W–4), and ending Kenneth P. Zrubek, to be chief warrant officer (W–2), which nominations were received by the Senate and appeared in the Congressional Record on February 16, 1972; and

The nominations beginning Arthur A. Adkins, to be second lieutenant, and ending Alfred W. Webber, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on February 17, 1972.

EXTENSIONS OF REMARKS

AMERICAN AEROSPACE INDUSTRY A NATIONAL ASSET

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 1972

Mr. CONTE. Mr. Speaker, the American aerospace industry is one of our greatest national assets. It has provided a sound economic base for the overall growth and development of our free enterprise system. It is a vital component in the national effort to provide a continuous improvement in our standard of living.

While the voices of doom and gloom continue to bemoan all that is wrong today, it is encouraging to hear the emphasis properly placed on the positive side of the ledger. John Shaffer, Administrator of the Federal Aviation Administration, fully understands the great value of our aerospace industry. In his remarks before the American Institute of Aeronautics and Astronautics in Los Angeles on January 20, he delivered a positive message on this subject which merits broader dissemination. He talked about the great economic value of our aerospace industry and why it is vital to our national interest that it remain highly innovative, productive, and competitive. I include his speech at this point in the RECORD, and I commend it to your attention:

REMARKS BY JOHN H. SHAFFER

It has become the fashion of late, in some quarters, to say, what difference does it make whether the United States is number one in aircraft production and export, number one in air transport, in space, in electronics manufacture, or in anything else for that matter?

The answer is, of course, it does make a very great deal of difference. As a Nation, it isn't necessary that we be number one in everything; but we should try to be in those product areas we do best because when we quit believing excellence isn't important we'll cease to be a great Nation. Further, we enjoy the highest standard of living in the world because we have consciously maintained the world's broadest and most advanced technical base. Because of this, aerospace and other basic American industries have been able to support high labor rates and still successfully compete in domestic and international markets at an overall advantage to this Nation.

The detractors of America's industrial prowess seem to have lost sight of the fact that it is industry, with its large employment, that provides the tax base which pays for the social reforms and which an advanced society like ours so badly needs; and I include here low cost housing, health and medical care, welfare reform, pollution control, national defense and, of course, a strong and balanced transportation system. All of these social programs absorb tax dollars but do not create national revenue in the same sense as do the basic industries.

During the "Sixties," the United States enjoyed a synthetic sort of prosperity deeply rooted in the politico-military mire of Vietnam. Jobs were created in defense-related industries, and young men who ordinarily would have entered the labor market were called to military duty. During the past four years there has been a steady withdrawal from our involvement in Vietnam. Gradually we are moving away from physical confrontations with Russia and China and toward a condition which all Americans understand and certainly prefer—competition. But in this battle, too, we must be prepared. The United States, economically, must be at its best. Our economy must be strong, productive, and *competitive*.

Conversion to a peacetime economy entailed the displacement of more than two million men and women from the Armed Forces and from defense-related industries. In an economy that employs some 80 million workers, these veterans and workers represent 2.5 per cent of the Nation's workforce. If they were still employed in their wartime activities, the dwindling unemployment rate